

EXTENSIONS OF REMARKS

BILINGUAL EDUCATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BADILLO. Mr. Speaker, my colleagues know well by now of my deep concern for the bilingual education and how strongly I am committed to seeing it strengthened and expanded.

With regard to this program, as with so many vital domestic efforts, there is a tremendous gap between rhetoric and performance on the part of the administration. In a recent letter U.S. Commissioner of Education Sidney P. Marland Jr. told me:

... we are aware of the need for education funds in New York City and in other large cities across the Nation.

Unfortunately, that self-proclaimed awareness was not translated into requests for appropriations, for the administration this year asked Congress to keep the bilingual education program at the same funding level in fiscal 1972 as in the current fiscal year.

A recent editorial in *El Diario* emphasizes the urgency of the need for an expanded bilingual education program. It deserves the careful consideration of all Representatives and Senators:

CRISIS IN EDUCATION

Despite the crying need for bicultural, bilingual education for hundreds of thousands in New York City, there are only 4,000 students in bilingual programs, and few plans at the district, city or state level to make them available on a larger scale.

Schools continue operating with little structural change being considered to guarantee that Puerto Ricans and other non-English speaking pupils, will receive the kind of education they need. This need is quite clear when we consider that 86% of pupils in Puerto Rican majority schools are below reading level.

Three of every four non-English children in the city school system—which has 121,000—receive no help at all with their special language problems. And the balance do not receive much help from the small number of teachers of English as a second language who can, at most, give one period a day to 10,000 children.

The only place where the non-English child might be receiving adequate help—since he is taught all day in either Spanish or English—is in bilingual programs. But only 4,000, or 3% of non-English children, are in such programs. Actually, the 3% is benefitting mainly from federally funded programs. No attempts have been made to meet this need under regular educational programs of our Board of Education.

The sad truth is that two thirds of the pupils are, for all intents and purposes, educationally crippled. This is translated in a high drop-out rate among Puerto Rican students.

These figures make it evident that the Puerto Rican child's right to an education is being violated. This violation must not be allowed to continue. Strong efforts should be made at the district, city and state level to institute bilingual, bicultural education.

Since education in all cities comes under state jurisdiction, it is particularly important that state authorities recognize the

nature of the emergency in the education of Puerto Rican pupils and take immediate action to effect significant changes.

A bicultural, bilingual education is not only a necessity for Puerto Ricans and other persons of hispanic background, but for other ethnic groups such as Orientals, Haitians, Italians and Jews.

Recognizing this, the American Jewish Committee has supported a private multinational school in California, including Mexican Americans, Orientals, Jews and others, where pupils spend half the day learning in English, and the other half learning the language and culture of their origins. These schools are a good model to follow and we should consider adopting this system to meet our needs here.

Unfortunately, on the basis of their previous poor performance, we are skeptical about the major state educational bodies, the Board of Regents and the State Education Department, taking the emergency steps that are urgently needed.

To help them move more quickly, and to make sure that the special educational needs of the 260,000 Puerto Ricans and those of other ethnical origins are met, the proposal made by Mr. Hector Vazquez for the creation of a State Commission on Bilingual, Bicultural Education deserves immediate consideration.

We call on the State legislature and the Governor to establish such a Commission, with an adequate budget, as quickly as possible.

TECHNOLOGY—THE ROOT OF ALL EVIL?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GOLDWATER. Mr. Speaker, this week I had the opportunity to appear before the San Francisco Press Club to discuss the current crisis in the aerospace industry. Almost 200,000 people are currently unemployed in southern California as a result of this crisis; a contributing factor to this dilemma is an antitechnology attitude being experienced by many Americans.

I wish to present my remarks in the hope that they will assist, in some small way, to put the relationship between technology and progress and our environment into perspective:

TECHNOLOGY—THE ROOT OF ALL EVIL?

Love of money is no longer the root of all evil.

Now I hear that the root of all evil is technology—that we have technology and its side effects to thank for air pollution, noise pollution, traffic jams, garbage heaps, and the generally deteriorating quality of life.

There are even people who seriously propose that this country should completely halt all scientific research and cease the further introduction of new technology.

I am sure that none of us here today would advocate such an extreme. It would be cutting off our noses to spite our faces!

But we must face the fact that science and technology are under very strong attack from many quarters, and that the general public is growing increasingly disenchanted with some of the side effects of the technological good life.

It is unfortunately true that advances in technology have caused many of the unpleasant environmental situations which have developed.

But what are our alternatives? Do we de-emphasize science and technology as irrelevant to our current concerns? I think not. But what should be their new role?

Let's examine these troubling questions in a larger context. Consider the fact that while I am speaking to you here, 8,000 children will be born on the planet Earth—over half of whom are condemned to a life of malnutrition and deprivation!

Consider also that if the current birth rate on Earth is maintained, 360 billion people will cover the face of the planet one thousand years from now.

That's an increase of 5,600 percent over our current population!

The point being made here is that anti-science countercultures are obviously ignoring the pressing social and economic demands of the very societies they are trying to preserve. 360 billion people are going to require a lot of technological improvement in our current logistical systems!

Fortunately, scientific change and technological development seem to be advancing at the same exponential rate as population. During the past hundred years we have moved from the crude steam engine to sophisticated atomic devices as sources of energy, from the Pony Express to instantaneous communication, from the abacus to the computer, from an agrarian society to an urbanized society fed by the most productive farmers on earth.

In this context, it is no wonder that our problems multiply exponentially too! And the global state of our awareness makes them even more visible.

Pollution, for example, is generally considered a space age problem. Los Angeles "old timers" are constantly reminding me that they used to be able to see the distant mountains. But pollution is not quite the modern problem we might think it is.

The early California Indians used to call Los Angeles the Valley of Smoke because of its then-current smog—which was produced by trees!

Going back even further, I might point out that the first real anti-pollution legislation was passed 650 years ago by King Edward I of England, who issued an edict against the burning of coal, on penalty of death. Slightly stiffer punishment than we have today! History also records executions carried out under that law!

One of the worst cases of smog in modern times in the United States was recorded over 20 years ago, when 6,000 fell ill and 20 died in the town of Donora, Pennsylvania.

Thus, today's "in" issues—ecology and the environment—are not new ones, and the complaints do not stem solely from advances in technology. This makes it very clear that we must come up with some powerful solutions—and fast!

It is within this context that we must ask again—what role should science and technology play?

Let's examine the thrust of this question as it applies to the most publicized field of technological advancement—the aerospace industry.

From a steady-state expenditure of \$10 to \$15 billion per year during the 1950's and early 1960's, the aerospace industry has doubled its efforts over the past eight years to nearly \$30 billion, in a fantastic response to demands from the Pentagon, NASA, and the commercial airlines.

For a while, it looked as if the spending ceiling would never be reached. NASA was

spending \$6 billion annually, and was programmed for \$10 billion by 1975. The Defense Department budget was growing at an equal rate. The aircraft manufacturers couldn't write the orders fast enough.

Responding to the demand, the industry scored a series of impressive triumphs—200 successful space shots, including 3 visits to the surface of the moon, satellite communications, navigation, and weather prediction, probes into outer space which have advanced our physical knowledge a thousandfold. Responding to a quadrupling in air travel miles between 1965 and 1968, the industry upped its annual sales of aircraft from 230 to 700.

But the expansion has come to a screeching halt.

NASA's budget has dropped from \$6 to \$3 billion annually, and the launch rate has also been halved.

Seven of the twelve major U.S. air carriers have reported major earnings losses, and have curtailed their purchases accordingly.

Pentagon spending has abruptly declined in favor of other priorities—so much so that the House Armed Services Committee was told this year that Soviet spending on military research and development is now 50 percent greater than ours. As a result, our defense posture is seriously threatened, for the first time in decades. In addition, the Russians launched 57 military satellites, as opposed to our 17, last year.

Locking back, what were the benefits of our high point in aerospace and defense spending?

Jobs for 1.4 million civilian workers.

An unprecedented rate of economic growth.

Over 10,000 new products.

A favorable balance of trade in advanced equipment.

An unqualified reputation as a "can-do" nation.

A spiritual rejuvenation for the American people. And, of course, the aftermath. The 1.4 million jobs are now 1 million.

Total industry sales have fallen by 20 percent in two years.

The national unemployment rate has reached its highest level in nine years, with California and the Northwest suffering the worst blows.

There are a few bright spots—new military and civilian space and aircraft programs. But it would be the worst kind of foolishness to expect these programs to serve as the basis for rebuilding the industry to its old levels of growth. The decline may be at an end, but the climb back will be slow.

There is no doubt that the aerospace industry will survive—but at the same time it is entering its worst period of danger. The country is on the verge of abandoning one of its greatest national resources: our technological capability. The extent of this danger was clearly illustrated in the recent vote on the SST. California's two Senators, Cranston and Tunney, so far forgot themselves as proper representatives of the people to cast their vote with the environmental hysterics and defeat the SST. Not for them the consideration of the jobs lost, the technology swept under the rug, the lives shattered, the local economies ruined. They preferred to think of "possible" environmental problems (which were wholly solvable by the technology in hand), and to divert the funds to welfare instead of jobs.

This brings us to my main point concerning the role of science and technology. Which is that we can have both technological advances and the resolution of our society's ills. What is needed is not less technology but more—it is vitally necessary if we are to clean up our air, our waters, our cities.

Our problems would remain even if all technology were discontinued. In fact, as you can imagine, they would accelerate tremendously.

It is clear, therefore, that we must redirect our attention, concentrate our resources, and establish new goals. NASA set itself the goal of reaching the moon in a decade. Why can't this country dedicate itself with equal fervor to the goals of eliminating environmental deterioration, restoring our cities, and developing an economic and efficient transportation system?

We have shown time and time again that we have the resources and dedication to achieve the most challenging goals in a very short time. Can we not apply ourselves in this way again? Is this not the new role of technology?

Right now we have 400,000 highly skilled and educated problem-solvers on the unemployed lists. Their capabilities cover the scientific spectrum. They are accustomed to working in a coordinated fashion and to keeping track of potential side-effects and results. They know how to structure and analyze a problem in order to reach a successful conclusion.

Are the problems of our cities too tough or complex for these individuals? I doubt it. Current city planning sees a city as a system comprised of a complex of subsystems, approximately 130 in number—transportation, communications, revenues, etc. The Apollo system had double that number of subsystems.

Can the industry undertake such a massive task in a coordinated fashion? I think so. The 10-year Apollo program involved 20,000 different companies and agencies, and over 400,000 individuals.

Is the aerospace skill bank applicable to "civilian" problems? It sure looks like it. Lockheed, down the Peninsula, has developed an innovative program to fight drug abuse which is now being used in many public schools. North American Rockwell, near my District, is converting raw sewage to poultry mash and clean water. Hughes Aircraft Company lasers are cutting dress and suit patterns and performing bloodless surgery. Here in San Francisco, advanced rapid transit vehicles are being built by the Rohr Corporation.

The examples of successful applications of aerospace techniques to new technology are endless.

Why, then, hasn't the industry diversified even more, since the skills and procedures are there?

Two reasons.

First, the market is new and highly fragmented. What used to be a single customer—DOD or NASA—has now become 50 states and hundreds of metropolitan areas. It took TRW one and one half years of coordination with different local governments in Southern California before they were able to land a single small mass transportation study contract. It doesn't take many exercises of that sort to discourage a company operating at an annual sales level of \$1.6 billion!

The second major problem in diversification is lack of money. Clearly, a massive infusion of State and Federal funds will be required if the problems are to be approached in meaningful and timely fashion. President Nixon has requested \$2.5 billion in funding for the Environmental Protection Agency for fiscal 1972—though this figure is double last year's, it is still a drop in the bucket when compared with the former aerospace expenditures of \$30 billion per year. This is especially true when we consider the magnitude of the problems, and the needs of the industry.

Meanwhile, of course, the negativistic attitude toward science and technology continues to prevail. The results are already being felt. In 1969, we had approximately 540,000 engineers and scientists working in research and development activities. But given the decrease in scientific job opportunities and in students entering technical fields, there is a predicted growth of technically-oriented pro-

fessionals of only four percent per year for the next 15 years!

In contrast, the USSR, which has an almost identical number of engineers and scientists, is predicting an annual growth rate of 15 to 20 percent over the same period. Thus, their technical personnel resources will be 30 percent greater than ours by 1985!

The ultimate result is obvious to any thinking person. The anti-scientific counterculture will achieve the loss of our position as a world leader. We will be second-best—militarily, economically, socially. It will take decades to recover from the blow.

To counter this trend, we must realize that it is not the use of technology which has created problems, but its misuse. No one can deny that Americans today enjoy a better all-round existence than ever before in history. On the whole, science has had an incredibly beneficial effect on our lives.

In an effort to meet these two problems head-on, I have called on President Nixon to establish the Environmental Protection Agency as a truly centralized authority, with the responsibility of responding to the environmental needs of all geographical locales. The Agency could thus bring to bear the necessary centralized leadership and overall control for developing and administering those programs which the industry might want to develop. This would ease the fragmentation and stretch the available monies.

In addition, I have also requested that EPA's funding be substantially increased, and that a program of matching funds for state and local governments be instituted. Through such a program, the Federal Government would match local and state investments in environmental improvement programs.

But the quality of our life today is far from perfect. And therein lies the challenge—to free humanity for "the human use of human beings." The path to greater universal wealth, happiness, natural beauty, and individual freedom lies through science and technology—not a "runaway bus" of uncontrolled expansion, but an orderly progression toward desired and specific goals.

The job ahead is awesome. I have undertaken for you a small but critical part of that job—presentation of the case for science. The public must be made to comprehend the role of science and technology.

It lies then in your hands. You must do a press relations job and education job of crucial importance. For the future of America as a world leader and as a nation which cares for its people depends on your success.

PLYMOUTH, WIS., REVIEW EDITORIAL SUPPORTS REVENUE SHARING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, "Revenue sharing is a sound, even revolutionary idea, but its time has come," concludes Robert S. Johanson's editorial in the March 25, 1971, Plymouth, Wis., Review.

So that my colleagues in the House may know the editorial opinion of the Plymouth Review, and my own strong support for revenue sharing, I am including the editorial as a part of my remarks at this point:

REVENUE SHARING WOULD HELP COMMUNITIES DO NEEDED TASKS

President Nixon's proposal of "revenue sharing" has aroused both support and opposition from many sectors of Wisconsin.

Even the state's distinguished Rep. John W. Byrnes (R-Green Bay), who serves on strategic financial committees in congress, has derided the plan and commented that the only thing the US has to share is a deficit.

Most Wisconsin legislators, mayors and others disagree with Byrnes.

They see the federal government as a tax collector without peer. Nobody rakes in money from citizens so easily, efficiently and quickly as Uncle Sam.

But can Washington direct the expenditure so effectively? Experience of the past couple of decades has proved the answer to be no.

The revenue sharing plan, in essence, means that large sums of tax money, collected by the US from the income tax mostly, would be sent back to the local units of government for use with no strings attached. There would be some basic guidelines, but the use of the funds would be up to locally elected officials.

We may kid a lot about local officials. But in our judgment they are highly capable, at all levels, of making the best decisions on how money should be spent, and is needed, in their own communities.

Rep. William A. Steiger, sixth district, is among others who will be beating the bushes for support of the revenue sharing concept.

The public, we believe, supports the idea and is not interested in splitting hairs about technicalities. As state Sen. Robert P. Knowles recently observed:

"As one who has devoted much of his adult life to public affairs, I have complete confidence that our state and local officials in Wisconsin are far better qualified, and more concerned, in the determination of public policies and priorities at the state and municipal levels than federal bureaucrats and 'social engineers' who are in no position to understand local problems and are not accountable to the people of Wisconsin on election day."

Revenue sharing is a sound, even revolutionary idea, but its time has come.

NATIONAL NURSING EDUCATION ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. REID of New York. Mr. Speaker, I am introducing today a bill entitled the "National Nursing Education Act of 1971," being introduced in the other body by Senator JAVITS, in behalf of a bipartisan group of Senators. This bill is designed to overcome the critical shortage of nurses throughout our country.

Although there are severe manpower problems in all areas of the health spectrum, one of the most dangerous is the nurse shortage. Presently, there is a shortage of 150,000 nurses; within a decade, we are expected to be short 220,000 nurses.

Although the Nurse Training Act of 1964 has done much to increase the nurse supply and to expand our nursing schools, clearly it has not done enough.

To truly improve America's health care and to make it available to all Americans, we must assure adequate facilities, including personnel.

The National Nursing Education Act attempts to achieve these goals by providing the following:

First, it would authorize a new 3-year program of institutional support grants

to nursing schools on a capitation formula of a certain amount per graduate.

Second, project grants are authorized to nursing schools and to nonprofit organizations to aid disadvantaged students and to promote preventive health care.

Third, the bill would authorize financial disaster relief grants for nursing schools.

Fourth, the bill would extend for 3 years traineeship programs and construction grant authorities, and would expand the Nurse Talent Search program.

Finally, it would increase the amounts available for the existing nursing student scholarship program from \$2,000 to \$3,000 in grants and from \$1,500 to \$2,500 in maximum loan amounts. Forgiveness for loans would be authorized at a rate of 20 percent a year up to the maximum amount of the loan for full-time employment in a health center or public or nonprofit private institution. Furthermore, if the Secretary of HEW determined the area of employment as a "health care shortage area," the forgiveness rate is increased to 33 1/3 percent a year, and if nursing students were in exceptional financial need, the bill would authorize repayment of guaranteed loans.

Finally, let me say in closing that decent health should be a right for all Americans. This bill should help that right become a reality.

A YEAR SINCE THE FIRST EARTH DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. FISH. Mr. Speaker, now 1 year later, perhaps we can take stock of what has—and what has not—been accomplished since that day last year when our Nation's attention—largely through the activities and interest of our young people—was focused on the problems of our environment.

Clearly, any honest evaluation indicates that our human environment has not been saved in the past 12 months. Nor has it even been materially improved. During the past year we have gone from crisis to crisis—from oil spills, to ocean dumping of poison gas and sewage sludge—from the discovery of dangerous levels of mercury pollution in fish to the documentation of ecological disaster signs by protracted and heavy use of DDT. Forty thousand industries still discharge effluents into our rivers. Increasing numbers of city water systems are of questionable quality for human consumption. The question of solid waste—the junk and garbage our civilization produces in ever-increasing quantities—once considered just a problem of logistics, has grown to a point where it is spoken of in terms of utmost urgency.

In fact we are essentially in the same state we were a year ago. That is, we are in the same position except for one significant factor.

The factor lies in the awareness that has been created in the public mind of the seriousness of our environmental crisis—a public awareness of our stewardship which was to a large extent seeded by last year's Earth Day. Today government officials, homemakers, professionals, people from every segment of our society are for the first time awakening to the magnitude of the problems we are facing.

Let us then take a few minutes to see some of the ways in which this new public awareness has been put into action.

On the Federal level an Environmental Protection Agency has been created, pulling together all Federal antipollution efforts. It is charged with enforcement of water, air, and land use standards. This new agency is funding a number of pilot projects across the Nation to determine the best and most economical ways to solve an entire range of environmental problems. Also, the Council on Environmental Quality is charged with the evaluation of all Federal projects to determine their environmental impact.

The lesson of the Santa Barbara oil spills—that all possible adverse consequences on the environment must be explored before a project is undertaken—is today our public policy. The proposed trans-Alaskan pipeline is the object of this scrutiny. The recent rejection of the trans-Florida canal by the President and the refusal by the Congress to fund the controversial supersonic transport plane are examples of this new concern. It would not be accurate to claim that environmental issues downed the SST. But those of us who objected to the expense—to a high priority being given to what we conceived to be a socially useless project—would not have prevailed without the awareness of the environmental hazards involved.

The Federal Government, through the Justice Department, for the first time is attacking industrial water polluters under an 1899 law which forbids dumping in any navigable waterway. This law, on the books for over 70 years, was never enforced before. Now, enforcement of existing antipollution legislation is becoming the rule rather than the exception to the rule. But more vigorous enforcement and Federal monitoring of pollution is needed.

Congress is appropriating ever-larger sums of money, and passing evermore stringent laws, in an effort to move toward control of the polluters of our environment. Last year a notable attack on the major air polluter was the law requiring automobiles to be pollution free by 1975.

New environmental protection laws are being introduced every day. For instance, I have just introduced a solid waste management bill, which, if enacted, will place the burden of the cost of garbage and waste disposal on the users of the item which later finds its way to our Nation's trash piles. Funds collected under this bill would be used to finance the technology of waste disposal—the art of recycling, indispensable as our natural resources are steadily depleted.

I have also introduced legislation to ban the use of phosphates in laundry

and dishwashing detergents by June 30, 1973. This legislation is needed as at the present time phosphate use represents 27.5 pounds of pollutant for every man, woman, and child in this country—phosphates stimulate algae growth, which in turn is a major polluter as it is a massive user of free oxygen in our rivers and waterways.

These are but two of literally hundreds of bills being introduced on the Federal level aimed directly at getting a firm legal control over the pollution of our environment.

On the local and State level these new directions, started 1 year ago on Earth Day, can also be seen. In New York State, Suffolk County has banned the sale of all phosphate detergents, while Dutchess County is presently contemplating similar legislation. Counties in Wisconsin and Maryland have banned the sale of all throwaway containers, and many industries have set up programs to collect and reuse their discarded products. Every day brings its new step toward pollution abatement.

During this past 12 months it has become increasingly apparent that the people of this Nation, in ever-increasing numbers, are exerting pressure and direction upon the political and economic structures of our society in favor of an improved environment, and these structures are beginning to respond.

It is clear that, if there is any ultimate solution to environmental deterioration, its base is political and economic—bases in our country which will respond to public pressures.

Technology, industry, government—each can and must respond to the wishes of the people if they are to survive either the voter at the polls or the customer in the supermarket. For technology or government or industry is neither intrinsically good or evil. They obtain their direction and objectives from our—the people's—values and priorities.

Nor can we expect total environmental victory in 12 months—or even perhaps 12 years. Environmental protection is not something we will be able to solve once and then turn our backs upon. It will have to become and remain a way of life for us all. What in essence we are speaking of here is a cultural revolution.

Many of the habits and attitudes of our cultural past which have come down to us from the days of our Western frontier, will have to be reexamined in the light of today's realities. Many of our ideas about and definitions of progress will have to be closely scrutinized. Many of the present quantitative standards by which we measure social progress will have to be transformed into qualitative ones. It will not be easy, but it must be done or we will continue to suffer a deterioration in those very things which make life worth living—good food, good water, good air, and some escape from the pressures and clamor of technological society.

In the past year the American people have made some of these decisions. A small start, perhaps, but a start nevertheless. For the year ahead—and the years after that—to make these beginnings meaningful, more decisions as to

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what our priorities as a society should be will have to be taken. In the next year—and all the years ahead—we will have to keep up the pressure on industry and government to insure that the goals we seek are not lost sight of. It would be nothing short of a catastrophe for the United States if the Earth Day movement loses momentum.

It is a big job—a long-time job. But it is a job that, if successful, spells the difference between an improving or a deteriorating life for every inhabitant of our country, today and for the generations to come.

MISS ELLYN CORNISH: FREDERICK, MD.'S ATHLETIC AMBASSADOR

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BYRON. Mr. Speaker, recently the U.S. Women's Cross-Country Team participated in the international championship races in San Sebastian, Spain. One of the team members was Miss Ellyn Cornish of Frederick, Md. Ellyn is a 10th grade student at Frederick High School where she has been coached by Jack Griffin. I congratulate her on her participation in the international races. I would like to include a tribute to Ellyn that was published on April 19 in the Frederick News, as follows:

AMBASSADOR ELLYN CORNISH

In these days when we so quickly draw attention to the minority negative actions of our young people, it is an inspiration to read a letter from Juner Bellew, manager of the recent USA Women's Cross Country Team which participated in the International Championship races at San Sebastian, Spain, in which she pays tribute to Ellyn Cornish of Frederick who was one of the members of the contending group from America.

It would be difficult to find a more eloquent tribute than that contained in Juner Bellew's letter.

"I would like to comment," she says "on the young lady from Frederick City, Ellyn Cornish, who was a member of the USA team.

"Although the youngest member of the group chronologically, she possessed the poise and demeanor anyone would be proud to display.

"It is most gratifying for a team leader to have a youngster of such character and integrity representing our country in international competition.

"As a city, you should swell with pride to have helped produce a young citizen of such character.

"She was such a delight.

"And I hope her performances in the future will warrant other trips abroad, for she is a great credit to the United States."

Such an accolade is a tribute not only to Ellyn Cornish but to her parents, her coach Jack Griffin, and her teachers at Frederick High School where she is a student in the 10th grade, and West Frederick Junior High which she attended.

The negative actions of a minority of our young people are so much in the spotlight today that it is indeed a pleasure not only to receive this tribute to Ellyn Cornish, a real ambassador of American good will, but also to reflect that even in these chaotic times of social stress that young people of her type are by far in the overwhelming majority among their age group.

MINNESOTA VETERANS PAY VISIT TO CONGRESSMAN ANCHER NELSEN

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. NELSEN. Mr. Speaker, I was visited in my office this morning by several young men from the Second Congressional District who are here in Washington, D.C., this week taking part in activities sponsored by Vietnam Veterans Against the War. They included Ed Flaherty, James E. Brown, Greg Hall, and Stephen Thomas, all of Mankato; Mark W. Downey of St. Peter and Wayne Wolter of Belle Plaine.

They presented me with a list of demands prepared by their organization which is contained in an open letter to the Congress of the United States, and they said they would appreciate it if I placed this letter in the CONGRESSIONAL RECORD. It should be noted that while I share their deep desire to see peace restored in Asia, and an end brought to the fighting, I do not share their views about the best ways to accomplish these objectives.

I do believe, however, that both the Congress and the administration will give most sympathetic attention to their concerns involving proper medical care, job training, and similar matters of great importance to all veterans returning home from the war in Southeast Asia.

I am inserting their letter at this point in my remarks:

OPEN LETTER TO THE CONGRESS OF THE UNITED STATES: DEMAND FOR PUBLIC HEARINGS ON REDRESS OF GRIEVANCES OF VETERANS OF THE INDOCHINA WAR

Vietnam Veterans Against the War, Inc.,
New York, N.Y.

Vietnam Veterans Against the War, on behalf of its members and all other people who have worked toward peace, place before the Congress of the United States the following demands:

1. The Congress enact legislation to necessitate the immediate, unilateral, unconditional withdrawal of all United States Armed Forces and Central Intelligence Agency personnel from the countries of Vietnam, Cambodia, Laos, and Thailand.
2. The Congress enact legislation to terminate all funds appropriated for the continued presence of the United States Military, its Allies and the Central Intelligence Agency in the countries of Vietnam, Cambodia, Laos, and Thailand.
3. The Congress enact legislation for the termination of all funds being utilized by the Central Intelligence Agency to support their illegal operations in Latin America, Africa, China, Europe, and the countries of Vietnam, Cambodia, Laos, and Thailand.
4. The Congress refuse to grant the 200 million dollars requested by the Administration for the continued United States support of the corrupt military machinery of the illegal government of Cambodia.
5. The Congress enact legislation for the immediate repatriation with full amnesty to those men and women who are in prison or in self-exile by reason of their refusal to serve in the military.
6. The Congress convene immediate full public hearings into the charges of War Crimes committed against the people of In-

dochina as a result of official and de facto United States military policy in the conducting of the illegal war of aggression in the countries of Vietnam, Cambodia, Laos, and Thailand.

7. The Congress allow the Vietnam Veterans who brought these charges at the recently concluded Winter Soldier Investigation to testify with full Congressional immunity at these public hearings.

8. The Congress without regard for domestic political consideration issue a statement to the American people that the only means of securing the release of American prisoners of War is through the immediate cessation of all acts of aggression against the countries of Vietnam, Cambodia, and Laos, the immediate withdrawal of United States support in any form to the illegal, corrupt, government of Thieu, Ky, and Khlem, and the immediate withdrawal of all United States and Allied Forces from the countries of Vietnam, Cambodia, Laos, and Thailand.

9. The Congress enact immediate legislation to provide proper care and services for all patients in Veterans Administration hospitals.

10. The Congress enact immediate legislation to make available job training and placement in both the public and private sectors for every returning Veteran.

11. The Congress enact immediate legislation providing the necessary funding for the structuring and implementation of drug rehabilitation and psychotherapy programs for returning veterans of the Indochina War.

12. The Congress enact immediate legislation providing the funds and means necessary for the Veterans Administration to provide materials, services, and subsistence required by the veterans in the course of their educational and vocational endeavors.

13. The Congress address itself immediately to the reordering of national priorities to serve the dire domestic, social, economic, and educational needs of all the people.

14. The Congress convene a joint session to be addressed by a member of our organization.

15. The Congress of the United States of America cease immediately acting in tandem with the Executive Branch and meet its responsibility under the Constitution of the United States of America to protest the interest of and safeguard the rights of all the people of the United States of America.

16. We demand these things as citizens of the United States of America and as the vehicles by which this illegal, immoral, criminal war against the people of Vietnam, Cambodia, and Laos has been carried out.

CONGRESS MUST ACT ON TREASURY TAX BREAK

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. CORMAN. Mr. Speaker, the President's proposed change in depreciation policy is very probably an unlawful encroachment upon the congressional power to tax. Eminent law professors throughout the country have written to express their concern that the multi-billion-dollar Treasury proposals are illegal. Prominent among them is Prof. Boris Bittker of Yale Law School, who concluded that—

In my opinion—

(a) The Treasury does not have the statutory authority to permit taxpayers to depreciate assets over the ranges proposed by the ADR System or to deduct rehabilitation and improvement expenditures as part of a "repair allowance;" and

(b) If interpreted to support these aspects of the ADR System, the statutory provisions on which the Treasury relies would equally support the most extraordinary departures from widely-accepted principles regarding the division between current expenditures and capital items in the computation of taxable income.

Mr. Speaker, the effective operation of our tax system depends upon the willingness of millions of citizens lawfully to obey the commands of the Internal Revenue Code. We can collect our taxes only if our taxpayers remain law abiding.

This willingness of the American people to bear their tax burdens can only be strained by the example of the very questionable Treasury Department conduct in this case. Three billion dollars a year, if distributed among our taxpayers, would be nearly the equivalent of a \$100 increase in the personal exemption. The \$3 billion tax subsidy for large businesses—and the proposal does little for the majority of our businesses, which are small—raises serious questions of tax policy which ought to be debated by the Congress.

The fact that this tax break is bad policy and probably unlawful makes it imperative that the Congress reassume its leadership in matters of tax policy.

Indeed, the proposed tax break is open to serious doubts as to its economic value. Distinguished economists have noted that the stimulative effects of this expensive measure will be very limited and too slow. At the end of my remarks I would like to insert for the record the comments of Prof. Robert Eisner of Northwestern University. Professor Eisner has written extensively on depreciation economics and is a leading authority in the study of determinants of capital investment.

As Professor Eisner notes, the proposed tax break is unlikely to have much effect on capital investment. This is especially true since American industry is operating with considerable excess capacity during the present economic slump.

Finally, the dubious legality of the tax break is likely to result in court action if the Treasury attempts to enact the proposals. The probability of legal action to block the final change is already discouraging businesses from relying upon the proposals. Of course, this further reduces the economic benefits of the change.

In short then, the Treasury was unwise in not seeking legal counsel as to the lawfulness of the proposed tax break. However, the changes are only in proposed form at the moment. There is still time for them to be withdrawn and submitted to Congress for our study and debate.

Mr. Speaker, following are the comments of Professor Eisner, which I mentioned earlier:

THE ASSET DEPRECIATION RANGE SYSTEM

The comments set forth below relate to the proposed asset depreciation range regulations that were announced on January 11, 1971 and published in the Federal Register on March 13, 1971. I shall focus on several premises of the asset depreciation system which are either mathematically false or contrary to generally accepted economic principles and data.

1. The "Statement by the President" of

January 11, 1971, announcing the ADR system declares, "A liberalization of depreciation allowances is essentially a change in the timing of a tax liability. The policy permits business firms to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years." An accompanying statement by then Treasury Secretary David M. Kennedy declares, "It should be kept in mind that a liberalization of depreciation allowances primarily involves a postponement of the tax payment, and that this payment will eventually be added to government revenues."

THE ADR SYSTEM WILL CAUSE PERMANENT REVENUE LOSSES

These statements are false. At the worst they represent a conscious effort on the part of some to deceive the public. At best they represent a confusion between the consequences of the "liberalization" in depreciation for a single asset or assets of a single year or even a limited number of years and the permanent "liberalization" envisaged in the proposed system.

The incorrectness of the Administration's claims regarding the ADR system is illustrated arithmetically by a succession of numerical examples set forth in Appendix A. The example relevant to the current issue is given in Table A-3, which indicates not only that the initial tax savings due to the ADR system are never paid back, but that they have added to them further savings as the years go on. Indeed, while there is a hump in tax savings (i.e., in the tax loss to the Treasury) during the transition to the ADR system, after this period the annual tax savings resume an upward path equal to the per cent rate of growth of equipment acquisitions.

The Statement of the Department of the Treasury of January 11 is thus grievously misleading in suggesting that "these changes will result in a reduction in Federal revenues of \$0.8 billion in the fiscal year ending June 30, 1971, and of \$2.7 billion in fiscal 1972, rising annually thereafter to a peak of \$4.1 billion in fiscal 1976 and falling thereafter to \$2.8 billion by fiscal 1980." For the sentence should have continued "and rising thereafter." I do not have available the detailed figures on which the Treasury made its estimates but it is easy to reconstruct their broad outlines. Ignoring the additional loss to the Treasury due to the new first-year convention, which acts as a further speed-up, we might reconstruct the Treasury figures roughly in Table 1 by assuming initial expenditures for equipment of \$75.656 billion in 1971, growing at a 5 per cent per annum rate in money terms (which may well prove to be conservative if inflation persists) and further assuming for simplicity that all equipment previously had a depreciation life of ten years and will now have a depreciation life of eight years and all is subject to sum-of-the-years-digits depreciation. We can then note in Table 1 that tax savings are \$0.7 billion in 1971, rise annually to a peak of \$4.4 billion in 1976, fall thereafter to \$1.5 billion by 1981, and do in fact rise thereafter. The annual tax savings finally stabilize at a 5 per cent growth rate and, year after year, amount to 1 1/4 per cent of annual equipment acquisition.¹

Thus, whatever one's view of the economic consequences of the Asset Depreciation Range

¹ The exact calculations are based upon equation (4.26) and (4.27) in the mathematical supplement to my article, "Depreciation and the New Tax Law," *Harvard Business Review*, January-February 1955. This does not take into account the change in the first year convention, the new salvage provision and the fact that equipment lives are varied rather than all equal to the assumed mean. All of these factors, as well as the fact that some firms still apply straightline depreciation, produce further tax savings, beyond our estimates.

system, there should be no mistake about its arithmetic. It is not a change in the timing of tax payments. It is not a matter of reducing tax payments now in return for tax liabilities in the future. It involves a permanent, repeating and accumulating loss in tax revenues year after year, a loss which will ultimately grow along with the general rate of growth of the economy and in particular the rate of growth in money terms of equipment subject to tax depreciation. The statement by the President issued on January 11, referring to the ADR system, declared, "The policy permits business firms to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years." The concluding clause in that sentence, "and to make up these payments in later years," is false. There is no knowledgeable expert in the Treasury or out of it who can stand by this statement. It is unfortunate that such a flat contradiction of what is an unambiguous matter of arithmetic and mathematics, was issued in the name of the President of the United States.²

2. In the Department of the Treasury press conference of January 11, 1971, then Secretary of the Treasury Mr. David M. Kennedy declares, "The reform of depreciation policy will encourage business to increase its investment in new machinery and equipment . . ." Dr. Paul W. McCracken, Chairman of the President's Council of Economic Advisers declares, "These basic changes would also have a favorable impact on the market for capital goods in 1971." In answer to a question by a reporter, "... can you quantify the impact this move will have on investment levels in the next few years? And the remainder of this year and '72?" Mr. Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy, declares, "We think this will have a substantial impact on investment in plant and equipment but I wouldn't make an effort to quantify it." Dr. McCracken said, "It's impossible, of course, to do anything more than form some kind of judgment about this. The impact here will build fairly slowly."

THE ADR SYSTEM IS UNLIKELY TO HAVE MUCH EFFECT ON CAPITAL INVESTMENT

The fact is that there is little evidence that "liberalization of depreciation allowances of this type will have much effect on investment. There are strong arguments why it should not be expected to have much effect, and certainly almost no effect over the short period when a stimulus to investment is, according to some, considered desirable. There are essentially two justifications for the argument that increased depreciation allowances for tax purposes will increase investment. As Dr. McCracken put it himself, these are that the increased depreciation allowances will increase "the cash flow and the rate of return."

The first of these justifications is in considerable contradiction, at the level of the economy as a whole, to fundamental economic theory and analysis of a free enterprise, profit-oriented system. For under such

² Administration spokesmen have made another logically distinct argument, however blurred in rhetoric, that the tax loss to the Treasury now will ultimately be recouped as a consequence of higher income in the future. This is an argument that could be made for any tax cut. Its applicability here is particularly dubious because of the limited and questionable stimulatory effect of this liberalized depreciation as discussed below. To the extent that this proposal proves a substitute for other, more effective stimulatory and growth-inducing measures, it may actually still further lower future tax payments along with future incomes.

a system, business decisionmakers, unlike bureaucrats in some managed economies, are expected to spend not on the basis of the money that they get or are allotted but on the basis of what will increase profits (or reduce losses). There is little point to investment by a firm faced with excess demand and falling utilization of capacity. To argue that American business would increase expenditures for plant and equipment on the basis of cash flow rather than profit expectations suggests a surprising lack of faith in and understanding of the nature of a profit economy.

To suggest that a firm with expectations that additional plant and equipment would add to profits (or reduce losses) would not make such expenditures unless cash were in hand or "flowing in" is to argue that our prized capital markets have ceased to function. It is of course true that certain firms, particularly small ones, are forced to allow their investment to be limited by cash flow and sources of credit which are closely tied to such cash flow or to profits. It may properly be the concern of government to remove and reduce imperfections in capital markets that cause these constraints to be felt by small firms. But this is hardly true of the bulk of large American industry which accounts for the bulk of plant and equipment spending.

I have devoted a major part of my career to study of the determinants of business investment and have written extensively on studies involving both interviews of business executives and fairly elaborate statistical or econometric investigation of the actual relations between business spending and the variables which might affect them. There is little or no sound evidence, I can assure you, that cash flow as such affects the long run rate of investment. What influence it or past profits have is related largely to smaller firms and perhaps, in the case of fluctuating profits, to the timing of investment. But in regard to the timing, as Dr. McCracken acknowledges, "The impact here will build fairly slowly. It takes time for these decisions of course to be changed."

The second justification for the argument that increased depreciation allowances will stimulate investment relates to the "incentive" effect or the influence on expected rate of return on investment. This argument is in principle a stronger one but the magnitude of the effect may readily be exaggerated. I have no independent calculations at this time, but we may note Dr. McCracken's estimate that the new measures "will mean roughly a percentage point increase in rate of return." However, the fact is that business investment has shown itself to be relatively uninfluenced by analogous changes in the cost of capital as measured by the rate of interest and this, as well as understood in modern economics, involves the relative magnitudes of fluctuations of expected rates of return and costs of capital. The question of how much any given change in the expected after-tax return on capital will induce a substitution to more capital intensive production is a matter of what we call the elasticity of substitution, influenced by technological as well as other considerations.

The evidence is accumulating that long run substitution possibilities are significant, but far from unlimited, and that short run substitution is decidedly smaller. While in all fairness, it must be stated that the elasticity of substitution, or the expected effect from any given percentage change in expected rate of return, remains uncertain in current economic analysis, there is no agreement that the effect is likely to be large and it is interesting that, on a matter that is critical, Dr. McCracken was not prepared publicly to offer any estimates of what the

effect would be. I would suggest that the best estimates would indicate that the effects, particularly in the short run, would be small, involving a considerably smaller increase in capital expenditures than the loss in tax revenues associated with the increased tax depreciation, and there are a number of studies which have indicated as much.

THERE ARE BETTER WAYS TO STIMULATE CAPITAL INVESTMENT

But what must be stated most directly is that, if the objective were to increase investment spending, economic analysis makes clear that a far more effective device, dollar for dollar of tax loss to the Treasury, would be some form of direct investment subsidy or tax credit. And here, I might add, the subsidy should be structured in such a way as to offer a maximum incentive effect rather than maximum cash flow to firms and tax loss to the Treasury.

Thus, far better than the general 7 per cent tax credit for equipment spending in previous law would be a much higher tax credit, say 14 per cent or 28 per cent or even 56 per cent, restricted as far as possible to equipment spending that would not have been undertaken in the absence of the tax credit or subsidy. This might be done by applying the credit, for example, only to investment in excess of some average of previous investment (with appropriate adjustments for new firms) or to investment in excess of some per cent (probably more than 100 per cent) of depreciation charges, which are themselves a weighted average of past investment. Such a system would have the advantage, if more business investment were desired, of concentrating the rewards or tax benefits where they would really count rather than squandering the bulk of the lost tax revenues for investment which would have been undertaken anyway.

In this connection it should be stated, however, that the proposition that business investment should secure tax benefits and special encouragement is exceedingly dubious. While our tax structure is far from neutral as it stands, it is not at all clear that the whole structure of taxes, including in particular preferential treatment to capital gains, has not already distorted the free market in the direction of greater business spending for plant and equipment. Is there really a considered judgment that more spending for business equipment is desirable rather than spending in, for example, research and development, on-the-job training, or improvement of management efficiency (or even business structures)?

ADR IN EFFECT DISCRIMINATES AGAINST IMPORTANT TYPES OF INVESTMENT

But beyond this, why stimulate business equipment spending rather than investment in human capital, in education, in health, in basic research? Is it even clear that we want more plant and equipment spending, that is, accumulation of capital for the future, rather than greater private consumption or greater enjoyment of leisure or greater government investment in public goods and the general welfare? I am not one that believes that the free market, or the imperfectly free markets that we have in our economy, should never be influenced by government. But I am a firm believer in the view that government should be restrained in its intervention and should only interfere with private markets when there is a clear indication that they are not functioning appropriately and that interference in the public interest is called for. This might apply to those economic activities that involve what economists call external diseconomies, such as air and water pollution. This may also apply where capital markets are notoriously imperfect, as in the market for human capi-

tal; investment in the potential of individual human beings is frequently beyond their own means and too risky for an individual outsider. But one of the last places where I would think that government intervention, help or subsidy is called for is in the private investment decisions of the great bulk of American industry. There is no need for a handout to American industry to persuade them to do what should be in their own interest, that is have the optimal capital and investment policies for their own efficiency and profits.

BALANCE OF PAYMENTS CONSIDERATIONS DO NOT SUPPORT THE ADR SYSTEM

It is broadly hinted, although rarely systematically argued, that increased or liberalized depreciation allowances are somehow necessary to make American firms competitive with foreign firms that receive such subsidies from the public purse. This argument, I must insist is based upon a profound misunderstanding of the nature of international trade and international economic relations. In the first place, American industry is generally able to compete very well abroad. The United States has had positive net exports, that is, has exported more than it has imported in goods and services (on National Income Account) for every one of the last twenty-five years from 1946 to the present. Preliminary figures for 1970 put that surplus at \$3.6 billion. In fact, despite the drain of government spending for military activities in Southeast Asia and for the support of large armed forces in foreign countries, the United States has been tending over the years to be a net investor abroad and acquirer of long term foreign assets. And if there were a problem in our balance of payments, particularly of foreign countries acquiring more in the way of American currency than they wish, the clear economic answer would be changes in the relative prices of American and foreign currencies rather than distortion of our own economy. Inasmuch as the dollar has become the reserve currency of the world, such adjustments would essentially be undertaken by foreign countries concerned with their excessive (or deficient) accumulation of dollars. But for the economy as a whole it must always be true that as long as exchange rates are reasonably appropriate, a nation will find itself exporting those goods in which it has a comparative cost advantage and importing those goods at which it is at a comparative cost disadvantage. A tax subsidy to capital-intensive industries can only give them a comparative advantage over less capital-intensive industries. We then find ourselves not increasing total exports but exporting more of those products that receive the greatest tax subsidies, particularly capital-intensive manufacturing, and exporting less (or importing more) of less capital-intensive output such as, for example, agricultural products. The American people should not be deceived. Measures of this kind cannot help the American economy as a whole by forcing foreigners to buy an even greater excess of products from us over what they in turn send to us, for we are not likely to be able to impose this, even if it were desirable. They result ultimately in more sales by some American producers at the expense of sales by other American producers.

POSSIBLE ADVANTAGES OF ADR IN THE PUBLIC UTILITY AREA ARE LIMITED BY ACCOUNTING AND RATE-MAKING RESTRICTIONS

I might close this particular discussion by calling attention to a curious irony as well as inconsistency in Administration proposals to date. There is something to be said, where we are concerned with combating inflation as well as stimulating the economy, for tax subsidies that tend to lower costs and hence

lower prices in a reasonably free market. Liberalized depreciation allowances might ultimately have some slight beneficial effect in this direction by lowering capital costs after taxes and hence bringing down prices. Yet in the one area where this might be most likely to occur, that is in the area of public utility investment, there are restrictions on accounting and rate regulation which operate to prevent regulated utilities from passing the tax savings from liberalized depreciation on to ultimate consumers. Such restrictions prevent the operation of this price-reducing effect. Ironically such restrictions also tend to reduce the presumably desired impact on investment. For one way in which liberalized tax depreciation would encourage investment is precisely by what is called in economic theory an "output effect," that is, bringing about an increased demand and expansion as a consequence of the lower prices of the final product, thus stimulating investors to acquire the increased capital to produce the increased output.

THE ADR SYSTEM IS DESTABILIZING

Finally, it may be noted that faster depreciation tends to be pro-cyclical rather than counter-cyclical. For the faster is depreciation, the greater the tax savings attributable to current and recent investment. That means that with faster depreciation, the tax savings will be greatest in boom times when investment has been high and least in recessions or depressions when investment has been low. A correct, automatic stabilizing policy would give more tax relief in recessions and less tax relief in booms. "Liberalized" or faster depreciation then has exactly the opposite effect, giving more tax relief in booms when it is not needed and less tax relief in recessions when it is needed.

CONCLUSION

It should be clear then that the current "liberalizations" of tax depreciation—coming on top of a long series of liberalizations of which the most notable were in the Revenue Act of 1954 introducing sum-of-the-years-digits and double-rate declining balance tax depreciation, in 1962 with the major revisions of estimated lives, and in subsequent years with the failure to enforce the reserve ratio test—are not in the public interest. First, they have been falsely presented as involving only a change in timing of tax payments, thus suggesting that the Treasury would lose tax revenues now but gain them back later from the affected taxpayers. Second, as a measure to increase business investment it is dubious at best, slow in its effects, and particularly costly to the Treasury in terms of the amount of increased investment which may result for each dollar of tax loss. Third, it represents a distortion in existing markets and an alteration of the distribution of income and command over resources which is particularly unjustified in view of all of the competing needs for investment in human capital, public goods, and the atmosphere in which we live. Fourth, its presumed value in terms of competition with foreign producers is fallacious; it can at best help some American producers at the expense of other American producers. Fifth, it will contribute to rather than counteract cyclical fluctuations, stimulating booms and deepening depressions.

For these reasons, the Asset Depreciation Range proposals should be withdrawn. I question whether any special equipment investment incentive is socially desirable but, if the objective is to increase investment spending, some form of direct investment subsidy or tax credit is a far more effective device, dollar for dollar of tax loss, than is the ADR proposal.

TABLE 1.—ANNUAL TAX SAVINGS RESULTING FROM SWITCH FROM 10-YEAR TO 8-YEAR LIFE FOR SUM-OF-YEAR-DIGITS DEPRECIATION CHARGES ON TREASURY ASSUMPTION OF \$75,656,000,000 OF EQUIPMENT ACQUISITIONS IN 1971 AND 5 PERCENT PER ANNUM GROWTH THEREAFTER (HALF-YEAR CONVENTION)

Year	Depreciation charges		Tax saving (48 percent of col. 3 minus col. 2)
	10-year life	8-year life	
	(1)	(2)	
1 1971.....	\$6,878	\$8,406	\$733
2 1972.....	20,289	24,588	2,064
3 1973.....	32,996	39,478	3,111
4 1974.....	44,962	53,010	3,863
5 1975.....	56,152	65,118	4,304
6 1976.....	66,526	75,729	4,417
7 1977.....	76,042	84,769	4,189
8 1978.....	84,658	92,160	3,601
9 1979.....	92,330	97,819	2,635
10 1980.....	99,010	102,710	1,776
11 1981.....	104,648	107,845	1,535
12 1982.....	109,880	113,237	1,611
15 1985.....	127,201	131,087	1,865
20 1990.....	162,344	167,304	2,381
Sum to 1980.....	579,843	643,787	30,693
Sum to 1985.....	1,158,089	1,239,699	39,173
Sum to 1990.....	1,896,094	2,000,250	49,995

APPENDIX

The effect of the permitted speed-up in depreciation by 20 per cent (aside from the new initial year convention which represents an additional speed-up) may be more readily illustrated arithmetically by considering a switch from a five-year life to a four-year life. To do so we shall construct several numerical examples involving the very simple straight-line method as well as the more liberal and realistic sum-of-the-years digits depreciation.

Let us first assume a firm that acquires \$180 of equipment early in 1971 and none in subsequent years. It should be noted readily that with regard to such acquisitions of a single year, as shown in Table A-1, four-year-life, straight-line depreciation is higher and taxes are saved for each of the first four years, but this is all cancelled out in the fifth year. With sum-of-the-years digits depreciation, tax saving occurs in only the first two years, 1971 and 1972, and there is a payback in 1974 and 1975, the last two years of the original five-year period. In both cases there is what amounts to an interest-free loan, a far from insignificant matter, but the loan is paid back by the end of the originally estimated period of life of equipment.

There are very few substantial firms, however, that acquire equipment in one year and then never again. Indeed such a firm could obviously not last very long. And for the economy as a whole as well as for the substantial firms that account for the bulk of spending, equipment purchase is a repeated process, perhaps fluctuating but generally considerable and, in the long run, growing. In Table A-2 we assume, however, a firm whose acquisitions are still not growing but are merely constant, year after year, at \$180. With straight-line depreciation we then see tax savings, as a consequence of the speed-up of depreciation permitted in the ADR system, of \$4.32 in 1971, \$8.64 in 1972, \$12.96 in 1973 and \$17.28 in 1974. In 1975 the tax savings come to an end, in the sense that they are not repeated, but there is never any "payback" as long as equipment purchases stay constant, which implies that the firm replaces its expiring equipment. The firm has thus received tax savings of \$43.20 which it keeps. There is apparently some disposition to refer to these tax savings as interest-free loans. They are indeed the most desirable kind, interest-free loans which are never to be paid back. Semantics aside, a mathematician would be hard-pressed to distinguish a permanent, interest-free loan and a pure gift.

TABLE A-1.—DEPRECIATION CHARGES FROM A SINGLE YEAR'S ACQUISITIONS, EFFECTS OF 20 PERCENT "LIBERALIZATION" OR CHANGE FROM 5-YEAR LIFE TO 4-YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS-DIGITS DEPRECIATION. \$180 OF EQUIPMENT PURCHASED EARLY IN 1971

Year (1)	Straight-line depreciation			Sum-of-the-years-digits depreciation		
	5-year life (2)	4-year life (3)	Tax saving (48 percent of (3)-(2)) (4)	5-year life (5)	4-year life (6)	Tax saving (48 percent of (6)-(5)) (7)
1. 1971.....	\$36	\$45	\$4.32	\$60	\$72	\$5.76
2. 1972.....	36	45	4.32	48	54	2.88
3. 1973.....	36	45	4.32	36	36	0
4. 1974.....	36	45	4.32	24	18	-2.88
5. 1975.....	36	0	-17.28	12	0	-5.76
6. 1976.....	0	0	0	0	0	0
Sum.....	180	180	0	180	180	0

TABLE A-2.—DEPRECIATION CHARGES FROM A STEADY STREAM OF ACQUISITION, EFFECTS OF 20 PERCENT "LIBERALIZATION" OF CHANGE FROM 5-YEAR LIFE TO 4-YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS-DIGITS DEPRECIATION. \$180 OF EQUIPMENT PURCHASED EARLY IN EACH YEAR BEGINNING IN 1971

Year (1)	Straight-line depreciation			Sum-of-the-years-digits depreciation		
	5-year life (2)	4-year life (3)	Tax saving (48 percent of (3)-(2)) (4)	5-year life (5)	4-year life (6)	Tax saving (48 percent of (6)-(5)) (7)
1. 1971.....	\$36	\$45	\$4.32	\$60	\$72	\$5.76
2. 1972.....	72	90	8.64	108	126	8.64
3. 1973.....	108	135	12.96	144	162	8.64
4. 1974.....	144	180	17.28	180	180	5.76
5. 1975.....	180	180	0	180	180	0
6. 1976.....	180	180	0	180	180	0
Sum.....	43.20					28.80

The situation is, of course, analogous for sum-of-the-years digits depreciation although the tax loss to the Treasury totals only \$28.80 for a firm buying \$180 of equipment per year, the lesser amount being due to the fact that sum-of-the-years digits depreciation is already considerably more rapid, in terms of a weighted average of depreciation charges by period, than is straight-line depreciation, and hence there is less further

saving available from a corresponding speed-up.

In Table A-3 we turn to a more realistic case. This is the one assumed by the Treasury analysts, in which equipment acquisitions are growing at a 5 per cent per annum rate in money terms. It is then apparent that the tax savings of the first four years are not only never paid back; they have added

to them further savings in later years. Indeed, while there is a hump in tax savings (tax loss to the Treasury) during the period of transition, before any of the assets subject to ADR have exhausted their depreciation, after this period the annual tax savings resume an upward path equal to the per cent rate of growth of equipment acquisitions.

TABLE A-3.—DEPRECIATION CHARGES FROM A STREAM OF ACQUISITIONS GROWING AT A 5-PERCENT RATE, EFFECTS OF 20-PERCENT "LIBERALIZATION" OF CHANGE FROM 5-YEAR LIFE TO 4-YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS DIGITS DEPRECIATION

Year (1)	Equipment acquisitions (2)	Straight-line depreciation		Tax saving, 48 percent of col. (4) minus col. (3) (5)	Sum-of-the-years depreciation		Tax saving, 48 percent of col. (7) minus col. (6) (8)
		5-year life (3)	4-year life (4)		5-year life (6)	4-year life (7)	
1971.....	\$180.00	\$36.00	\$45.00	\$4.32	\$60.00	\$72.00	\$5.76
1972.....	189.00	73.80	92.25	8.86	111.00	129.60	8.93
1973.....	198.45	113.49	141.86	13.62	152.55	172.08	9.37
1974.....	208.37	155.16	193.96	18.62	184.18	198.68	6.96
1975.....	218.79	198.92	253.65	2.27	205.39	208.62	1.55
1976.....	229.73	208.87	213.84	2.39	215.66	219.05	1.63

NATIONAL SECRETARIES WEEK

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, for the 20th consecutive year, National Secretaries Week is being observed, April 18-24. The theme "Better Secretaries Mean Better Business" is stressed to promote the significance of teamwork throughout the business world.

The National Secretaries Association, International, cooperating with the U.S. Department of Commerce, originated Secretaries Week. The involvement of all secretaries for this observance reemphasizes the importance of continued loyalty of secretaries to their employers and their responsibility to their profession.

Official proclamations are issued throughout the United States and Canadian Governments designating Secretaries Week and Secretaries Day, April 21.

Locally, District of Columbia, Capital, and Bethesda chapters of the National Secretaries Association, International, will sponsor such events as: A Secre-

taries Day banquet on Wednesday, at Blackie House of Beef, at which Dr. Juanita M. Kreps, dean of women at Duke University, will speak on "Sex in the Marketplace: American Women at Work"; and a luncheon and fashion show Saturday at Kenwood Country Club to present fashions for the secretary.

A SOCIALIST REPUDIATION OF THE NATIONAL PEACE ACTION COALITION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ASHBROOK. Mr. Speaker, it is unfortunately forgotten at times that such communist-led groups as the National Peace Action Coalition (NPAC) and Peoples Coalition for Peace and Justice (PCPJ), which are cosponsoring the demonstrations in Washington and San Francisco this Saturday, April 24, really do, despite their posturings and claims, represent but a minority of the American people, even of those who oppose the war in Vietnam.

In this connection, it has been brought to my attention that the April 23, 1971, issue of The Militant, official newspaper of the Trotskyist Communist Socialist Workers Party, guiding genius behind the NPAC, includes a letter specifically repudiating the NPAC because of its blatant Trotskyist domination. The letter is written by Mike Kerper of Philadelphia, Pa., and is especially significant because Kerper is both opposed to the war in Vietnam and a member of the Young Peoples Socialist League, youth group of the Socialist Party, which is also vigorously opposed to the war.

This is not a new phenomenon. The YPSL's National Action Committee issued a statement as far back as March 16, 1967, repudiating the April 15, 1967, New York and San Francisco marches organized by the Spring Mobilization Committee to End the War in Vietnam, one of the Communist-led predecessors of the PCPJ and NPAC. That statement declared that Spring Mobe was making "no demands on the Communists, as well as the United States, to de-escalate and end the war." The statement then went on to denounce the Spring Mobe's demands as "cause. . . to wonder if the peace movement is against the war, or merely against the American side in the

war. Anti-Americanism alone may appeal to simple minds, but will only discredit the legitimate peace movement."

On October 18, 1969, The Washington Post carried an article quoting another YPSL statement, this time against the November 1969 activities planned and executed by the New Mobilization Committee to End the War in Vietnam, another Communist-dominated predecessor of the Peoples Coalition and NPAC. This statement denounced the New Mobe's activities on the grounds that "Many in the leadership [of New Mobe] are more committed to an NLF victory than to peace."

And Josh Muravchic, at that time YPSL national chairman, made the following statement condemning the New Mobe:

There are many people involved in the New Mobe who are active, proclaimed supporters of what they call "the liberation movement" in Vietnam—the Viet Cong. I think those people do not properly belong in the peace movement. They are not for peace. They are "hawks" on the other side.

Thus, it can be seen that, even on the left, support for such Communist-serving activities as those scheduled for this Saturday and subsequent weeks is limited at best. Coming from a source such as the YPSL, which certainly cannot be claimed to be a "rightist" or "redbaiting" source, the following letter is most significant and should serve as a warning to those who would lend their support to the Peoples Coalition for Peace and Justice or the National Peace Action Coalition:

The lengthy article condemning Evans and Novak for allegedly "red-baiting" the Spring Offensive further illustrates the reality of Socialist Workers Party and Young Socialist Alliance domination of the National Peace Action Coalition and the Student Mobilization Committee, respectively.

I attended the SMC Winter Conference at Catholic University as a reporter for the LaSalle College Collegian. My suspicion of NPAC was confirmed by the proceedings of the conference, which were utterly unbelievable in their rhetoric and total anti-Americanism. How can you hope to establish a broad-based coalition of workers, students and women by deceiving them of your true perspective on the war?

I do not say this as a reactionary. In fact, I am a democratic socialist (YPSL) with a strong aversion to the brutality of the war in Indochina. But I find myself utterly bewildered when peace advocates begin shouting slogans for a Communist victory.

THE EXPANSION OF SPORTS ON CLOSED-CIRCUIT TELEVISION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ASPIN. Mr. Speaker, on Wednesday I reintroduced the ban sports from closed-circuit television bill (H.R. 6718) with 13 new cosponsors, bringing the total of cosponsors in the House to 34. This bill would prohibit all sports events of general public interest from being shown on closed-circuit TV, thus forc-

ing promoters to turn to free home television for the broadcast of their events. Senator STEVENSON has introduced almost identical legislation on the Senate side.

Today I include in the RECORD an article from the March 8, 1971, issue of Sports Illustrated. This article discusses in a balanced and incisive fashion, I believe, the future direction of sports on closed-circuit TV. I think many of my colleagues will find it of interest.

It follows:

TV TALK: A COURT TEST AND SOME NEW ATTRACTIONS COULD OPEN UP THE CLOSED-CIRCUIT WORLD

(By Frank Deford)

The attention paid lately to cable television and the certainty that the video cassette is not too far in the future have obscured the rejuvenation of a familiar old form of the media—theater, or closed-circuit, TV. All by himself that indomitable showman, Muhammad Ali, has brought closed-circuit television back to million-dollar prominence, but this alone is a deceptive sign of resurgence. The very reason that closed-circuit TV has never become a broad force is that it has been too content to exist on one attraction—heavyweight championship fights.

All's fight with Joe Frazier will break all records and hold them until the night Jack Kent Cooke convinces the Beatles they ought to team up again. But heavyweight championships are exceptional events and should not be given undue weight in the closed-circuit equation. The future lies not with attractions of such massive public interest, but with those that appeal to devoted specialty audiences. The World Cup soccer matches, which drew 500,000 paying theater fans in the U.S., Canada and Mexico, proved that. On network TV, consumed as it is by the rating game, there was no more hope for soccer than for catechism. Theaters and arenas, however, are small enough to support loyal crowds with precise interests. In San Francisco a young travel agent gambled on the World Cup and sold out the Cow Palace twice, with all 14,000 seats at no less than \$5. Many big auto races are on closed-circuit now, with the Indianapolis and Daytona 500s drawing 2,000 and more in many cities—and at Broadway prices (\$7.50 plus) that proves people do not mind paying if they like something enough. Wimbledon, El Cordobés and the NHL and NBA playoffs (on the nights they are not on network TV) are other immediate attractions for the big screens, which added color in the last year.

Yet the real boom may come on an even more specialized basis—where there is, in a small area, intense interest in an event but not enough seats. So far, only professional basketball and college football have effectively employed closed-circuit TV for local fans. Last spring during the NBA playoffs the Lakers piped the games into eight arenas and theaters in the Los Angeles area and grossed \$110,000. LSU sold out three campus locations—4,500 seats—for its football game at Notre Dame. Purdue drew almost as many indoor fans when it played the Irish at South Bend. Although closed-circuit basketball flopped at the University of Kentucky this winter, apparently because of bad timing around the Christmas holidays, some schools are considering selling closed-circuit season tickets for a package of away games. That could be the next big step for closed-circuit sports.

As a device to handle the home sellout overflow, closed-circuit TV long has been of concern to sports promoters and leagues, notably the NFL. Pro football fears that closed-circuit might offer such quality and

comfort that fans would rather pay to go to a warm theater than to a cold ball park. The NFL does not exactly encourage its teams to put home games on closed-circuit, even when a game is sold out. Last year, when closed-circuit TV of the Super Bowl was not permitted in the blacked-out New Orleans area, the NFL was sued by Management Television Systems, Inc., one of the leading closed-circuit firms, whose chairman is E. William Henry, a former head of the Federal Communications Commission.

MTS has an interesting case, for whereas federal law protects the NFL home-TV blackout, Henry claims there is no legal support offered the NFL in its closed-circuit policies. Indeed, the Government has constantly supported the general notion of public title to the air waves. According to Henry, all that mumbo-jumbo at the close of football games about needing to obtain rebroadcast rights is not, legally, worth the breath wasted. If this theory proves correct, here is a real possibility:

The Jets are blacked out for their '71 conference final at home, a game that will decide the race. Of course, the game does go into the NBC outlet in nearby Philadelphia. With the proper equipment, the telecast could be lifted and brought right into Madison Square Garden, where another 20,000 New York fans could see the game that was being played at Shea Stadium. The lawsuits involved in this one probably would keep lawyers rich until Super Bowl MXXVI.

Henry, the enthusiastic MTS boss, sees only two prerequisites for an event to succeed on closed-circuit TV: "It must be popular in the area and it should not be on home TV in the area." Besides sports, he envisions new specialized theater networks for opera, Broadway shows and college attractions, from Ralph Nader to rock. "We think we can be the answer to Woodstock," he says, pointing out that while the quality of music could be retained, even improved, the crowds could be dispersed and under control. Sadly, a similar use of closed-circuit television may be needed to save high school athletics from its own violence in many cities.

There is almost certainly going to be a more active closed-circuit game ahead, and a large portion of it will be in sports. With the addition of color and improvement of quality, theater sports fans are already catching on: they boo the officials and stand up for the national anthem.

—FRANK DEFORD.

SENATOR HUGHES ADDRESSES THE LABOR-UNIVERSITY-COMMUNITY ALLIANCE CONFERENCE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. CLAY. Mr. Speaker, I want to bring to the attention of my colleagues the recent remarks made by Senator HAROLD HUGHES to the Labor-University-Community Alliance Conference on "Peace and Jobs." The event, held in St. Louis on April 17, is one of the first efforts to build a coalition of students, professors, and working people against the war. The event was cosponsored by the Teamsters, UAW, Amalgamated Meat Cutters, Amalgamated Clothing Workers, Business Executives Move for Peace in Vietnam, and faculty and student groups at St. Louis area colleges and universities.

The Senator makes it perfectly clear that the Vietnam war is feeding the recession, and taking us away from pressing domestic needs. I commend the wisdom and lucidity of the Senator's words:

REMARKS OF SENATOR HAROLD E. HUGHES

St. Louis and other cities of America are contributing more to the Indochina War than they are spending on themselves—and neither an end to the war nor relief for unmet local needs is in sight.

By this I mean that we are literally spending more on war than we are spending for schools, hospitals, police, employment, and other needs here and elsewhere in the United States.

In the meantime, there were 65,000 persons out of work in this city as of January of this year—and the national unemployment figure is in excess of 5 million.

It is time for action on the Nation's two top priorities—peace and jobs.

We know all too well the cost of this war in terms of death, destruction, and human suffering—the American boys killed, wounded, or imprisoned by a harsh enemy. The hundreds of thousands of Asians who have lost their lives, their homes, their means of subsistence—including multitudes of innocent civilians, men, women, and children.

We know the frightful psychological impact of all of this on the spirit of the people—in Asia and here at home.

Today I want to call to your attention the economic impact of the war on our own people and the damage that is being inflicted on our own society by our government's abandonment of critical domestic needs.

The war has cost an average of about \$20 billion a year. Think what we could have done with that money.

We could have built two million homes each year for people in dire need of decent housing.

We could have given virtually free medical care to all Americans.

We could have given annual scholarships of \$2400 to each of the 8.8 million college-age children of American workers.

Instead of this, we have extended our military intervention into Cambodia and Laos. Troop levels have been reduced, but the air war has been escalated and widened.

You may remember the small village of Ben Tre, which was in the news about three years ago. An American major said quite frankly, "We had to destroy the village in order to save it."

Is that our policy now? Are we destroying Indochina—and America—allegedly in order to save it?

Look at the facts. Since 1965, the United States has dropped twice as many tons of bombs on Indochina as it dropped in all of World War II and Korea. Last year alone, we dropped 50 percent more bombs on Indochina than we did in the entire Korean War.

And only this week, despite the alleged "success" of the invasion of Laos, we began using our largest conventional weapons against the North Vietnamese. Never before in this war—not even during the Tet offensive or the siege of Khe Sanh—have we used these 7½ ton bombs against enemy forces.

What do these bombs do? Many of them, of course, have their desired tactical effect. But they also destroy villages and kill innocent civilians.

The Senate Subcommittee on Refugees reported last month that about 350,000 civilians have been killed by the warfare in Indochina since 1965, and 6½ million people have been made refugees.

In the meantime, while we continue to pour billions into an unwanted and unconscionable war, the critical needs of our domestic society go untended.

The job crisis, for one, has become a great deal more acute than is generally realized.

The true unemployment figure is not 6

percent, as advertised, but between 7½ and 8½ percent—and this high unemployment is unacceptable to the American people.

The unemployment rate put out by the Department of Labor is built on the premise that only those applying for jobs are in the labor force.

But the fact is that hundreds of thousands of Americans—in the face of the Administration's negative attitude toward the labor crisis and the President's veto of critically needed manpower legislation passed by the Congress—have given up applying for employment. These individuals are still unemployed and if they are counted, the true rate of unemployment would be 7½ to 8½ percent.

While the top priorities of America in this hour are peace and jobs, these are the people's priorities—unfortunately not those of the Nixon Administration.

A mighty coalition of Americans of every creed and conviction and economic status are fed up to the eye-balls with the myths, half-truths, bottoming-out-of-the-economy talk and light-at-the-end-of-the-tunnel propaganda emanating from Washington.

It is scant consolation to read the glowing accounts from Washington about the record quarter for GNP growth when the inflation rate still stands at 5.2 percent and you are out of work.

People want an end to the war, an end to the draft, a sensible cut-down of excessive military spending, and decent jobs with which to earn a living.

There is a gap the size of the Grand Canyon between the mood of the American people and the current policies of this Administration.

Throughout America you hear the slogan—"The majority is not silent; the Administration is just deaf."

There is no longer any doubt as to who is bearing the major burden of paying for an unwanted war and sustaining the irrational level of military spending and waste.

The average American is paying.

He is also bearing the burden of the Nixon economic policies or non-policies to get the country out of simultaneous recession and inflation.

The options aren't victory versus defeat in Southeast Asia or continuing inflation versus decent employment conditions in this country.

No rational person in this country, or any other, doubts America's military might when our security and national interest are threatened and the country is united, as was the case in World War II.

No one doubts that we have the resources to put the unemployed to work—if these resources were properly applied.

But the super-cabinet in the White House and the unbridled spenders in the military-industrial combine have sealed off the options.

You pay your money, but you don't take your choice.

The lack of attention by the government and industry to attainable goals of converting from a predominantly military to a predominantly civilian economy is a national scandal.

The idea that the American economy can only function successfully on a war-time basis is a ghastly heritage to hand down to our children and succeeding generations—and it is an idea that no right-thinking American can accept.

Yet there are those who hold that the only way we can provide decent jobs is to sustain our war industries in their present form—either by excessive military production or by giant boondoggles such as the SST.

The latter is a good case in point. Certainly the high unemployment in the Seattle area should be a top priority for remedial action on the nation's agenda.

But it should be remembered that the

high unemployment in Seattle is due to the fact that Boeing tried bull-headedly to capture the world market in heavy aircraft against a shrinking demand for the big planes.

They were unwilling to diversify and to convert and are depending now, as in the past, for the government to bail them out.

While the continuation of the SST would have eased a short-range employment problem and kept Boeing afloat despite unsound business policies, it would have compounded our labor and industrial problems over the long pull.

We need sound planning and policies for industrial conversion.

And we need short-range measures set in the context of long-range policies to provide a decent job for every employable American.

And these goals are clearly within our reach if we apply our resources sensibly.

The American people are just beginning to fully realize that the enormous defense budgets of the past half-dozen years have been the core of our inflation.

When we pay a worker \$200 to make another helicopter to be blown up in Asia, that worker still wants to spend the money on available domestic goods. If he'd been paid the \$200 to make something we could use here at home, say railway cars or automobiles or houses, he would be contributing something to the economy for his own \$200 to consume.

The war expenditures are inflationary because the workers we pay, in much of defense production, are not producing any product or service which flows back into the economy.

Workers spend their paychecks no matter what they're producing to earn those paychecks.

But if they're producing weapons, they bid up prices on available domestic goods.

Economists estimate the cost of this war to have been in excess of \$150 billion. The government's own official estimates admit to \$115 billion.

We also have incurred obligations to pay \$750 billion more in veterans' benefits, medical services, and other compensations in the future.

These staggering sums add up to the total Gross National Product for the United States in 1969.

In effect, every American will spend about one year of his life working to pay for the cost thus far of the Vietnam War.

Already, you and I are paying for this war. We are paying for it when milk costs a dime a quart more than it did five years ago and when gasoline is a nickel more a gallon. The cost of living has jumped over 25 percent since the war started.

During the next year, it is estimated that the war will cost about \$1 billion per month.

Consider what that monthly outlay could do if applied to constructive channels.

One billion dollars would send 200,000 students through four years on scholarships covering full tuition, board, and room.

One billion dollars would build 333 hospitals with 125 beds each.

One billion dollars would build 70,000 low-cost housing units for a typical family.

Of course, these economic costs are trivial when compared to the sacrifice of human lives.

In the last month, 242 Americans gave their lives—and Heaven knows how many Asians, including innocent non-combatants.

It is time to set the stage for total disengagement from this tragic war—without delaying another costly month.

We need to set a time when all of our forces will be withdrawn. We need to instruct the negotiators at Paris to offer plans for the exchange of prisoners. And we need to join with the nations which met at Geneva in 1954 and 1962 to neutralize all of Indochina.

At the same time, we need to take decisive measures—without further delay—to put the unemployed men and women of our labor force back to work.

SOLID WASTE PROBLEM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. VANIK. Mr. Speaker, on this occasion of Earth Week, I am tremendously impressed with the broad scale, intensive environmental improvement efforts to which young people of my community are presently devoting their time and energy.

They are vigorously pursuing solutions to special problems. Two young people of my community, Mr. Todd Gross of Brush High School, Lyndhurst, Ohio, and Miss Diane Krasner of Shaker Heights Senior High School, Shaker Heights, Ohio, are conducting an extraordinary study of the solid waste problem. They have come upon a very important point—the discriminatory nature of current freight rates which provide preference for primary materials and discourage the collection and return of used materials for recycling purposes.

As a result of the study by these students, I am requesting the Interstate Commerce Commission to report on the feasibility of equalizing freight rates between primary and secondary production materials.

An analysis of the problem by the students follows:

In addition, I am including a column from the Plain Dealer written by Mrs. Silver on "What to Do With the Discards":

SOLID WASTE PROBLEM

(By Todd Gross and Diane Krasner)

The current solid waste disposal problem demands a solution. Incineration and land-filling are only stop-gap measures. Along with wanting valuable raw materials, incineration wastes valuable energy and creates a residue that has to be disposed of. Land-filling also wastes raw material and uses up land that could be developed more effectively and efficiently. The apparent solution is to reduce the amount of material that has to be disposed of by recycling the useful materials.

There are three components of solid waste that are effectively recycled and reused in secondary production without expending too much energy: metal, paper, and glass. There are existing markets for these products but they are limited by three factors.

1. The cost of transportation.
2. Materials-handling difficulties.
3. A limited market resulting from public preference for virgin material over secondary material.

METAL SCRAP

There are three basic methods used in producing steel: the open-hearth furnace, the electric arc furnace, and the basic oxygen furnace. In a pragmatic sense, the raw material used in making steel is iron ore. This can be in the form of the ore itself or in the form of obsolete ferrous scrap. The open-hearth furnace uses a significant quantity of both pig iron (reduced iron ore after cooling) and scrap. The electric-arc furnace uses almost 100% scrap. The basic-oxygen furnace uses hot metal (reduced iron ore in a

molten state) along with a 30% scrap charge. The basic-oxygen furnace accounts for approximately 40% of the steel production in the United States today, which accounts for the increasing back-up of ferrous scrap.

One also notes that the basic-oxygen furnace can be entirely independent of scrap. Therefore, the use of scrap depends upon the attractiveness of its price as compared with iron ore. The price of scrap is adversely affected by discriminatory freight rates.

In making one ton of steel it takes either approximately one and one-half tons of iron ore, one ton of coke, and one-half ton of limestone or approximately one ton of ferrous scrap. If the freight rates for hauling ore and for hauling scrap were based on equal cost per ton this would give scrap an unfair advantage. If the rates were based upon the value of the material, scrap should cost one and one-half times as much per ton to haul. This would give no advantage to either scrap or ore because it would cost the same to make one ton of steel whether you use iron ore or scrap.

However, this is not the case. In 1966 the average revenue on hauling one ton of ore one mile (short-haul) was 1.187¢. The average revenue on one ton-mile of scrap was 2.865¢. This means scrap cost 2.42 times as much to haul as iron ore. The average railroad revenue on hauling scrap throughout the United States was \$4.12. The revenue on iron ore was \$1.64. According to the three-halves to one ratio (scrap to ore) the revenue for scrap should be \$2.46. This means there is a \$1.66 discrimination against scrap. On one average load of scrap (50 tons) the discrimination is approximately \$80.00. If the freight rates were put into proportion the steel mills should increase their consumption of scrap, thereby increasing the market for recycled scrap.

Freight rates are discriminatory by approximately \$1.66 per ton. That is 67% more than it should cost. (Note figures have changed slightly but, the discrimination remains.)

MATERIALS HANDLING

The combination of ferrous and non-ferrous (aluminum, tin) materials within a single product, greatly complicates and hinders the reclamation process. The non-ferrous material, usually more valuable as a single commodity, has to be separated from the ferrous material because of undesirable qualities in the finished product, referred to as non-ferrous contamination. This extra, complicated separation process greatly reduces the saleability and desirability of bi-metallic scrap. The metal can is the hardest hit by this disadvantage. If cans were made of one metal, preferably steel since aluminum is limited in supply, they could be more completely recycled (assuming an increase in the demand for scrap). We recommend that a statement be made to encourage this move to metal container manufacturers.

A letter to the Plain Dealer is included to give an idea of the problems of recent programs to recycle metals. The following is an excerpt from an ecology kit distributed by the National Can Company:

Q. Can a can collection center pay for itself?

A. With the exception of centers taking aluminum cans only, the cost of running a can collection center will exceed the value of the metal scrap collected. The cost for equipping, manning, advertising, and freight for a well-managed center can be expected to be a \$200 a ton above the cost of the cans collected.

PAPER AND GLASS

While there are no exact figures available, currently, there are discriminatory freight rates against paper and glass. A removal of these unfair freight rates will stimulate a demand for products made from recycled materials.

CLEVELAND, OHIO,

April 14, 1971.

Mr. THOMAS VAIL,
Editor, The Plain Dealer,
Cleveland, Ohio.

DEAR MR. VAIL: On Thursday, April 8, the Continental, American, National, and Heekin can companies released information, in a press conference at the Sheraton-Cleveland Hotel, concerning a can collection program. Before this release the Recycling Council had access to information from the companies concerning their program. With this advantage the Recycling Council was able to draw some conclusions concerning the feasibility of the said program.

First and most obvious, the centers mentioned are collection, not recycling, centers. The cans have to be shipped to Vulcan Materials, a de-tinning mill in Pittsburgh. The minimum freight rate for one gondola to Pittsburgh is approximately three hundred dollars. (This is based on an 80,000 pound minimum rate.) Vulcan Materials has agreed to pay \$20 a ton for metal cans; unbaled and delivered to their mill in Pittsburgh. They want no aerosol cans, no can lids, and no aluminum in the gondola. National Can Company, at 5200 Harvard, said they plan no separation. In National Can Company's estimation, they will be able to fit thirty tons of flattened cans in one railroad gondola. The Recycling Council's estimation puts the figure closer to ten tons. The freight, in the first estimation would be thirty dollars a ton. The can companies have agreed to pay ten dollars a ton to the ecology groups. If the companies can get thirty tons on one gondola they will break even, not counting any loading cost or the cost of yard space. If only ten tons are put on the gondola the loss will be ten dollars a ton before any operating costs are figured in. This is economically unfeasible.

Another factor that has to be considered is the amount of energy that has to be expended to transport the cans to the collection site. The Recycling Council points out that if the program expends more energy than it saves it is "ecologically unsound."

Concerning the can situation the Recycling Council feels two things have to be taken care of before a can reclamation program can be successful.

1. The elimination of discriminatory freight rates on hauling metal scrap.
2. The introduction of mono-metallic cans. Aluminum; very valuable by itself; contaminates the steel, thus limiting its recycling potential. The tin coating on food cans creates the need for a de-tinning mill. The argument against mono-metallic cans is the fact that the aluminum and tin can be burnt off in the steel furnaces. The Recycling Council simply states that the steel mills are not doing this now and have expressed no intention to do so in the future.

The Recycling Council would like to increase the amount of recycling of solid waste. Your help is needed.

Sincerely,

TODD GROSS,
The Recycling Council.

GARDEN STATE PAPER Co., Inc.,
Garfield, N.J., March 29, 1971.

Mr. TODD GROSS,
South Euclid, Ohio.

DEAR MR. GROSS: I trust the following information will be responsive to your inquiry of March 23rd. We sell our finished product at \$7.00 beneath the Canadian newsprint market price making our current price \$145.00 per ton. We purchase old newspaper for varying amounts depending on the market.

Currently, we are paying \$26.00 in the east, \$29.95 in the midwest, and \$25.00 per ton on the west coast, for old news delivered to our mill from the local market area. Our Garfield mill manufactures about 160,000 tons per year, with the Alsip, Illinois and Pomona

California mills producing about 100,000 tons each. The Garfield mill has two paper machines.

The virgin mills have managed over the years to obtain favorable freight rates for their product which are about three times cheaper than the rates for hauling secondary fibers. The National Association of Secondary Materials Industries, Inc., at 330 Madison Ave., New York, can provide specifics on this.

Our largest customers in the east are the Newark Evening News, the Boston Globe, Boston Herald, Newsday, the New York Daily News, Washington Post, New York Post, and Baltimore Sun.

In the midwest, we sell nearly one half of our production to the Chicago Sun Times, and Chicago Daily News because their parent company, Field Enterprises, is a partner with Garden State in that paper mill (FSC Paper Corporation).

On the west coast, we include the San Francisco Examiner, the Long Beach Independent Press-Telegram, the Oakland Tribune, the San Bernardino Sun Telegram, the Riverside Press Enterprise, the Sacramento Bee, the Las Vegas Review Journal and Las Vegas Sun, and the Phoenix Republic Gazette, among some 80 customers. In all, Garden State and FSC Paper Corporation serve nearly 200 customers coast to coast.

Regarding recycled stationery, I suggest you contact Bergstrom Press in Neenah, Wisconsin.

I am including some literature concerning our firm as you requested.

Sincerely,

WILLIAM E. HANCOCK,
Director of Paper Stock Procurement.

GARDEN STATE PAPER CO., INC.,
Garfield, N.J., March 29, 1971.

Mr. TODD GROSS,
South Euclid, Ohio

DEAR Mr. GROSS: The Garden State Paper Co. Inc., a subsidiary of Media General Inc., is the only company in the world manufacturing newsprint entirely from old newspapers. The process was developed during the 1950's, and our first mill was opened in Garfield in 1961.

Since that time, a second paper machine has been installed in the Garfield mill, and two other machines have been built, one in Pomona, California and the other in Alsip, Illinois, just outside of Chicago. The Alsip facility is known as the FSC Paper Corporation, and is a joint venture with Field Enterprises, Inc.

Garden State does not purchase newspaper directly from the general public at this time, but depends on brokerage firms to supply its mills. In the east, we purchase our paper from Bruno & D'Elia of Hackensack, N.J., and Great Eastern Packing and Paper Stock Corporation of Roselle, N.J.

The Alsip mill purchases its paper from Pioneer Paper Stock Division, Container Corporation of America in Chicago, and on the West Coast, the Pomona mill deals with Garden State Fiber Company, Inc. of Pomona, California.

We purchase only newspaper. Magazines contain non-soluble glues in their bindings and a clay coating representing about 25% of its weight, that washes away during the repulping process. Since we buy paper by weight, the 25% weight loss is unacceptable.

In order to stimulate a reliable flow of newspaper to our mills, we have encouraged municipal leaders to consider the advantages to their communities of asking residents to keep old news out of the garbage. By separating newspaper from the trash, a municipality's garbage volume can be substantially reduced since newspaper can represent as much as 40% of a homeowner's garbage yield. Local groups can then be organized to collect the paper using the proceeds as regular income.

In addition, the salvage of old newspaper

represents an important contribution to the nation's conservation effort. Each year we save in excess of 5 million trees.

Finally, there is no better way in our opinion for an organization to raise funds than through a well organized paper drive, primarily because no initial outlay of funds is necessary to guarantee success.

I sincerely hope this information will be useful to you. If you should desire any additional assistance, please do not hesitate to contact me.

Yours very truly,
GARDEN STATE PAPER CO., INC.,
WILLIAM E. HANCOCK,
Director of Paper Stock Procurement.

[From the Cleveland Plain Dealer]

WHAT TO DO WITH THE DISCARDS

If you're ready to do something about the pollution problem—instead of just talking about it—here are a few carefully selected collection centers. Clip the list and keep it close to the place in your house where trash collects.

PAPER

Packaging Corp. of America, 3400 Vega Avenue S.W., 961-5060. Newspaper, corrugated boxes, cardboard. Can be loose, tied, or put in grocery bags or boxes. Forty cents a hundred pounds for paper. 50 cents a hundred pounds for corrugated board (prices fluctuate with market conditions). Hours: Monday through Friday, 7 a.m. to 4 p.m. (corrugated only until noon on Friday; Saturday, 7 to 9 a.m. for corrugated, 7 to 11 a.m. for newspaper.

Parking lot of Taylor School, Superior and South Taylor Roads, Cleveland Heights, after May 1. Every Saturday 10 to 6, 382-945. Newspapers and magazines. Please separate them. Tie up or put into paper grocery bags.

Volunteers of America, 281-5100. Call for home pickup. Monday through Friday after 8:30 a.m. Newspapers only. Tie up or put into paper bags.

GLASS

Bassichis Glass Co., 2323 W. 3d Street (make half-left turn before east end of Lorain-Carnegie Bridge, follow Commercial Hill down to bottom, turn left, drive ¼ mile.) Deposits can be made any time. Separate clear, brown, and green bottles. Make sure they are free of metal caps or rings. No window or plate glass. Put in bags or boxes and deposit at place marked outside company offices.

Berea City Hall, Berea. Next collection Saturday, April 24, 9 a.m. to 4 p.m. Collection is one Saturday a month, generally last. Call 243-2227 for information. Same instructions as above.

ALUMINUM

Shaker Lakes Nature Center, 2600 South Park Boulevard, Shaker Heights, 321-5935. Daily collection, 9 a.m. to 4 p.m. Aluminum only—frozen food trays, Ballantine beer cans, etc. No foil. (Pure aluminum cans are nonmagnetic and seamless; most soft drink or beer cans are bimetal.)

Alcoa, 210 Harvard Avenue, Newburgh Heights, 641-3600. Next collection, Saturday, April 24, 8 a.m. to noon. For other dates, call to schedule Saturday times. Same instructions as above.

OTHER METALS

Continental Can Co., 23500 Corbin Drive, Bedford Heights, 696-7600. Monday through Friday, 7 a.m. to 3:30 p.m. Bins are always available for small quantities of drop-offs. Any cans (except aerosol), and all should be cleaned out, paper-label removed, tops and bottoms taken out and the can squashed flat.

National Can Corp., 5200 Harvard Avenue, 271-6460. Collection times: Monday and Thursday, 9 a.m. to 3:30 p.m. Same instructions as above.

Academy Iron and Metal Co., 3500 W. 140th Street, 941-8400. Monday through Friday, 8 a.m. to 4 p.m. Saturday, 8 a.m. to

noon. All cans, aluminum, bimetal, but should be separated. Also takes clean foil, rusty rakes and tricycles, wrought iron, and other obsolete metal scrap.

These two can companies are making their first venture into the ecology field. Their efforts are useful but would be more useful if they switched to manufacturing single-metal cans in the first place. Happy Earth Day! Remember: Earth Day is forever.

THE NONDETERRENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHMITZ. Mr. Speaker, Mr. Joseph Alsop recently authored a highly important column aptly entitled "The Nondeterrent." Unfortunately it is not the Soviet deterrent he is writing about, but rather our deterrent.

Mr. Alsop points out that despite the statements which have been issued from the White House showing the contradictions inherent in a strategic force posture based on the concept of "assured destruction"—a force structure designed to strike only at enemy population centers and "soft" military targets—that, in truth, "assured destruction" is still the posture on which we are basing our nuclear strategic planning.

Mr. Alsop then goes on to draw out the implications of its approach to strategic planning using a very likely case, if present trends continue, in which the Soviets achieve the capability to severely degrade our land based ICBM and B-52 forces while holding their SS-11 ICBM's, of which they currently have 900 in hardened silos, in reserve. At that point the President has the choice of either utilizing that portion of our Polaris-Poseidon force which has not been destroyed in port to strike back against Soviet cities, thus bringing total destruction against our own cities as the Soviets launch their SS-11 counterforce reserve force, or accepting a "Czechoslovakian solution." It should be recalled that the Polaris-Poseidon SLBM's do not have the capability to destroy hardened SS-11's.

This is not by any means what is sometimes referred to as a "worst case." A worst case is one in which all our forces do not work at all and the Soviet forces all work perfectly. This is rather a case, given a certain strategic force relationship, in which both sides' forces work adequately. It is a likely case based on the trends which we see operant today.

Another eventuality which could come to pass through adherence to the doctrine of "assured destruction," which is simply another way of saying that the United States will deny itself those weapons which can be used to damage the Soviet offensive striking weapons prior to their launch thus limiting a good part of any future war to an area of the world other than the continental United States, was recently brought to light by Prof. Eugene Wigner of Princeton University.

Professor Wigner is one of our most renowned physicists. He is one of the men who designed and tested the world's first atomic pile and has received awards such as the Enrico Fermi Award, Atoms for Peace Award, Nobel Prize for Physics, National Science Medal, and so forth.

Professor Wigner, writing in the July-August 1970 issue of *Survive* magazine, postulated a situation based on the Soviet Union's successful evacuation of their cities and a U.S. force structure lacking the capability to degrade Soviet offensive striking weapons prior to launch; that is, "assured destruction." Since the Soviets put a good deal of emphasis on both military and civilian civil defense procedures it would be highly unrealistic to overlook a contingency in which they put what they are practicing into action.

Dr. Wigner made his calculations on the basis of three assumptions which would give us the ability to inflict the highest number of civilian casualties. He gives us the best possible case following the "assured destruction" targeting doctrine. The McNamara regime considered assured destruction, the guarantee that the Soviets would not attack, as U.S. capability to destroy 20 to 30 percent of the civilian population of the U.S.S.R. and 50 to 70 percent of its industry after first absorbing a Soviet first strike. These assumptions were that, first, the Soviet strike against our weapons systems would have no degrading effect whatsoever; second, the Soviet antimissile defense system is completely inoperative; and third, we target our strategic forces solely on evacuated civilians and forgo any soft military or industrial targets.

Dr. Wigner concludes that given these three assumptions, which make for our best case under the doctrine of "assured destruction," we would destroy approximately 5 percent of the Soviet civilian population. This is a far cry from the 20 to 30 percent postulated as necessary to deter the Soviets. In fact, our retaliatory capability, given successful Soviet evacuation of their cities, would inflict less casualties on the Soviets than they took during World War II from the Germans and actually less than the Soviet Communists have inflicted upon their own people in their efforts to consolidate their rule.

Both the Alsop case and the Wigner case result directly from the United States self-denial of the weapons necessary to deny guaranteed prelaunch survival to the Soviet offensive weapons and our refusal to adequately respond to the growing Soviet nuclear force threat by regaining and maintaining clear nuclear superiority. It must be remembered that these are not worst cases postulated simply to frighten people, but rather easily conceivable possibilities based on a realistic evaluation of prevailing trends.

As was pointed out by members of the President's Blue Ribbon Defense Panel in the supplemental report:

The Soviet Union has been an unpredictable and aggressive power, certainly for the past 30 years. It has acted with stealth, surprise and ruthlessness—when it attacked Poland in concert with Nazi Germany; when it subjugated its allies, Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.

The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequalled since Hitler—determined upon conquest—structured his Wehrmacht for World War II. The Soviet Union has shown an almost paranoiac hostility toward America and "capitalist imperialism," as evidenced by its consistently hostile conduct in every arena of international affairs and by its pervasive anti-American propaganda for a quarter of a century.

Only the reckless or the naive would negotiate with such an adversary except with the greatest caution and skepticism. Likewise, we would indeed risk the security of our country if defense planning and funding are predicated on assumptions or hopes as to the willingness of the Soviet Union to agree to mutually fair and enforceable disarmament.

The articles by Joseph Alsop and Prof. Eugene Wigner follow:

THE NONDETERRENT

(By Joseph Alsop)

OFFUTT AIR FORCE BASE, OMAHA, NEB.—The strategy of "assured destruction" is still the official basis of U.S. nuclear-strategic planning. But "assured destruction" is also held to be illogical, erroneous and phony by the President of the United States, and also by all the leaders of the Strategic Air Command here at Offutt, who have the actual job of implementing this strategy of "assured destruction."

If these statements sound insanely remote from normal American affairs, the answer is, of course, that they are indeed remote. Everything is automatically remote, that has to do with the hideous new weapons that modern science has made available to the giant powers.

The question is, however, whether this remoteness can be permanently maintained. Here, the central fact to face is that the simple mechanics of the historical process have been radically changed by these new weapons.

The change is greater, in truth, than that which occurred when the Bronze Age followed the Stone Age, or the Iron Age followed the Bronze Age. It even exceeds the change when the industrial revolution once again made obsolete all former methods of making war.

The essence of the change wrought by the new weapons is really rather simple. For world empire in the last half of the Twentieth Century, you do not need Indian armies, or governors general in plumed hats, or any of the rest of the outmoded apparatus of old fashioned western imperialism. You need only one thing, an effective nuclear monopoly!

If the Soviet Union ever gains such a monopoly, the experience of the unhappy Czechoslovaks can be rather easily repeated, world-wide. It will not then be a question of imposing a docile Gustave Husak, to rule as the Kremlin commands in Prague. It will then be a question, rather, of men like Gustave Husak being imposed, to rule as the Kremlin chooses in Paris, London, Washington and any other capital the Kremlin fancies.

If you think about it, this enormous change in the basic historical situation places this country in an exceedingly exposed position. The U.S., and the U.S. essentially alone, now stands between the Soviet Union and world empire. This is because the U.S. alone is a serious obstacle to world-wide Soviet nuclear monopoly.

These are the reasons, in turn, for the extreme danger in basing everything on this strategy of "assured destruction", above-mentioned. It is not just that the strategy is not credited by the President, or by the leaders of the Strategic Air Command here at

Offutt. The real flaw is that the strategy cannot possibly seem credible to the Soviets.

Speaking of "assured destruction", President Nixon told the Congress on 9 March, this year, "I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the likelihood of triggering nuclear attacks on our own population."

The President could hardly have stated more cogently the reasons that this strategy of "assured destruction" can never seem credible to the Soviets. These are reasons, in fact, that mean we are rapidly moving towards having a deterrent that will not deter.

Consider the situation schematically, and you will soon see how this works. To begin with the Soviets have been making enormous, highly impressive efforts to gain the capability of breaking the back of our main deterrent, the Minuteman missile system. They have also been making similar efforts to gain the capability of knocking out SAC's bomber force.

Suppose, then, that these efforts are permitted to succeed. Still speaking schematically, suppose that the back of the U.S. deterrent is broken, mainly by a first strike of the huge Soviet SS-9 missiles. In theory, our nuclear submarine fleet would still give the President the option of "assured destruction" our official strategy calls for.

But in practice, what would be the President's real option? Would he hurl against the Soviet population centers a few scores of Polaris and Poseidon missiles, with the certain knowledge that this would cause our population centers to be utterly destroyed by the huge numbers of SS-11 and other missiles the Soviets would still have in reserve? Would he wipe out the American people, in fact, for the sake of inadequate retaliation?

The answer is, of course, that no President in his senses would do anything of the sort. The time of Husak-government in Washington would thus have come. So the further answer is that we very badly need a brand new national strategy.

THE MYTH OF "ASSURED DESTRUCTION"

(By Eugene P. Wigner)

A large part of our public and much of our military consider civil defense preparations unnecessary because they believe we can rely on the "assured destruction" doctrine. This doctrine tells us that, even after being subjected to a first strike, our forces can inflict such damage on the assailant that his destruction as a nation is assured. Hence, no nation will ever attack us or even threaten us with an attack. The purpose of this article to expose this doctrine of "assured destruction" as a myth. It became a myth principally as a result of the elaborate preparations which were undertaken by the USSR to evacuate its cities. If such an evacuation were carried out before a confrontation is precipitated, our deterrent based on the threat to the Soviet urban population would have evaporated.

Underestimating the effectiveness of defense—in the present case the civil defense and city evacuation plans of the USSR—is almost as common a mistake as preparing defenses against the enemy tactics of the preceding war. Thus, before the First World War, it was taken as axiomatic that the outcome would be determined one way or the other within three weeks because the offensive power of at least one of the parties would overwhelm the defense of the other. Yet the trenches protected the troops of both sides and stalled the progress of the attacker for four years. As to the Second World War, psychologist Janis observes, "prior to World War II, government circles in Britain believed that, if their cities were subjected to heavy air raids, a high percentage of the bombed

Footnotes at end of article.

civilian population would break down mentally and become chronically neurotic. This belief, based on predictions made by various specialists, proved to be a myth." Indeed, the stories of horror, the subject of a variety of books before the Second World War, depicting the utter hopelessness of people roaming the streets, their disorientation and helplessness, must have deeply affected every reader. Yet, when the attacks came, the air raid shelters proved to be very effective—effective not only emotionally by preventing the breakdown of morale anticipated by Janis' "specialists," but also physically by providing a remarkable degree of protection.

THE EFFECTIVENESS OF DEFENSE: U.S. DOUBTS VERSUS SOVIET CONFIDENCE

The situation now is somewhat similar to that before World War II. Both our military and our public give credence to statements by those who grossly exaggerate the power of offense over defense. They tell us that we can do little or nothing to protect the civilian population against the effects of nuclear weapons. In the USSR, on the other hand, civil defense has the wholehearted endorsement of the military, and belief in its effectiveness with which the Soviet government has developed protection for its people.²

The publications in the USSR do not conceal the terrible nature of nuclear weapons. Thus, the article of General Chuykov,³ which forms one of the bases of this article, gives a fair and, in fact, unusually clear picture of the effects of these weapons. One can only wish that all our people were familiar with this article. However, it then goes on to say that "there is no poison for which there cannot be an antidote, nor can there be a weapon against which there is no defense. Although the weapons we have examined are mass weapons . . . they will not affect masses but only those who neglect the study, mastery, and use of defense measures."

SOVIET SURVIVAL MEASURES

Indeed, as readers of *Survive* well know, the Soviet Union is well ahead of us in shelter construction. According to Podchufarov,⁴ the length of their subway tunnels is by now 130 miles. Even though they surely exaggerate when claiming that all the subways in the USSR are "safe" in the case of nuclear attack, it is true that they have hardened subways and these provide not only fallout but also very good blast protection—much better than any of the public shelters in our country.

The public shelters in the cities of the USSR are, nevertheless, designed to protect only a small part of the total population—those whose services would remain indispensable even during a conflict. What then renders our theory of assured destruction truly a myth? The USSR's extensive plans for evacuation of cities. These are barely more than two years old, yet they extend to all details—often, it seems, to a ridiculous extent. However, their principal lines are simply and clearly formulated. The decision to evacuate "will be announced by radio, television, published in the press (note this), or brought to you at your place of work or residence." People are expected to take along only what is most necessary, not more than 110 lbs. per person. The evacuation plans, communicated to all city residents, specify the collection point where transportation will be provided for them. At the destination, food, lodging, shelter, work, medical services, will be available. Mail will be automatically redirected to reach people at the evacuation point rather than at their city residence. Plans are also formulated for the evacuation of sick and infirm persons—even for women who have just given birth to a child. Some of the plans appear to be too detailed.

EFFECTIVE OF EVACUATION

How effectively would the evacuation, if carried out completely, reduce the casualties and thus negate our "assured destruc-

tion"? It is difficult to give an exact figure for this because the total number of casualties depends on several factors. Chief among these are (a) the extent of the success of the USSR first strike in reducing our retaliatory capability, i.e., in destroying some of our missile sites,⁵ (b) the effectiveness of the USSR ballistic missile defense in destroying the missiles which we can launch after absorbing a first strike, (c) our own targeting doctrine, whether under the conditions outlined, we would aim at the remaining missile sites in the USSR, at their evacuated cities to cause industrial damage, or at the evacuated population.⁶

Clearly, the maximum number of casualties would be caused under the least likely assumption: that (a) the USSR first strike against our missile bases is without any effect, (b) that the ABM of the USSR is entirely inoperative and (c) that we aim only at the evacuated people, disregarding the cities and industries, the people sheltered there, as well as the remaining missile sites in the USSR. This last assumption is, of course, least credible.

Under the assumptions just made, the USSR hostage level is easily estimated. The evacuated people are immune to two of the most important effects of nuclear weapons: fire damage and fallout. The shelters protect them from the fallout radiation and no large fires can spread in the countryside. They are subject to the blast. Anyway, if fallout is to be caused the area subject to a certain blast damage is reduced to about one-half. The total area which we can cover with a blast wave of 15 psi overpressure is 19,000 square miles.⁷ This overpressure, 15 psi, is far from the "mean lethal overpressure" of about 50 psi, as established by extensive studies.⁸ Hence, one might claim that the number of fatalities which the USSR leaders have to fear is considerably less than the number which we shall obtain, using the adverse assumptions (a), (b) and (c). To some extent this may be true. However, if one considers additional effects, such as initial radiation, flying objects, as well as damage to the eardrums which (though by no means lethal) occurs at much lower overpressures, the 15 psi may be a good estimate for a "practical mean lethal overpressure."

If evacuation has taken place, how many people will there be within the area of 19,000 square miles in which we may be able to create the "practical mean lethal overpressure"? This depends on the area into which the people of the cities will be dispersed. Chuykov's aforementioned article³ gives an indication for this. He mentions a "city A," which we can assume to be Moscow, with a population density of 7000 per square kilometer (18,000 per square mile). After evacuation, the density would drop to one tenth of these figures. Since the population of Moscow is about 7.5 million, one obtains an evacuation area of 3900 square miles or a maximum evacuation distance of about 35 miles.⁹ This area then can be destroyed by less than one half of our missiles even though the "area coverage" needed for this is, since circles do not cover an area without overlap, about 4700 square miles.

How to use the remaining missiles, with an area coverage of 19,000—4,700=14,300 square miles? The next largest city in the USSR is Leningrad and, since it lies on the sea, its population cannot be dispersed as well as that of Moscow. The dispersal area for its 4 million people is closer to 2000 square miles (again using the maximum dispersal radius of 35 miles), requiring an area coverage of about 2400 square miles, leaving an area coverage of 11,900 square miles for the other large cities. These—Kiev, Baku, Karkov, Gorky and Tashkent—have populations of about 1.4 million each. The dispersal of these people into areas similar to that given by Chuykov for "city A," would give an average density of 1.4 million/3900 square miles, that is 360 per square mile. There

would be no point in covering any of these dispersal areas with an overlapping pattern so that the remaining 11,900 square miles would place an additional 4.3 million people at risk. Together with the populations of Moscow and Leningrad, this gives 7.5+4+4.3=15.8 million people at risk. If we accept the official estimate that about two-thirds of our missiles function as expected, the total number of hostages we may have in the USSR becomes just about 10.5 million people.

This estimate is obtained under the unrealistic assumptions (a), (b), and (c), as explained above. Actually, the loss of some of our missiles to a first strike, the destruction of others by the missile defense of the USSR, and the fact that at least some of our own missiles would be aimed at industrial, and military installations, would reduce the number of "hostages"—would reduce it to perhaps one-half of the 10.5 million figure.¹⁰ The total number of casualties suffered by the people of the USSR in World War II was about 11 million.

EVACUATION—A PRELUDE TO CONFRONTATION?

There is a question that must have arisen in the reader's mind concerning the real effectiveness of evacuation in negating our "assured destruction" capability. It concerns the time needed for evacuation as contrasted with the warning time of a missile attack. The flying time of the land-based missiles is about 20 minutes, that of submarine-based missiles may be shorter. Evacuation of cities takes at least a day—according to General Chuykov, the press is one of the means of communicating the order to evacuate. Hence, evacuation is not a valid defense measure¹¹ against a first strike, certainly not against an unanticipated first strike. Does this circumstance invalidate the doctrine of assured destruction, and is it reassuring in this sense?

The answer is, in this writer's opinion, rather the opposite. City evacuation may not be a valid defense measure but, should a first strike or a confrontation be planned, evacuation would give the initiator a tremendous advantage. While 5½ million lives lost is a terrible retribution, is it "assured destruction"? Is it sure to deter a nation that lost twice that many in World War II? Can a President of the United States bargain with this deterrent against the threat of a first strike which can kill many millions of Americans?

We are spending less than 35 cents per person per year for civil defense. We have hardly any blast shelters, no plans for evacuation, and most of our fallout shelters are located in cities, exposed to destruction by blast. We have 5½ million Russian hostages; the USSR can threaten the destruction of more than 80 million American lives. In a confrontation, our President would be in a very, very inferior position.

Assured destruction has become a myth.

FOOTNOTES

¹ J. Janis, *Bull. At. Scientists*, VI, 256 (1950).

² See various articles in *Survive* by J. Levey, later J. Gallar.

³ Marshall V. I. Chuykov, *Nauka i Zhizn* (Science and Life) No. 1, p. 43 (1969). Marshall Chuykov may be known to the American public as a representative of the USSR at President Eisenhower's funeral.

⁴ I. I. Podchufarov, *Kommunist Vooruzhennykh Sil* (Communist of the Armed Forces) No. 8 (April, 1968), p. 52.

⁵ See "Last To Be Eaten," by Edward Teller, page 8, this issue of *Survive*.

⁶ See, "They Bet Your Life," by Arthur A. Broyles, page 6, this issue of *Survive*.

⁷ See, for instance, this writer's article in *Survive*, Vol. 2, No. 4, p. 16.

⁸ The "mean lethal overpressure" is the pressure of the blast wave which causes fatal injuries in 50 per cent of those exposed to it.

* See various publications of the Lovelace Foundation, in particular Report LF-1242-1 by Clayton S. White. See also DASA report 2113 by I. G. Bowen, E. R. Fletcher and D. R. Richmond of the same Foundation.

¹⁰ This writer's estimate for the evacuation area, before the article of reference 3 became available, was 50 miles. The resulting estimate of the maximum casualty figure was then 7.5 million, instead of the 10.5 million to be arrived at here. Actually, the book of reference 11 supports the original, higher estimate of dispersal area (p. 63).

¹¹ The estimate given in the USSR textbook on Civil Defense (edited by N. I. Akimov) is about four times lower if I understand this passage correctly.

¹² According to the opinion of the authors of the Little Harbor Study, it is not a valid defense measure to be initiated by the U.S. See "The Threat" chapter of Civil Defense, Little Harbor Report, TID-24690, published by the Division of Technical Information, U.S. Atomic Energy Commission, 1969.

HOW TO STOP INFLATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ROBISON of New York. Mr. Speaker, the problem of controlling inflation concerns us all. Everyone agrees that something must be done, but no one agrees on the same solution. Edwin L. Dale, Jr., who is a member of the Washington bureau of the New York Times, has come up with one solution—"compensation controls"—and his recent article, "How To Stop Inflation: Stop Raising Wages," was read with considerable interest on my part. I have a good deal of regard for Dale's thought processes and objectivity, and I am pleased to include his article here in the *RECORD* and commend it to my colleagues' attention:

[From *Look* magazine, Feb. 23, 1971]

HOW TO STOP INFLATION: STOP RAISING WAGES
(By Edwin L. Dale, Jr.)

(Editor's Note: We believe that the article which follows is of such unusual importance to the economic well-being of the United States that it merits the widest possible readership. It is reprinted from the New York Times Sunday Magazine.)

In early November, an emergency board appointed by President Nixon to deal with the intractable problem of labor relations in the railroad industry recommended a 37 percent increase in wages and benefits over three years.

"It's not enough," said C. L. Dennis, the chief union negotiator.

A month earlier, Milton Gilbert, a thoughtful American economist who has gone to Basel, Switzerland, as research chief of the Bank for International Settlements, allowed himself the following remarks about what he called "excessive wage increases":

"This is the primary inflationary force at the present time, and it is not too much to say that we are in the middle of an international wage explosion. . . . Wage increases in recent years have become more and more an independent variable in the economic picture. . . . The annual wage round, usually excessive, has become part of our culture."

The United States Bureau of Labor Statistics reported early in December that the

average hourly compensation in the United States had gone up by about seven percent in 1970 despite relatively high, and rising, unemployment.

In late November, the Secretariat of the Organization for Economic Cooperation and Development, the Paris-based group of the industrial countries, reported to member nations: "While signs of an easing of price increases have become manifest in more recent months, the pressure on wages seems to have strengthened further in most countries." Speaking of Germany, the report said, "It is possible that behavior patterns may have changed somewhat as a result of experience over the last cycle. . . . In retrospect, union leaders seem to regret their moderation. . . ." For Japan: "There is danger that the wage round in the spring of 1971 might result in a further acceleration in the wage increase; in this case heavy pressures would build up on the price level." Geoffrey Bell, a British economist and former civil servant, said in September: "The recent experience in the United Kingdom may well lead to the general conclusion that the levels of unemployment and changes in unemployment have become less important in the bargaining process. . . . More generally, we might well have reached the point at which the unemployment rate has to be increased to a level that is politically unacceptable before there is any restraint on wage claims."

Back in the United States, the Bureau of Labor Statistics reported in late November that consumer prices were 5.9 percent higher than they had been a year earlier, despite a whole year of slowdown, even recession.

And a man whose credentials as a liberal Democrat are no less impressive than his credentials as an economist, Gardner Ackley, former chairman of the Council of Economic Advisers, said in mid-November: "It seems crystal clear to me that an incomes policy is meaningless unless—among other things—it aims directly at reducing excessive wage gains made by the powerful unions."

The proposal here had better be stated forthrightly so that everyone will have a chance to explode in indignation at the outset. Elaboration will come later.

There is little evidence that union-bargained wage increases were a significant inflationary factor in the United States until very recent times. (How many people recall that settlements averaged 3.5 percent in 1960-65?) In the past, Government spending and deficits and erratic Federal Reserve monetary policy were the overwhelming—and essentially the only—causes of inflation when it occurred, which was by no means always. They were the cause of the start of our present inflation in 1966-68.

Now there is something new at work, and it concerns wages—mainly, but not entirely, union wages. It is an independent force for inflation, regardless of Government monetary and fiscal policy, and it is international in scope.

No conceivable form of voluntary restraint will solve the problem. In part, this is because union leaders appear to believe genuinely that their claims are "just," and in part, it is because of a new mood in the American working force generally.

Public debate and discussion of the present inflation issue has been bedeviled by a fatal semantic error: the use of the term "price and wage problem." It is a wage problem, and it will not be solved until the "plague on both your houses" mentality is overcome. Corporate profits, no matter how measured are not the culprit now.

If the problem is accepted as one of wages—and that is increasingly the case here and abroad—the only solution is abhorrent but unavoidable. It is mandatory, legislated control, not only of what we call wages but also of all money and other compensation earned by all employees from employers. That is, it must apply to the president of General

Motors as well as a union carpenter, an advertising executive as well as a steelworker, a bank vice president as well as a teamster, a congressman as well as a Federal civil servant, a university professor as well as a policeman—and certainly to a newspaperman. It should be limited to two years.

Control of prices and, by implication, profits is not needed and would be both harmful and administratively impossible. But there would be control of dividends because they are a form of individual income. Control of compensation will bring fairly rapid results in slowing inflation without price controls; it is largely self-enforcing and might be more "politically acceptable" than it would appear at first glance.

The assumption that will probably appear most doubtful to economists, if not to the general public, is that we are indeed living with something new on the wage front that is significant enough to require action at variance with all our past thinking and tradition. No one can be absolutely sure yet that we are it would be marvelous if in 1971 we could have the unanimously desired expansion of the economy and at the same time a slowdown in wage and price increases. But is this really likely to happen?

In examining whether new forces are at work, two things can be said. First, the performance of wages in the current mild recession seems to be without precedent. With unemployment at five percent of the labor force and rising in the third quarter of 1970, average compensation rose at the astonishing annual rate of 7.7 percent. The economy has been slowing since mid-1969, yet compensation has continued to rise rather steadily at around seven percent and this, remember, with only one-quarter of our labor force unionized.

Economists are not of one mind on whether fundamentally new forces are at work. But the words of Arthur F. Burns, the chairman of the Federal Reserve Board, a man who has spent much of his life studying economic history, are worth noting:

"What I see clearly is the need for our nation to recognize that we are dealing, practically speaking, with a new problem . . . monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now—that is, pressures on costs arising from excessive wage increases."

In our hearts, we are pretty sure that Mr. Burns is right—that wages will not start slowing down just because of some unemployment. One important reason is simply the duration of this inflation—the greatest we have experienced. It has created, understandably, a new attitude of bitterness and aggressiveness on the part of workingmen, seeing their past wage gains slip away, and also, apparently, a certain sense of resignation on the part of employers as both union and nonunion workers demand higher income.

The second point is factual. Over all of recorded economic history, with only brief periods of divergence, the price level has risen or stayed level or declined precisely in line with the unit labor cost, the cost of labor for each unit of output. If the average worker, because of new machines and better methods, produces three percent more each year, then average wages can go up by three percent without an increase in unit labor costs. But if wages go up more than three percent, unit costs, and then prices, are raised.

That basic truth holds even though direct labor costs account for different proportions of total costs in various industries; the percentage is high for barbershops and relatively low for the automobile industry. Where direct labor costs are relatively low, other costs—materials, for instance, or transportation—are affected by the price of labor in the service or supply industries.

To say that, for the economy as a whole, prices almost invariably move directly with

unit labor costs is not to say that the only cause of inflation—or even a usual cause—is an upward push from wages. Typically, prices start to rise because of booming demand, which is usually caused by faulty Government policy, sometimes associated with the unwillingness or inability of governments to finance wars with higher taxes; wages are usually “sucked up” soon afterward. This happened at the outset of our present inflation. The inflation was not started by a wage explosion.

But there can be occasions when the initiating force comes from the wage side, and we're now in what is clearly the most spectacular of them. Excess demand has long since disappeared from the American economy. In the past, as the decline in demand was followed by declines in output and employment, the rate of wage increase fell back and, soon afterward, the rate of inflation. But not this time—or at least only in very minor degree. As the Council of Economic Advisers said in its second “inflation alert”:

“One of the best-established facts about the American economy is the long-run tendency for prices on the average to rise at about the same rate as unit labor cost. . . . Productivity cannot be counted on for long to rise more than about 3 per cent per year, although this rate will probably be exceeded during the next year. This means that a continuing rate of increase of employee compensation per man-hour of 7 per cent per year would commit the economy to a continuing inflation rate of about 4 per cent.”

Unless something is done, this is precisely what is likely to happen. The labor unions show no sign of moderating their demands, and George Meany undoubtedly believes his propaganda that wages are not to blame for our troubles. Even if labor leaders took a different attitude, however, it is doubtful that their members would. For example, union printers in Washington have just rejected by a five-to-one vote a contract that would have increased their compensation at a rate of 13 per cent a year.

Apart from the figures, one has the “feel” that something new is at work. A sophisticated bargainer maintained recently that blue-collar workers are taking out their frustrations about the troubling events in American society in the one place they have power—in their unions, through which they make very large wage demands.

What about profits? Economists have never fully agreed on what is the “fairest” measure of profits. But in 1970, by just about every measure, profits have been extraordinarily low. For example, when the final figures are in, corporate profits in 1970 will probably turn out to have been the smallest, as a percentage of gross national product, for any year since World War II. What is more, by most measures, they were on the very low side in 1969. And it seems unnecessary to remind anyone where the stock market is today compared to 1966, 1967 or 1968.

This says nothing about profits in past times. It says nothing about a “fair” share between labor and capital. And there remains a certain amount of corporate “pricing power” that can maintain prices in the face of weak demand or permit the passing on of higher wage costs. But all of these ancient arguments do not change the fact that today's problem is not one of “excessive” profits, and it is unlikely to be such a problem tomorrow either. The new problem is wages, and none of our preconceptions can change that fact.

Now, to the remedy I propose and the justification for it: My proposal is simply that the Government declare it illegal for any employer, during the next two years, to grant an employee an increase in his total compensation—chiefly money, but also such things as company cars or stock options—of more than three percent a year. A man or woman moving to a different and higher-paying job could, of course, get more, but otherwise,

from the executive vice president to the union production workers nobody could get a raise of more than three percent. (A law is now on the books that permits but does not require the President to impose wage and other controls. It was unwanted by President Nixon and will expire at the end of March unless it is renewed. He could request renewal, retroactive to March 31, thus effectively imposing control during the inevitable delay while Congress debates.)

In the hope of winning public acceptance, it would make sense to apply the controls with a modest “progressiveness.” That is, anyone earning \$15,000 a year or more could get only two percent; those at \$25,000 a year, one percent; and those over \$40,000, no increase at all during the two-year freeze. In addition, the Government would declare a freeze on dividends; no increase of more than three percent a year could be declared by any company.

But there would be no controls on prices, or, by definition, on profits. The limit would be only on how much of the profits can be paid out to people in dividends.

The first beauty of this somewhat startling plan is that it would have self-interest as a strong enforcement feature. No employer wakes up in the morning with a strong urge to raise the wages of his labor force by ten percent. With the new regulation, when he said “no,” he would have the law behind him.

This is not the case at all with price control. Given the literally millions of prices in our economy—many of them reflecting an infinite variety of small differences in products—price control is quite impossible to enforce fully or fairly. And self-interest in this case is to cheat; the difference is crucial.

Besides, it remains as true as ever that a free-price mechanism is essential to the functioning of our kind of economy. Some prices at any time *should* go higher, and some would go higher even with compensation control, reflecting the shifting composition of demand and costs.

If wages in a beauty shop or plumbing repair company go up, even only three percent, prices have to rise somewhat because there is little or no way to improve technology and hence the productivity of the workers. But in a highly automated chemical plant or oil refinery, wages can go up and prices down—and they have gone down in the past in times of modest wage increases. It is impossible and wrong to have stability of every price.

But doesn't a free labor market perform the same function? We all know that part of the labor market is not free, in the sense of setting an “economic” wage, because unions exercise monopoly power.

There is more, however. The chief “classic” reason for a free labor market is to produce labor mobility—to have wages rise according to the demand for specific types of labor. But we have now, and will have for another year and probably for two, a slack labor market. Employers will not have to bid up wages to find workers because so many workers are unemployed. Except for a few scarce skills, employers can find all the workers they want, as output expands, at prevailing wages. Given the current condition of the American economy, it is simply a fact that compensation controls would not introduce the much feared “distortions” of a free market that price controls undoubtedly would. The labor market would function quite well. Compensation controls will work best when the demand for labor is relatively weak.

In our present situation, this is as true for vice presidents and engineers and technicians as it is for blue-collar production workers. Employers are *already* under much less pressure than they had been to pay big salaries and add a lot of company-paid “extras” in order to attract top-level managers or scientists or marketing men. For the first time in modern memory there is a noticeable (though still marginal) unemployment

in these classes of our labor force. Ask any management-placement agency.

What this means is that—thanks to market forces, if not a general urge for “fairness”—compensation control would really work at the upper levels of employment as well as the lower. This is, of course, essential for fairness. The urge to cut costs in American business is now so great that we can be confident that compensation control would reinforce a motivation already at work in setting the pay of upper-level personnel.

There is also the question whether the kind of control I am proposing would achieve what is after all its only objective: a sharp drop in the rate at which prices are rising. It has not been tried, and no one can be sure. But there is some useful evidence.

We have noted the remarkable coincidence over a long period between the average price level and average unit labor costs. By definition, compensation control would markedly slow the rise in unit labor costs. Why should not prices respond as they always have? In the early nineteen-sixties, unit labor costs hardly increased at all, and wholesale prices were stable (consumer prices rose less than 1.5 percent a year).

Undoubtedly, there would be some instances—particularly in industries whose profits have been unusually depressed—in which “business,” whatever that term might mean, would take advantage of compensation control to hold down costs and go right on raising prices. No one should expect compensation control to stop inflation immediately. But there would be a new psychological climate.

Besides, vast sectors of this economy are highly competitive. Competition is the chief force for holding prices in line, and it will continue to operate.

The public must expect some increase in profits next year as demand and output expand under Government stimulus (profits per unit of output are now some 20 percent below their recent peak in 1966). A rise in profits under a system of compensation control would not, by itself, imply bad faith on the part of business.

But even with some rise in profits, one can say with considerable assurance that compensation control would bring early results in slowing the rise in prices. Without it, there is great danger that all the pain we have been going through in the effort to deal a decisive check to inflation—rising unemployment, sluggish output, bankruptcies and the like—will have been in vain.

Compensation control would be a little unfair to some. The steelworkers, who have been held back by a three-year contract negotiated in 1968 and are warming up for at least ten percent in 1971, could not get it, while the teamsters, auto workers and others already have “got theirs.”

But two things can be said. First, compensation control—the three percent limit—would apply to and supersede contract wage increases negotiated in 1970 for 1971 and 1972. The 11 percent increase called for in the New York newspaper settlement for each of those years, for example, would be cut back to three percent. Second, there is an inescapable fact of life that was pointed out well by the Council of Economic Advisers:

At any moment there are some people who have recently received a wage or price increase and some who have not but soon may. Slowing down the inflation means that those who come later will get smaller wage or price increases than those who came earlier. This may seem unfair to some, but there is no escape from it. If everyone in his turn gets as big a wage or price increase as the biggest obtained by others during the height of the inflation, the inflation will go on endlessly.”

There is also a question about the sector of our economy in which wages are prices—the fees of such professionals as doctors and lawyers and accountants. To some extent,

these groups are employers and would be affected by the same rules as any other employer. Beyond that, it seems reasonable to expect that they, too, would respond to a new psychological climate and would moderate the increases of their fees. If they did not, compensation control could very soon be applied to them, too, though it would not be easy to enforce and would raise some of the problems associated with price control.

One final point, almost stunning in its simplicity but widely unrecognized, should be made. In the period from 1960 to 1965, as we noted, wages were rising at only 3.5 percent a year, roughly the same for union and nonunion employees, which looks pitifully small by today's standards. But prices rose so little in that period that it can properly be termed a time of price stability. During that period, the real income of American workingmen and women—adjusting wage increases for the change in prices—rose far faster than it has risen in the inflationary period since 1965. And at the same time, corporate profits boomed. Everybody came out ahead.

A big question about compensation control is whether it could gain public and congressional acceptance. Organized labor probably would oppose it, but labor has opposed other things that have become law. The real issue is whether the public would regard it as a fair means of accomplishing something important.

Well, it is fair. It would apply equitably to nearly all of us. And it does accomplish something important. Stopping this inflation is not only vital to such classic victims as the elderly and others living on fixed incomes. Inflation has become the chief threat to the very solvency of state and local governments. It affects welfare recipients, hospitals and universities as well as retired people. It is gravely impairing the ability of millions of Americans to own a home.

Why shouldn't the public see compensation control as fair? It would not be designed to last forever, but only to break a new kind of spiral that cannot be broken any other way. It is reasonable to assume that once the rate of inflation has been drastically reduced, our income demands might moderate. Certainly most of us are aware that we are fruitlessly chasing our own tails now, and perhaps a majority of us just might want to stop it.

NEEDED DROUGHT AID FOR SOUTHWEST

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PRICE of Texas. Mr. Speaker, yesterday I missed six quorum calls because I was out of town on official business. I was glad, however, I did not miss any floor votes and that the House carried over its legislative business until this afternoon.

I spent yesterday in the company of Secretary of Agriculture Clifford Hardin; Gen. George Lincoln, Director of the President's Office of Emergency Preparedness; and Senator JOHN TOWER. These distinguished gentlemen accompanied me to the Texas Panhandle for a firsthand look at the drought damage in that area. And believe you me, Mr. Speaker, my area of the country is really gripped in the throes of a major dry spell.

Secretary Hardin and Director Lincoln, as representatives of the Presi-

dent, were most interested in what they saw during their visit; and I was deeply impressed by their obvious willingness and, in fact, their eagerness to assist the farmers and ranchers in the drought-stricken areas. This, in my mind, demonstrated once again that President Nixon is vitally concerned about the well-being of rural America and is willing to devote the time and energies of key members of his administration in an effort to solve rural problems.

Mr. Speaker, the Nixon men did more than look, they acted. Secretary Hardin has issued a series of drought aids for the stricken Southwest. I am inserting a USDA statement regarding the Secretary's orders in the RECORD so all my colleagues can see the kind of action that the Nixon administration is willing to take in behalf of the drought-plagued farmers and ranchers in Texas and Oklahoma:

HARDIN ORDERS DROUGHT AID FOR STRICKEN SOUTHWEST

Declaring that "without question, this is a major agricultural disaster," Secretary of Agriculture Clifford M. Hardin ordered new drought emergency aid yesterday for parts of Texas and Oklahoma.

Following an air-helicopter-and-bus tour of drought areas as a special representative of President Nixon, Secretary Hardin said that he was authorizing:

Government-owned feed grain to be made available at reduced prices to farmers and ranchers in nine Oklahoma counties—Beckham, Comanche, Cotton, Greer, Harmon, Jackson, Kiowa, Roger Mills and Tillman.

Haying and grazing privileges in four Oklahoma counties—Beckham, Cimarron, Harmon, and Texas. They join seven other Oklahoma counties—Caddo, Comanche, Custer, Greer, Jackson, Kiowa and Roger Mills—designated for such privileges last January.

Cancellation of deductions from farm program payments to farmers and ranchers who grazed livestock or harvested hay on set-aside acres or acres diverted under long range programs in designated counties. This applies to non-irrigated lands in all Texas and Oklahoma counties approved for either emergency livestock feed or haying and grazing.

In all Texas and Oklahoma counties approved for either emergency livestock feed or haying and grazing, cancellation of a \$10 per acre reduction which farmers normally would have in their farm program payment for planting any of eight allowable crops on non-irrigated set-aside acres. This means that farmers who elected to plant these crops on non-irrigated set-aside acres will not have the normal reduction of payment. The eight crops are guar, sunflower, sesame, castor beans, mustard seed, safflower, crambe, and plantago ovato.

In addition, Secretary Hardin announced that:

The Office of Management and Budget had approved a U.S. Department of Agriculture request for an additional \$10 million authorization for emergency loan funds for the Department's Farmers Home Administration.

The 39 Texas counties designated for the emergency livestock feed program had also been made eligible for hay transportation help. In these counties, farmers and ranchers may buy hay, and the Federal government, through the Commodity Credit Corporation, will pay up to two-thirds of the transportation cost, but not over \$20 a ton, to get the hay to the drought area. Funds for this payment come through the Office of Emergency Preparedness.

Emergency conservation program funds are

available upon request from county disaster committees, with appropriate approval, for surface tillage practices that control erosion.

He was authorizing local Agricultural Stabilization and Conservation Service officials to permit farmers in counties designated for any type of disaster help to graze cattle or cut hay on set-aside acres in our outside the designated county when mutually satisfactory arrangements can be made between the producers involved.

The Department has asked the Interstate Commerce Commission to authorize reduced freight rates on hay shipped into the drought area.

The Secretary and G. A. Lincoln, Director of the Office of Emergency Preparedness, toured the drought area with newsmen and Senators and Congressmen from the area. State and local officials, including Governors Preston Smith of Texas and David Hall of Oklahoma, met the group at stops in Altus, Okla., and Amarillo and San Antonio, Tex. They toured the areas at each stop.

Secretary Hardin said the effects of the drought, which began in mid 1970, are "indeed severe."

"For example, we saw fields from which wheat had been harvested last year, given stubble mulch treatment shortly after harvest, and in which nothing has grown since, not even weeds. In the areas we visited around Altus, Amarillo and San Antonio, we did not see any dryland wheat that looked as though it would be harvested this season."

Mr. Hardin said that President Nixon had instructed General Lincoln and him "to do everything we can within our authority to provide help to the farmers in the stricken area."

The drought has hit hardest at winter wheat and cattle operations. It also has caused farmers to fall behind in their spring planting operations, especially in two basic crops—cotton and milo.

Secretary Hardin said ranchers' applications for emergency livestock feed at reduced prices are being accepted in county Agricultural and Stabilization Conservation Service offices.

State and county disaster committees are in the process of submitting additional recommendations for drought disaster designations, and any such requests will be considered immediately, he said.

SUPREME COURT UPHOLDS DIS- TRICT OF COLUMBIA ABORTION LAW

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. HOGAN. Mr. Speaker, as a staunch opponent of liberalized abortion policies I was pleased to learn yesterday of the U.S. Supreme Court's decision to uphold the constitutionality of the District of Columbia's abortion law. Since this law was held "constitutionally vague" by a U.S. district court judge 17 months ago, abortion clinics have mushroomed in the Nation's Capital.

Although the Supreme Court has upheld the right-to-life philosophy, it has, at the same time, so worded the decision that it will become extremely difficult to prosecute violations of the law. Meanwhile, hundreds of illegal abortions are still being performed daily in the District of Columbia. Just yesterday, as news of this landmark decision was being released, Dr. Milan Vuitch of Wash-

ington, D.C.—the defendant in the case before the High Court—admitted to the press that he had just performed eight abortions that day.

Earlier this week, prior to learning of the Supreme Court's decision in this case, I called upon the U.S. attorney for the District of Columbia, Thomas Flannery, to prosecute violations of the District of Columbia abortion statutes vigorously. I reaffirm that request today with the knowledge that the Supreme Court has affirmed the constitutionality of the District of Columbia abortion law.

Mr. Speaker, I have the honor to be the guest speaker this evening at the annual spring dinner of the Merrick Boys Camp. In remarks prepared for this occasion I explain my views on the abortion issue and call attention specifically to the illegal abortion activity in the Nation's Capital.

In this speech, as in my recent letter to the U.S. attorney for the District of Columbia, I refer particularly to a shocking incident which occurred at the Washington Hospital Center. It has come to my attention that at the Washington Hospital Center a live baby resulted from an abortion performed there. This child was then placed in a refrigerator. Some time thereafter an employee found the baby in the refrigerator still alive. It was thereupon removed to the nursery where it lived for a short while, then died. I have urged the U.S. attorney to initiate an immediate investigation of this incident and to determine if other live babies have resulted from abortions and been slaughtered by those performing them.

Similar incidents have occurred in New York City where 26 live babies were aborted between July 1 and December 18, 1970, after enactment of New York's liberalized abortion law.

Mr. Speaker, I hope that my remarks to the board of the directors of the Merrick Boys Camp will help clarify my strong feelings on this issue. The speech follows:

REMARKS OF HONORABLE LAWRENCE J. HOGAN
BEFORE THE ANNUAL SPRING DINNER OF THE
MERRICK BOYS CAMP, APRIL 22, 1971

It's a real pleasure for me to be here with you this evening.

I'd like to take this opportunity to commend all of you for making it possible for 600 boys to enjoy a happy and fun-filled summer vacation each year. The success of this camp, located in Charles County in my Congressional district, speaks well of the social involvement of the business and professional community in the Washington metropolitan area. I know that the camp is completely dependent on donations so your efforts to raise funds each year are particularly laudable.

The subject I'd like to address myself to this evening—abortion—in a sense relates to your activities with the Merrick Boys Camp. Let me qualify that statement. There are those in this day and age who believe that abortion-on-demand is simply a way of demonstrating concern for their fellow man.

I strongly disagree with that point of view. Abortion-on-demand is not the answer to the social and economic ills of this country. And, as President Nixon recently said, abortion is "an unacceptable form" of population control which does not square with his belief in the "sanctity of human life."

I agree with the President. Demographers

tell us that our population growth, probably because of contraception, is practically stable. And in any event, in the United States the problem is not numbers of people but distribution of those people. Two-thirds of this country is practically empty of people, while they leave the farms and small towns and pile into the cities. We need an incentive policy to encourage the repopulation of the rural areas—not abortion-on-demand.

It is simply not rational to assume that we can solve the problems of the underprivileged by institutionalizing abortion. The destruction of human infants will not solve the agonizing problems of poverty, hunger, lack of education, poor housing, lack of job opportunities, the plight of the unwed mother, inadequate family planning programs or all the conditions that go to make up a situation where a child is unwanted.

Some time ago we were all shocked to see on television pictures of grown men killing baby seals by beating them to death with clubs.

But what about the destruction of human babies? Haven't they more worth than baby seals? It is sad that we cannot get the conservationists aroused by destruction of human life. The burning by saline solution, the dismembering, the torture and agony of the tiny, but sensitive, fetus are so real and so revolting that one hesitates to describe them. But the scientists assure us that the cry of an unborn infant is still a shriek of pain even if it is muffled, and it should be on the consciences of legislators and citizens as much as it is on the ears of the nurses and doctors who hear these shrieks.

This is why I've chosen to speak about abortion this evening. Through your activities with the Merrick Boys Camp, you have already demonstrated your personal concern for the welfare of your fellow men. But, it is my guess that there are some among you here tonight who do favor the liberalizing of present abortion policies. Although I am of the opposite persuasion and will speak in that vein tonight, I do not mean to question the motives of those who disagree with me, or to demean their deep concern about personal and social problems.

I recently polled my constituents on the abortion question and the response was substantially what I expected—55% favored weakening the laws against abortion. Some of my political advisers say that this should convince me that I'm on the wrong side of this issue and that I should stop speaking out publicly against liberalized abortion.

I won't do that for two reasons. One, I firmly believe that the abortion question is one of conscience; and secondly, I am convinced that most people who favor easing abortion policies have been sold the idea that the fetus is not human. They have bought the argument that the child in the womb is just a growth in someone's body, like tonsils or an appendix.

But, an unborn infant feels, turns, kicks, somersaults, swallows, swims, makes a fist and even sucks his thumb. Can he be anything but a human being?

And knowing this, can any American really believe that it can be right—that it can be legal—to end one human life for the personal convenience of another human being?

I think not. And I am convinced that if this message—the message of the fundamental humanity of the unborn fetus—is more widely disseminated, most Americans will agree that abortion is akin to murder.

Scientific evidence is overwhelming that from a very few days after conception, the fetus is a full human person. His circulatory and digestive systems are his own. His genetic make-up is complete—and incidentally, unique. It can never be duplicated. He is in no way a part of his mother and hence cannot, or should not, be treated as if he were, regardless of the intensity of his mother's wishes.

Of course, this fetus is tiny, and therefore vulnerable. He lacks full physical development, and may, in the eyes of some, be unattractive. His personality does not express itself in ways intelligible to most adults of his species, and so he may seem to have none. But, are feebleness, unattractiveness, and helplessness valid reasons for attack, rather than for defense?

I feel obliged to defend these unborn constituents of mine who have no lobby group to defend their rights.

One hundred and ninety-five years ago, Marylanders and other Americans joined hands and declared themselves a free people. In so doing, they set forth in writing a statement of the principles and attitudes which joined them together and which have ever since expressed the common philosophy of our Nation. The first of these principles, they wrote, is self-evident: "all men are created equal." Early drafts of the Declaration of Independence had used the phrase, "all men are born equal," but after considerable discussion, the farmers of the document decided that they wanted to go on record as accepting that human beings possessed personal dignity, individual worth, and inalienable rights from the time of their creation—from the time of conception. This is history.

Today, all over the country, that principle is under attack in the form of liberalized abortion legislation. Happily, I can stand here tonight and say that, for the time being at least, that attack has been beaten back in the State of Maryland. On March 24 of this year, the Maryland House of Delegates defeated a liberalized abortion bill by a vote of 77 to 59. This action was all the more remarkable because last year the Maryland Legislature approved an abortion bill which was the most liberal in the Nation. You will recall that the Governor vetoed that bill, but indicated he would have signed the one proposed this year.

You might well ask, why the sudden change of heart on the part of Maryland's legislators? The answer, of course, is that last year these same legislators acted only on the word of abortion advocates. Last year this country, as others around the world, was engulfed in an abortion mentality which considered the human fetus to be nothing more than an appendix or tonsils.

I believe the defeat of the Maryland bill this year portends a new trend. The hard work and dedication of thousands of pro-life Americans is beginning to make an impact. For example, at the same time as the abortion battle was being waged in Maryland, the Illinois legislature was also considering a liberalized bill. In Illinois, however, the measure was killed in committee by a vote of 12 to 6. The bill never even made it to the floor of the State Legislature.

Even more noteworthy, from a national point of view, was the President's action of two weeks ago. As you are certainly aware, the President reversed the liberalized abortion policy in military hospitals, thereby indicating his personal belief in the sanctity of human life. Again, this policy which the President rescinded was put into effect last year. By taking this action as the leader of the American people and the highest elected official in our country, President Nixon has symbolically proclaimed that Americans will stand up for the right to life of any human being.

But these recent indications of success in the fight against liberalized abortion policies should not allow us to rest on our laurels. We have been less successful, or too late in our fight, in other areas in the country. The New York State Legislature last year passed the most liberal abortion statute in the country—by one vote. Recent statistics indicate that one vote has resulted in 98,000 innocents being slaughtered by a surgical curette. Even more shocking is the recent news account stating that at least 26 babies

have been born alive in legalized abortion procedures in New York City. The child of one mother who was aborted survived and now is up for adoption. The others did not fare so well. Some breathed for only a few minutes and others cried, and kicked before finally dying within two days after being artificially expelled from their mothers' wombs.

We have no reason to doubt that similar conditions exist in the District of Columbia today. The only difference is, of course, that in the District of Columbia abortions are still prohibited by law even though hundreds are being performed every day.

A lower court judge has ruled that the D.C. abortion law is "constitutionally vague" and yesterday the Supreme Court overturned that decision. And yet the man involved in that case is reported as stating that he performed eight such abortions yesterday.

Nevertheless, illegal abortion clinics have been mushrooming in the District of Columbia in recent months. These abortions are not legal. I have urged the U.S. Attorney for the District of Columbia to vigorously prosecute these illegal abortion activities as the crimes they are. On March 15 of this year an abortion clinic opened in the District of Columbia in blatant contravention of the law but amidst much fanfare from the press. Abortions are also being performed at the Washington Hospital Center, at D.C. General and at other hospitals.

I spoke, just a few minutes ago, about the 26 live babies which were aborted in New York City. I said, too, that similar conditions exist in the District of Columbia. Let me explain.

I learned recently that a live baby resulted from an abortion performed at the Washington Hospital Center. This child was then placed in a refrigerator. Some time thereafter an employee found the baby in the refrigerator still alive. It was thereupon removed to the nursery where it lived for a short while, then died.

To me, this is homicide. I have demanded that the U.S. Attorney's office initiate an immediate investigation into this incident and to determine if other live babies which have resulted from abortions have been slaughtered by those performing them. Physicians are not, or should not, be exempt from the homicide laws.

I'm sure you've all read about the young woman from nearby Virginia who is being charged with killing her one-day-old baby. I ask you, what is the difference between this woman's action and that of a physician or nurse who kills a baby which is aborted alive or kills a live unborn baby? It's only a question of age.

As a nation, we cannot tolerate this indiscriminate slaughter of human babies, if indeed we are to survive as a free country. Recent reports from Japan indicate that the combination of contraception and abortion has so reduced the Japanese population that commercial interests are now openly predicting a severe labor shortage by the end of the 1970's. Apparently, we won't even have to wait until 1985 for the "Brave New World" to overtake us.

In closing, I would like to read to you a portion of Pearl Buck's very moving and touching foreword to the book, "The Terrible Choice: The Abortion Dilemma." She writes, "As a mother of a child retarded from phenylketonuria, I can ask myself at this reflective moment, if I had rather she had never been born. No, let me ask the question fully. Could it have been possible for me to have had foreknowledge of her thwarted life, would I have wanted abortion? Now with full knowledge of anguish and despair the answer is no, I would not. Even in full knowledge I would have chosen life. . . . Since the fetus is a creature already alive and in the process of development, to kill it is to choose death over life. At what point shall we allow this choice? For me the answer

is—at no point, once life has begun. . . . Beyond life lie only faith and surmise, but no knowledge. Where there is no knowledge except for life, decision for death is not safe for the human race."

Pearl Buck says it much more eloquently than I can but I hope you've understood my message tonight. As a nation, as individuals, we can't survive the indiscriminate slaughter of human babies which abortion-on-demand would bring.

NATIONAL ARBOR DAY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DANIELSON. Mr. Speaker, yesterday I introduced a resolution, House Joint Resolution 563, to authorize and request the President to proclaim and designate the last Friday of April of each year "National Arbor Day" and to encourage appropriate observance of such day by the people of the United States. Support for such legislation and the need for national recognition of Arbor Day has become increasingly evident in recent years.

Although the observance of Arbor Day dates back to 1872 when it was proclaimed a holiday in Nebraska, and although 49 States now recognize Arbor Day in one form or other, it was not until last year that Arbor Day was officially recognized by Congress—but then for the year 1970 only. I believe that this year it is our responsibility to take the further step of enacting legislation to provide for the annual observance of Arbor Day.

Several of my colleagues have, in recent years, called attention to the importance of Arbor Day in our national life. It is a day with historical significance for the people of the United States, and it has special meaning today as we are acutely aware of the deteriorating condition of our environment. The rich tradition of Arbor Day can serve as the focus of our efforts to restore and to conserve our natural resources.

Citizen concern for conservation has become increasingly manifest during the past few years. The people of America are calling on us as their representatives not only to conserve what we presently have, but also to plan for the future. People are becoming involved in efforts to save the environment, even when it may mean an inconvenience to themselves. We need to provide opportunities that are responsive to these concerns and to the needs of our day. The observance of Arbor Day, on an annual basis, would be such an occasion. It has been estimated that an individual in his lifetime uses the wood produced by 300 mature trees.

Einstein once said that a person should put back into this world at least as much as he takes out of it. The minimum goal of conservation is to do that much. The challenge of today is that we plan further, for the long-range needs of our country.

I would like to include at this point some pertinent thoughts expressed by William Jennings Bryan that speak to

the value of such an annual observance as Arbor Day. He said:

It should be our purpose, not only to preserve the nation's resources for future generations by reducing waste to a minimum . . . we should see to it that a few of the people do not monopolize that which in equity is the property of all the people. The earth belongs to each generation, and it is as criminal to fetter future generations with perpetual franchises, making the multitude servants to a favored faction of the population, as it would be to impair, unnecessarily, the common store.

Money spent in care for the life and health of the people, in protecting the soil from erosion and from exhaustion, in preventing waste in the use of minerals of limited supply, in the reclamation of deserts and swamps, and in the preservation of forests still remaining and the planting of denuded tracts—money invested in these and in the development of waterways and in the deepening of harbors is an investment yielding an annual return. If any of these expenditures fail to bring a return at once, the money expended is like a bequest to those who come after us. And as the parent lives for his child as well as for himself, so the good citizen provides for the future as well as for the present.

And, in the words of President William Howard Taft:

THOUGHTS ON CONSERVATION

Without the resources which make labor productive, American enterprise, energy, and skill would not in the past have been able to make headway against hard conditions. Our children and their children will not be able to make headway if we leave to them an impoverished country. Our land, our waters, our forests, and our minerals are the sources from which come directly or indirectly the livelihood of all of us. The conservation of our natural resources is a question of fundamental importance to the United States now.

Our positive action on this legislation will evidence our concern for the present, as well as our foresightedness in planning for the generation to come. Arbor Day is our original recognition of the need to conserve our natural resources; it is deeply rooted in our history.

We should remember the lessons of history, because the actions we take now will have effects many years in the future. We know that our Nation's population is increasing dramatically year by year, but have we thought of the significance of trees in that regard? Emil Rothe writes of a lesson from Palestine:

WARNINGS FROM HISTORY—PALESTINE

At the time when Joshua conquered the Promised Land, milk and honey were flowing into Canaan; that is, it was a country of wonderful fertility, blessed with a delightful climate. Both ranges of the Lebanon and its Spur Mountains were then densely covered with forests, in which the famous cedar predominated, that stately tree so masterfully and poetically described by the psalmist and the prophets. The large and continually increasing population of Palestine enjoyed comfort and abundance during centuries. But the gradual devastation of the forests, which was finally completed by the Venetians and the Genoese, brought about a general deterioration of the country. The hills of Galilee, once the rich pasturing grounds for large herds of cattle, are now sterile knobs. The Jordan became an insignificant stream, and the several beautiful smaller rivers, mentioned in the Bible, now appear as stony runs, leading off the snow and rainwater, but being completely dry during the greater part of the year. Some few valleys, in which the fertile soil washed down from the hills was

deposited, have retained their old fertility, but the few cedar trees remaining as a landmark around the Maronite convent on the rocky and barren Lebanon, look lonely and mournfully upon an arid and desolate country, not fit to sustain one-sixth of such a population as it contained at the time of Solomon.

When we talk about the deteriorating environment, and the disappearance of

trees as society grows, the importance of Arbor Day becomes self-evident. This day, when we take some positive action in tree-planting ceremonies, would be an extremely valuable adjunct to other activities that are being organized. National observance of Arbor Day each year would be a recognition of the fact that we care about the future of our land.

Finally, I want to introduce in the Record a list of the Arbor Day observances of the various States, noting that 19 states currently proclaim the last Friday in April as Arbor Day and that most of the other States have ceremonies near that time of year. National legislation would coordinate and enhance these observances:

ARBOR DAY OBSERVANCES

State	Year 1st observed	Date how observed	State	Year 1st observed	Date how observed
Alabama	1887	2d Friday in February, designated by Governor.	Nebraska	1872	Apr. 22, legal holiday.
Alaska		No formal observance.	Nevada	1887	Last Friday in April.
Arizona	1890	Friday after Feb. 1 (Friday after Apr. 1 in 5 counties).	New Hampshire	1886	Late April or early May, designated by Governor.
Arkansas	1906	1st Saturday in December, by proclamation of Governor.	New Jersey	1884	Last Friday in April.
California	1886	Mar. 7, by proclamation of Governor.	New Mexico	1890	2d Friday in March.
Colorado	1885	3d Friday in April.	New York	1889	Last Friday in April by recommendation of State commissioner of education.
Connecticut	1886	Last Friday in April.	North Carolina	1893	1st Friday after Mar. 15.
Delaware	1901	Last Friday in April (passed 1959).	North Dakota	1882	1st Friday in May, State law.
District of Columbia	1920	3d Friday in April.	Ohio	1882	Last Friday in April.
Florida	1886	3d Friday in January.	Oklahoma	1898	Friday after 2d Monday in March.
Georgia		3d Friday in February.	Oregon	1889	Last Friday in April west of Cascades; 2d Friday in April east of Cascades.
Hawaii	1905	November, by proclamation of Governor in cooperation with the department of public instruction.	Pennsylvania	1885	Last Friday in April (proclamation of Governor).
Idaho	1886	Last Friday in April (passed 1957).	Rhode Island	1887	Last Friday in April.
Illinois	1887	Last Friday in April by law.	South Carolina	1898	1st Friday in December.
Indiana	1884	Last Friday in April.	South Dakota	1884	Last Friday in April.
Iowa	1887	Last Friday in April (passed 1959).	Tennessee	1875	1st Friday in March.
Kansas	1875	Last Friday in March, by proclamation of Governor.	Texas	1890	3d Friday in January.
Kentucky	1886	By proclamation of Governor.	Utah	1925	Last Friday in April, passed 1959.
Louisiana	1888	Usually in January, designated by State and parish boards of education.	Vermont	1885	1st Friday in May, Vermont State title I, sec. 372, No. 47, acts of 1957.
Maine	1887	Last Friday in April, law passed 1950.	Virginia	1892	2d Friday in March.
Maryland	1884	1st Wednesday in April, designated by State department of education.	Washington	1894	2d Wednesday in April, by proclamation of Governor.
Massachusetts	1886	Last Friday in April, by proclamation of Governor.	West Virginia	1883	2d Friday in April, by proclamation of Governor.
Michigan	1885	Late April, by proclamation of Governor.	Wisconsin	1892	Last Friday in April.
Minnesota	1876	1st Friday in May, designated by Governor.	Wyoming	1888	Early spring, by proclamation of Governor.
Mississippi	1890	Friday after 1st Monday in December.	Guam		Last Friday in October, by proclamation of Governor.
Missouri	1886	Friday after 1st Tuesday in April.	Puerto Rico		Friday after Thanksgiving.
Montana	1888	Last Friday in April by proclamation of Governor.	Virgin Islands	1952	3d Friday in September.

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J. EDGAR HOOVER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHMITZ. Mr. Speaker, this month's issue of U.S.A. magazine contains a highly interesting study of the work of the Federal Bureau of Investigation since its inception in the early part of this century. Alice Widener puts the current torrent of abuse being heaped upon the FBI and its outstanding Director, Mr. J. Edgar Hoover, in historical perspective.

She recalls the attack directed at Mr. Hoover by Congressman Vito Marcantonio when, in 1940, Mr. Hoover organized the General Intelligence Division of the Bureau to supervise espionage, sabotage, and other activities which might endanger the Nation as the threat of war moved ever closer. The object of this program was to be able to locate persons who were likely to jeopardize our national security should war come.

Congressman Marcantonio's response to this obviously sensible security precaution was to accuse Mr. Hoover of preparing a general raid against civil rights, a blackout of civil liberties, and of establishing a system of terror by index cards. These charges are similar to many which we hear today.

War, of course, did come and the Federal Bureau of Investigation was pre-

pared to cope with internal enemies. As Mrs. Widener points out, "due mainly to the FBI's alphabetical and geographical index of persons reported upon as being active in subversive activity or in movements detrimental to the internal security, many potential internal enemies of our Nation were taken into protective custody and no major act of sabotage was perpetrated within our Nation."

This is quite an accomplishment.

It should also be recalled by those who rail against the Bureau and Mr. Hoover on the grounds that they represent a threat to their civil rights, that it was J. Edgar Hoover who recommended against the internment of our Japanese citizens during the early part of World War II. Mr. Hoover felt that he had the capability to locate those Americans of Japanese ancestry who might pose a threat to our country because of the information which the Bureau had available for just such a purpose. He had this capability because of adequate intelligence gathering activities.

Intelligence is the eyes of justice and allows for selective limitation of freedom as opposed to such practices as massive internment. It culls the dangerous from the loyal and responsible citizens thus allowing for the protection of the many. Why anyone should object to having the information necessary to prevent wide scale detention should a crisis materialize is rather hard to see.

Although Mr. Hoover was overruled in his stand against nonselective massive internment of our Japanese citi-

zenry, there was great pressure in favor of internment from such quarters as the Houses of Congress of the three west coast States, the attorney general of California at the time Mr. Earl Warren, and leading media columnists such as Walter Lippmann, it is important to remember that it was only the capability which the FBI possessed to separate the dangerous from the loyal Japanese which made it possible to oppose the indiscriminate roundup which did in fact take place.

I highly recommend this extremely interesting and timely article entitled "Our Twentieth Century Struggle for Internal Security, the Story of J. Edgar Hoover and the FBI."

I include the article as follows:

OUR TWENTIETH CENTURY STRUGGLE FOR INTERNAL SECURITY—THE STORY OF J. EDGAR HOOVER AND THE F.B.I.

(By Alice Widener)

PREFACE

On July 1, 1908, U.S. Attorney General Charles Joseph Bonaparte appointed twenty-three detectives, examiners and special agents in the Justice Department to a permanent subdivision of it. In March 1909, U.S. Attorney General George W. Wickersham gave the name "Bureau of Investigation" to the Justice Department subdivision. Twenty-four years later, in 1935, it was named "The Federal Bureau of Investigation."

In 1917, during World War I, a twenty-two-year-old lawyer, J. Edgar Hoover, became an Assistant Attorney General in the Department of Justice. Seven years later, Herbert Hoover (not a relative) recommended to U.S. Attorney General Harlan Fiske Stone

that J. Edgar Hoover be appointed Acting Director of the Bureau of Investigation and that he reconstruct it "according to highest ethical and executive standards removed from partisan politics."

In 1933, Mr. Stone, having become a Justice of the Supreme Court, wrote to Felix Frankfurter that J. Edgar Hoover had "removed from the Bureau every man as to whose character there was any ground for suspicion. He refused to yield to any kind of political pressure; he appointed to the Bureau men of intelligence and education, and strove to build up a morale such as should control such an organization. He withdrew it wholly from extra-legal activities and made it an efficient organization for investigation of criminal offenses against the United States."

Justice Stone wrote the letter about Hoover to protect him and the Bureau from unfair criticism by Leftist radicals and from efforts by special political interests to gain control over the Bureau.

It is an organization originally established under Federal law. Gradually, and always under Federal law, the Bureau has been adapted to meet 20th century threats to the internal security of the United States that were wholly unimagined by the 18th century framers of our Constitution and Bill of Rights.

The present day credentials of a special agent of the F.B.I. state that he is a special agent in the U.S. Department of Justice and is charged "with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the U.S. is or may be a party in interest, and performing other duties imposed upon him by law."

By law.

But what is the law?

That is a key question affecting the national security of our country, for, as a result of 20th century historical circumstances, "the law" often has been hastily and emotionally enacted by Congress and has been subsequently adulterated by judicial opinion. Due to political instability and judicial inconsistency in our century, only an executive director of the highest caliber, brilliance, commonsense, moderation and political incorruptibility could have built and maintained the Federal Bureau of Investigation into the world famous organization it is.

Shakespeare said, "Some are born great, some achieve greatness, and some have greatness thrust upon them." All three conditions apply to Mr. Hoover. Owing mainly to his firmness and good judgment, the F.B.I. has remained immune to the politically infectious diseases of our times. Steadfastly, Mr. Hoover has opposed aggrandizement of the powers of the Bureau or its transformation into a national or secret police.

In my opinion, it was Presidential awareness of general political instability and judicial inconsistency that gave rise to the unwavering confidence reposed in Mr. Hoover by eight Presidents. Mr. Hoover's own steadfast adherence to basic principle has been the source of similar confidence reposed in him by the personnel of the F.B.I.

Our Presidents and the F.B.I. have been keenly aware of a most paradoxical situation: Though the threat to our nation's internal security has been constant during most of our century, "the law" concerning that threat has been extremely inconstant to the point of absurdity, a kind of "pass it then 'abolish it' affair lending aid and comfort to internal enemies and also with external ones.

It is largely owing to this paradoxical situation that exceptional responsibility for our security has rested so heavily on J. Edgar Hoover's shoulders. That is why President Eisenhower awarded him the National Security Medal for "brilliant leadership in a position of great responsibility" and for "the highest ideals of Federal Law enforcement."

In wars and rumors of wars, in economic depression and prosperity, in times of violence and moral decline, Mr. Hoover remained within himself a kind of American lifetime warranty of law and order, justice and probity, excellence and integrity. He earned the right to be where he is. The historical circumstances under which he earned it constitute a long story of utmost present concern to every American.

PART I

In our century, the first well organized threat to our national internal security—that is, to our form of government and basic economic structure—occurred in 1900. In that year, two separate groups of socialists belonging to the Socialist Labor Party and Social Democracy Party joined forces and ran Eugene Victor Debs, son of Alsatian parents and a native of Indiana, as Socialist candidate for President of the United States. He polled 100,000 votes and his backers thereafter united to form the Socialist Party.

In 1904, Debs and six other socialists met secretly to organize the I.W.W., Industrial Workers of the World, a group opposed to the American Federation of Labor and pledged to creation of "One Big Union" in an effort to smash capitalism and overthrow the American form of government.

On January 2, 1905, twenty-seven persons met secretly in Chicago to sign an I.W.W. "industrial manifesto." It declared that one big international industrial union must be founded to wage "the class struggle" in recognition "of the irrepressible conflict between the capitalist class and the working class."

The original I.W.W. signers were characteristic of the political factionalism within the worldwide socialist movement that confused and still confuses the majority of Americans. Though belonging to different socialist, communist and anarchist groups among whom there was bitter in-fighting over the most desirable and effective means of organizing a socialist revolution and obtaining full political and economic power, the mutually antagonistic I.W.W. signers did not hesitate to join forces opportunistically in support of international Marxism and in antipathy to traditional Americanism.

Almost all the original I.W.W. signers were native born Americans. In the first two decades of our century, however, most revolutionary radicals were aliens.

During the period 1900-1920, there took place an event unprecedented in all history—the mass emigration of 14,531,000 persons from Europe to the United States. Among the new immigrants, 75 per cent were from southern and eastern Europe. A fourth of these came from Russia. Only four per cent of all new immigrants could speak English.

Crowding into our cities and industrial areas, the immigrants created their own enclaves. Deep within them were fanatical minorities of revolutionary radicals whose entire outlook on life was predicated on hatreds, resentments and other traumatic emotional attitudes born of experiences in native European homelands.

In all history, no other nation ever absorbed so huge a group of aliens in such a short span of time. In 1900, the total population of our country was approximately 75,000,000; in 1920, the total was approximately 105,000,000. Thus within the period 1900-1920, almost half the 30,000,000 U.S. population increase was due to foreign immigration.

The alien revolutionary radicals in our midst during 1900-1920 formed their own foreign language press. Physically, they were in the United States, but intellectually and emotionally they were still in Europe. This was true of the Russian anarchist-commu-

nists Emma Goldman and Alexander Berkman, the Bolshevik Leon Trotsky, the Italian anarchist Carlo Tresca, the anarcho-communists Sacco and Vanzetti, and the Russian Nicholas Bucharin. There also were many radicals among the German, Jewish, Hungarian, Finnish, Latvian, Polish and other immigrants.

When World War I broke out in 1914, the alien radicals in the United States feverishly multiplied their activities and formed a closely knit alliance with native-born American socialists, communists and anarchists. In the alliance, Russian-born Morris Hillquit, Socialist candidate for Mayor of New York City and International Secretary of the American Socialist Party, was a leading figure.

On April 6, 1917, the United States declared war on Germany. Next day the Socialist Party of America met in national convention at St. Louis and a week later proclaimed:

"The Socialist Party of the United States in the present grave crisis reaffirms its allegiance to the principle of internationalism and working class solidarity the world over, and proclaims its unalterable opposition to the war just declared by the Government of the United States."

The Socialist Party then called upon workers in America to withhold their support from the nation's war effort. "As against the false doctrine of national patriotism," the Party declared, "we uphold the ideal of international working-class solidarity."

In many ways, most socialists in America, perhaps because their personal roots were shallowly planted in our native soil, were more international and radical than West European socialists, most of whom supported their own nation's aims in World War I and supported the concept of national patriotism.

It is a fact that historically, most native-born American socialists were far less patriotic than were their French, Belgian, German and Italian counterparts. Moreover, alien anarchists and radicals among new immigrants to the United States had no feeling of loyalty or patriotism for America, which they regarded merely as a place of temporary residence or a convenient physical refuge.

In testifying before the New York Legislature, "pacifist" Morris Hillquit said, "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression."

Thus in the World War I period 1914-1918, the attitude of "pacifist" socialists, communists and anarchists was precisely the same as it is now in 1971 toward the Vietnam War: they were against all wars except wars for socialism. To express their hostility to World War I, the socialists allied themselves with the small minority of genuine religious pacifists in the United States and also with the far larger minority of "pacifists" objecting only to "capitalist" war.

Throughout World War I and immediately after it, socialists and alien radicals in our country posed a severe threat to its internal security. In 1917, when J. Edgar Hoover became a youthful U.S. Assistant Attorney General, there was no well-organized Federal investigative bureau in the U.S. Government, and no effective Federal group professionally equipped to deal with draft dodgers, saboteurs, agents provocateur, espionage agents and seditious aliens.

No nation in the world faced a problem similar to that posed in our own by the presence of millions of alien immigrants. Except for Constitutional provisions concerning treason and protective provisions of the 1903 Immigration Act as amended in February 1917, there was in April 1917 very little Federal legislation to guard the national security.

On April 16, 1917, President Woodrow Wilson issued a proclamation reciting the acts which United States courts had declared treasonable. On June 15, 1917, Congress passed the Espionage Act which included the following section:

"Whoever when the United States is at war shall willfully cause or attempt to cause in subordination, disloyalty, mutiny or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both."

In October 1918, as a result of violence perpetrated by revolutionary radicals, Congress amended the Immigration Act to include deportation of aliens advocating or practicing criminal anarchy and overthrow of the U.S. Government. In addition, many states enacted their own statutes against criminal anarchy.

All these internal security measures were branded as "infamous" by socialists and were compared by them to the alien and sedition laws of 1798 that were allowed to lapse in 1800 and 1802.

Under the 1917 Espionage Act more than 2,000 Socialists were imprisoned during World War I; under the Immigration Act as amended in October 1918, hundreds of alien anarchists were deported after the war.

All Leftist writers describe the post-World War I period as one of American "hysteria" and "xenophobia." They minimize the revolutionary activities promoted in our country by agents of the new Bolshevik regime in Russia. Leftist writers minimize the acts of radical terrorism perpetrated by the I.W.W. and also the May-June 1919 bombings by anarchists that were aimed at killing prominent private citizens and high officials in our Federal, state and city governments. Leftist writers also minimize the tragedies that occurred in our country as a result of other acts of criminal revolutionary violence, such as the Wall Street bombing of September 1920 that killed 30 persons, injured 100, and did \$2,000,000 property damage.

All Leftists described as "infamous" the raids conducted on Leftist radical organization headquarters and the roundup of aliens alleged to be radicals during the period 1919-1921 while A. Mitchell Palmer was U.S. Attorney General and William J. Flynn was chief of the Justice Department Bureau of Investigation. Because J. Edgar Hoover was in the Justice Department during 1917-1921, radical Leftists always have wrongfully accused him—through guilt-by-association—of partial responsibility for the inevitable excesses and a few injustices committed during wartime drag-net roundup of draft dodgers and during post-war "Red raids" and deportations.

Actually, the excesses and injustices were committed by untrained private volunteers whose services were urgently needed in carrying out protection of our internal security because the Justice Department Bureau of Investigation had only 400 special agents in June 1917, though it was loaded with huge responsibilities for massive undertakings.

Through first-hand observation, young Hoover was able to see what was lacking for the Bureau during the 1917-1924 period before he was made its Acting Director. He also was able to gain special insight into the real menace of Leftist radicalism which he assessed correctly as a major future danger to our nation's freedom.

PART II

Today very few Americans are familiar with the allegedly "infamous" Federal statutes as they existed in World War I and immediately thereafter. Today, too, very few Americans are familiar with the great basic judicial decisions rendered in U.S. courts in regard to the sedition and criminal anarchy cases.

Essentially, the problem they posed dealt with basic American interpretation of our Constitution and First Amendment. In the period 1917-1924, as later in the period 1947-1954, and again later in the period 1964-71, the distinction between liberty and license in interpretation of our First Amendment was paramount to our national security and essential to its protection by the Federal Bureau of Investigation.

Always and always, the socialists in our nation have had a vested interest in absolute license as the sole criterion for interpretation of the First Amendment. In the years 1917-1924, Americans were guaranteed liberty but not license in a series of Federal statutes and court decisions of utmost pertinence to present times.

The Immigration Law as amended in 1918 provided for the deportation at any time within five years after entry into our country of

"Any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials."

The Act also made it a felony for "any person knowingly to aid or assist such an alien."

When Eugene V. Debs was arrested for violation of the Espionage Act in a speech he made at a public meeting to obstruct the enlistment or recruiting of Americans in the armed services, he claimed in court that he had merely exercised the right of a free citizen and that his utterances were protected by the First Amendment.

Unanimously, the Supreme Court upheld the conviction of Debs and Justice Oliver Wendell Holmes, in delivering the opinion, he declared:

"The main theme of the speech was Socialism, its growth, and a prophecy of its ultimate success. With that we have nothing to do, but if a part or the manifest intent of the more general utterance was to encourage those present to obstruct the recruiting service, and if in passages such encouragement was indirectly given, the immunity of the general theme may not be enough to protect the speech."

Debs was sent to jail.

In the case of Schenck v. the United States and Baer v. the United States, 249 U.S. 47, the Supreme Court upheld the U.S. and Justice Holmes delivered a celebrated opinion that should have remained forever as a national bulwark of fixed principle but was subsequently distorted by propagandists into a one-liner about "shouting fire." What Justice Holmes really said was:

"But the character of every act depends upon the circumstances in which it was done. The most stringent protection of free speech would not protect a man falsely shouting fire in a theater and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. (Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 439.) The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right."

In charging the jury which had listened to anarchists Emma Goldman and Alexander Berkman claim they were victims of a "political trial" and had merely exerted their constitutional right of free speech for urging disobedience to the Selective Service Law,

Judge Mayer in the United States District Court said:

"This is not a trial of political principles. This cannot be turned into a political trial or state trial in the political sense. You are not to be misled by any effort to digress your mind from the real issue, which simply is, whether these defendants are guilty or not guilty of the crime charged in the indictment."

"This is not a question of free speech. Free speech is guaranteed to us under the Constitution. No American worthy of the name believes in else than free speech; but free speech means, not license, not counseling disobedience of the law; free speech means that frank, free, full and orderly expression which every man or woman in the land, citizen or alien, may engage in, in lawful and orderly fashion; and that free speech is guaranteed to us, and no court would deny it to anyone."

In the case of The People against Louis C. Frana (a founder of the Communist Party of America in Chicago, September 1919), Judge Hough of the U.S. Circuit Court of Appeals of the Second Circuit denied the defendant's plea that it was an error to permit the jury to infer guilt from speeches that were "all words." In denying defendant's assertion that men cannot constitutionally and lawfully be punished for words, especially when the language relates to rights based on the moral sense, i.e., the "idealism of the non-religious conscientious objector," Judge Hough said:

"The free speech secured federally by the first amendment means complete immunity for the publication by speech or print of whatever is not harmful in character, when tested by such standards as the law affords. For those standards we must look to the common law rules in force when the constitutional rights were established and in reference to which they were adopted. By legislative action the boundaries of unpunishable speech have doubtless and often been much enlarged; but the constitutional limit remains unchanged, and what the legislature has done it can undo. Legal talk-liberty never has meant, however, "the unrestricted right to say what one pleases at all times and under all circumstances." (Warren v. United States, 183 Fed., at 721, 106, C.C.A. 156, 33 L.R.A., N.S. 800.)"

Probably the legal observations of the World War I period which are most pertinent to our contemporary 1971 situation were made in the U.S. Government's case against Roger N. Baldwin of the National Civil Liberties Bureau, a group which he reorganized in January 1920, after having spent a year in jail, into the American Civil Liberties Union.

In the case of Baldwin, the Court said:

"It would be impossible for me to convey to your mind successfully the point of view which I think is entertained by the great masses of the people, and which must be entertained by the courts and by those, such as the Department of Justice, who are charged with the administration of the law.

"In all that you have said, I think that you have lost sight of one very fundamental and essential thing for the preservation of that American liberty to which, by tradition, you feel you are genuinely devoted.

"A republic can last only so long as its laws are obeyed. The freest discussion is permitted, and should be invited, in the processes that lead up to the enactment of a statute. There should be freest opportunity of discussion as to the method of administration of a statute by human beings, but the republic must cease to exist if disobedience to any law enacted by the orderly processes laid down by the Constitution is in the very slightest degree to be tolerated.

"That is, from my point of view, fundamental; that is essential not only from an ideal standpoint, but from a practical standpoint, and we should not be able, as I think

most Americans think, to conduct what we regard as the government of the free people, if some individual, whether from good or bad motives, were able to successfully violate a statute duly, properly and constitutionally passed, because his own view of the statute might differ from that entertained by the lawmakers who had enacted the law, and the executive who has given it his approval.

"That, to my mind, is the foundation of our system; its perpetuity rests upon the obedience of the law.

"It may often be that a man or woman has greater foresight than the masses of the people; and it may be that in the history of things he who seems to be wrong today may be right tomorrow; but with these possible idealistic and academic speculations a court has nothing to do."

The extent to which Roger N. Baldwin and other American philosophical anarchists and radicals lost sight of the very tenets of government and were able during a half-century of persistent effort in our nation to undermine respect for law, order and decency, is clearly evident in the statement he made in 1920 on behalf of the American Civil Liberties Union to the New York State Joint Legislative Committee Investigating Seditious Activities.

Mr. Baldwin said:

"Expression of opinion, as we define it, includes any language unaccompanied by an overt act—that is, an act which in itself is a violation of the criminal law.

Language that is part of an overt or criminal act is part of the act itself and has nothing to do with the issue of free speech; but the language unaccompanied by such an act, even if the logical consequences of it lead others to the commission of the act, is legitimately within our conception of free speech.

For instance, the advocacy of murder, unaccompanied by any act, is within the legitimate scope of free speech."

There it is!

There is the truly infamous interpretation of our First Amendment which has come to prevail in our country after the period 1953-1969 during which the Supreme Court, under Chief Justice Earl Warren, struck down one after another of our internal security laws in what are known as "the Communist cases" and thereby thrust upon the Federal Bureau of Investigation an almost insuperable task of effective counter-intelligence and of effective internal security protection.

In 1920, the New York State Joint Legislative Investigating Committee, after having studied Baldwin's statement and a mass of ACLU documents, declared in an official report:

"While the Constitution of the State of New York guarantees the right of free speech, it also contains the warning that the citizen may exercise it "being responsible for the abuse of that right." The effect of the activities of the American Civil Liberties Union is to create in the minds of ill-informed people the impression that it is un-American to interfere with the activities of those who seek to destroy American institutions. They seek to influence legislators and executives to repeal or veto any act calculated to protect the States or the Federal government from the attacks of agitators. . . .

The American Civil Liberties Union, in the last analysis, is a supporter of all subversive movements, and its propaganda is detrimental to the interests of the State."

In organizing a People's Council to imitate the new Workmen and Soldiers Councils in Russia, August 1917, Roger N. Baldwin—an outwardly charming liberal but inwardly deceitful conspirator—wrote a letter to Louis P. Lochner that perfectly illustrates the duplicity of Leftist radicals in our country throughout this century. "Do steer away from making it look like a Socialist enterprise," wrote

Baldwin. ". . . We want also to look like patriots in everything we do. We want to get a lot of good flags, talk a good deal about the Constitution and what our forefathers wanted to make of this country and to show that we are fellows that really stand for the spirit of our institutions."

From the very inception of Bureau of Investigation operations under J. Edgar Hoover, who always opposed all kinds of extremist activities conducted in violation of U.S. law, the American Civil Liberties Union continually tried to discredit Hoover and the F.B.I.

Ever since July 1919, when a Left Wing split away from the Socialist Party of America to form a Communist Party patterned after the Russian one, the CP in the United States has waged permanent propaganda war against the investigative subdivision of the Department of Justice. Likewise other Leftist civil liberties groups in the 1950's and 1960's—the pro-Communist Emergency Civil Liberties Committee and its expanded National Emergency Civil Liberties Committee—have waged ceaseless propaganda warfare against the F.B.I. and Mr. Hoover, though the latter are genuine protectors of our liberties from subversion by revolutionaries and criminals.

PART III

Each time in our century that the United States has been at war, as, alas, it has been several times, the Communists, Socialists and anarchists have formed coalitions to protect Marxist interests. In World War II, the Korean War and Vietnam War, all Marxists bitterly opposed J. Edgar Hoover for supporting American interests rather than international Marxist ones.

On September 6, 1939, five days after Nazi Germany invaded Poland and World War II began, President Franklin D. Roosevelt, completely confident of Hoover's efficiency and integrity, issued a proclamation that greatly broadened F.B.I. responsibility for national security.

On January 5, 1940, Mr. Hoover went before the House Subcommittee on Appropriations to make his annual report on how the F.B.I. had used the taxpayers' money, and he explained that when broadened responsibilities for security were assigned to it, "we organized . . . the General Intelligence Division, which will have supervision of espionage, sabotage, and other subversive activities, and violations of the neutrality regulations." Mr. Hoover continued:

"We have also initiated special investigations of persons reported upon as being active in any subversive activity or in movements detrimental to the national security. In that connection, we have a general index, arranged alphabetically and geographically, available at the Bureau, so that in the event of any greater emergency coming to our country, we will be able to locate immediately those various persons who may need to be the subject of further investigation."

Don Whitehead, Pulitzer prize winner and chief of the Washington bureau of the *New York Herald Tribune*, wrote in "The F.B.I. Story—A Report to the People" (Random House, New York): "Hoover's statement was like the steel point of a dentist's probe touching an exposed nerve in a decayed tooth. The reaction was violent."

The first attack came from a radical Leftist, the pro-Communist New York Congressman Vito Marcantonio, who declared on Capitol Hill about Hoover's security preparations that "two facts become obvious: First, we are preparing a general raid against civil rights, a blackout of the civil liberties of the American people, a system of terror by index cards such as you have in the Gestapo countries of the world; second, we are engendering a war hysteria which is a menace to the peace of the United States."

What happened?

Now in 1971, some people have very short

memories and others, being too young, have no memories of World War II and little historical knowledge of it.

In 1940, Nazi Germany and Soviet Russia were allies owing to the Hitler-Stalin Pact.

On February 6, 1940, a group of Communist leaders met in Washington to make plans for a propaganda campaign against Hoover and the F.B.I. They decided that the campaign should have two principal phases: (1) an attack on the Bureau as a violator of civil liberties and (2) a personal attack on Mr. Hoover. Writers sympathetic to communism were assigned to carry out the second phase; persons friendly with Leftist members of Congress were chosen to carry out the first phase by endeavoring to obtain Congressional restrictions on F.B.I. activities.

On December 7, 1941, the Japanese attacked Pearl Harbor and the Philippines, and declared war on the United States. Next day, we declared war on Japan. On December 11, 1941, Germany and Italy declared war on the United States. A few hours later, we declared war on them.

Then what?

A great emergency did indeed come to our country. But, due mainly to the F.B.I.'s alphabetical and geographical index of persons reported upon as being active in subversive activity or in movements detrimental to the internal security, many potential internal enemies of our nation were taken into protective custody and no major act of sabotage was perpetrated within our nation.

From the George Washington Bridge in New York City to the Golden Gate Bridge in San Francisco, not a single vehicular approach to our big cities, not a tunnel, harbor, railroad or airport in the nation was destroyed by sabotage!

And, it must be remembered, all during the period September 1939 to June 22, 1941, when Nazi Germany suddenly attacked the Soviet Union, many Nazis and Communists within the United States were working together in all kinds of propaganda and political activities. It was only after Hitler launched a sudden attack on the Soviet Union that the Communist Party, U.S.A. switched away from a "pacifist" position regarding possible U.S. entry into the war in Europe. In the eyes of CP members and their fellow-travelers, World War II was merely a capitalist war from 1939 to June 22, 1941; then, when the Soviet Union was attacked, the war immediately became a "people's war." From that moment the CPUSA urged our country to get into the war and to open up in Western Europe "a second front" against Hitler.

The Communist tactics never for a moment fooled J. Edgar Hoover. He knew that though the Soviet Union was allegedly our "ally" in World War II, it would turn into our bitter enemy the moment it was over. In his book "Masters of Deceit,"* Hoover later exposed every facet and tricky angle of Communist strategy and tactics inside and outside the United States.

Unfortunately, in World War II, most Americans didn't know what the Reds were up to and neither did many of our highest government officials. And so, in 1947, only two years after VE and VJ days, the United States found itself in a Cold War with the Soviet Union and President Truman was forced to send economic and military aid to Greece and Turkey to rescue those nations from Communist conquest.

Three years later, on June 25, 1950, the Communist North Koreans suddenly attacked the Republic of South Korea. On June 27, President Truman (acting in support of demands made by the United Nations Security Council, with the Soviet Union absent) ordered General Douglas MacArthur to aid South Korea and sent the U.S. Seventh Fleet to protect Formosa against aggression by Communist China.

Once again, J. Edgar Hoover and the F.B.I. had to shoulder enormous burdens to protect U.S. internal security. But, as everybody over thirty knows today, there were no mass internments in our country and there was no "system of terror by index cards."

Meanwhile, in the period 1948-1952, the American people learned about Communist subversion the hard way. The F.B.I. figured prominently in the perjury-espionage case of Alger Hiss, in the espionage cases of Julius and Ethel Rosenberg, and the conviction of eleven top U.S. Communist Party leaders for advocating violent overthrow of the U.S. Government, all of which convictions were upheld by the U.S. Supreme Court in 1951.

In addition, the contempt of court sentences meted out to five defense attorneys in the case of the Communist Party leaders were upheld by the Supreme Court in 1952.

Friends of the radical Left and many prominent men and women, who were successful in their fields of endeavor but were naive or muddleheaded in political and foreign affairs, immediately launched another campaign of vilification against the F.B.I. and Mr. Hoover.

In the *New York Times Magazine*, February 16, 1954, for example, Lord Bertrand Russell declared in an article "The Corroding Effects of Suspicion":

"The people of Moscow are proud of their subway and are persuaded that there is nothing analogous in capitalist cities. If you assure them to the contrary, they merely pity your ignorance. The F.B.I. has a similar attitude toward nuclear physics and opposes visas for all European physicists, with the result that international congresses of men of science can no longer be held in America."

Bertrand Russell's statement was, of course, a scurrilous whopper. Almost all outstanding European nuclear physicists freely visited our country to take part in scientific conferences. It was the U.S. Government, not the F.B.I., that barred a few Communist scientists from our shores. What Bertrand Russell really sought was admission to the U.S. of Red Chinese and Soviet nuclear scientists. When he was unable to accomplish this, he formed an alliance with Dr. Linus Pauling and with Cyrus S. Eaton, wealthy Canadian-born industrialist in Cleveland, and together they organized the First Pugwash Conference of nuclear scientists and others at Eaton's home, Pugwash, Nova Scotia, July 1957. There, in defiance of the U.S. Government, not of the F.B.I., some American scientists conferred with Red Chinese and Soviet opposite numbers.

In May 1958, the \$15,000,000 Fund for the Republic (created but later disavowed by the Ford Foundation) sponsored a Mike Wallace TV show in which Cyrus Eaton scurrilously attacked the F.B.I., the C.I.A., Secretary of State John Foster Dulles and J. Edgar Hoover. Parroting the Communist Party line that the F.B.I. was like "Hitler's Nazi Gestapo," Eaton declared, "There are no Communists in America to speak of except in the mind of those on the payroll of the F.B.I."

Concerning the Eaton broadcast, the *Omaha World-Herald* commented editorially, May 10, 1958:

"He has strange likes and dislikes, does Cyrus Eaton. . . . John Foster Dulles is 'a petty tyrant' in Cyrus Eaton's view, but the Soviet Ambassador to Washington was his (Eaton's) recent house guest (at his country estate in Ohio)."

The campaign against the F.B.I. and Mr. Hoover went on unabated all during the 1950's. On June 18, 1958, the Communist-front Emergency Civil Liberties Committee held a "victory celebration" at the Hotel New Yorker in Manhattan to laud Supreme Court decisions in the "Communist cases," decisions of the Court, under Chief Justice Earl

Warren, that severely impaired our national security and laid the groundwork for the kind of rampant, violent revolutionary radicalism in our country that culminated in the Berkeley rebellion at the University of California in 1964.

At the ECLC victory celebration, Corliss Lamont, vice-chairman, boasted, "Step by step, the Supreme Court has enacted all the measures in the program of our Committee. But we must not act as if the whole fight has been won. The next step is against the F.B.I.—the Federal Bureau of Intimidation under that man J. Edgar Hoover."

On February 1, 1959, Edward J. Mowery, Pulitzer Prize winner and feature writer for *Newhouse Newspapers*, wrote a series of eleven articles documenting the entire Communist-led attempt to discredit Mr. Hoover and the F.B.I. Mr. Mowery wrote:

"Americans are witnessing a brazen and unprecedented attack from a number of apparently diverse sources upon the Federal Bureau of Investigation and J. Edgar Hoover. . . . It has two goals: (1) To capture the F.B.I. when the 64-year-old Hoover steps down—or render it impotent; (2) to harass or halt the F.B.I.'s round-the-clock investigations of subversions.

"The campaign received its initial impetus on September 20, 1957, in New York City when the Emergency Civil Liberties Committee launched a nationwide anti-F.B.I. drive with a 'barnstorming tour' earmarked for 22 cities.

"The Committee (ECLC) has been cited by the Senate Internal Security Subcommittee on a Communist front."

On February 5, 1961, the *New York Post* carried a column datelined Washington, D.C. by William V. Shannon who attacked President John F. Kennedy and U.S. Attorney General Robert F. Kennedy for having "thus far touched nothing labeled 'security.'" Columnist Shannon went on to allege, "Our civil liberties cannot be restored to their full vigor as long as J. Edgar Hoover remains as head of the F.B.I."

Shannon's column was widely distributed by the Emergency Civil Liberties Committee which was waging an "abolition" campaign against the House Committee on Un-American Activities (later, House Committee on Internal Security), against the Senate Internal Security Subcommittee and against the F.B.I. Openly, Dorothy Marshall of the ECLC boasted of visits by its members to Senators and Representatives in Congress in behalf of the ECLC "abolition" campaign.

It went on and on.

In August 1962, W. H. Ferry of the Fund for the Republic launched into a vitriolic attack against Hoover and the F.B.I. at the Democratic Party's Western States Conference, calling Mr. Hoover "the indubitable mandarin of anti-communism in the United States." Ferry dismissed as "sententious poppy-cock" Mr. Hoover's warning to the nation about Communists' capacity to pervert our thinking and destroy the spiritual supports forming the foundations of our freedom. Ferry accused Mr. Hoover of throwing the American people and Congress "into a trance."

President Kennedy and Attorney General Kennedy were outraged by Ferry's remarks and embarrassed that a Democratic Party conference was the scene of Ferry's unfounded attack. Immediately, Robert Kennedy apologized publicly to Mr. Hoover for the insults offered to him and the F.B.I. Robert Kennedy went on to describe as "badly informed" those persons who dismiss the problem of Communist espionage in our nation as non-existent or inconsequential, and he said these persons "perform a disservice to the nation." In addition, Mr. Kennedy reminded Americans that the U.S. Supreme Court had declared the Communist Party U.S.A. to be dominated and controlled by the Soviet Union.

How great, really, are the historical ironies of our times!

President Kennedy was assassinated in 1963 by Lee Harvey Oswald, a Marxist and member of the pro-Communist Fair Play for Cuba Committee.

Senator Robert F. Kennedy was assassinated in 1968 by Sirhan Sirhan, an alien living in Los Angeles who wrote in his diary, "I am a Communist, I am a Communist, I am a Communist."

To think that less than a decade after Robert Kennedy apologized to Mr. Hoover for attacks made on him at a conference of the Democratic Party, the House Democratic leader, Congressman Hale Boggs of Louisiana, would use his position to join, on April 5, 1971, in an all-on-the-same-day, triple-pronged concerted attack on Mr. Hoover that took place in the House, in a vulgar full-page *Life Magazine* newspaper ad against "The Emperor of the F.B.I.," and in front page articles in the *Washington Post*!

Rep. Boggs accused Mr. Hoover—in precisely the same manner as the discredited Rep. Marcantonio had done 31 years earlier—of establishing "a Gestapo" in our country. Like his predecessor, Rep. Boggs attributed to Mr. Hoover the initiation of actions which he and the F.B.I. were ordered to undertake by Congress itself.

Thus Rep. Boggs accused Mr. Hoover of stationing F.B.I. agents on campuses to spy on students and faculty members. Actually, Mr. Hoover has done nothing of the kind. After the Kent State University shootings and the bombing at the University of Wisconsin, Congress ordered the F.B.I. to make campus investigations and it gave the F.B.I. additional funds to hire the special agents required for extra duty in investigating arson, bombings and destruction of Federal properties on campus, including research and ROTC centers.

On April 5, 1971, Rep. Boggs made the unfounded accusation that the F.B.I. was wiretapping Congressmen's telephones. Immediately, U.S. Attorney General John N. Mitchell branded the wiretapping charges as "false" and said Mr. Boggs "should know it is false." The Department of Justice knows what's what in cases of F.B.I. wiretapping because all of it, and there is very little of it, must be authorized by the Department of Justice.

Attorney General Mitchell said:

"Let me repeat categorically: the F.B.I. has not tapped the telephone of any member of the House or Senate, now or in the past. In comparing the F.B.I. to Hitler's Gestapo, Mr. Boggs has reached a new low in political dialogue. He should recant at once and apologize to a great and dedicated American and the men and women who have made the F.B.I. the finest investigative organization in the world."

The plain fact is that under our form of government the F.B.I. has not been, is not, and never can be a "Gestapo." Though there always have been public and congressional outcries in time of national crisis for enlarging the powers of the F.B.I., it is J. Edgar Hoover himself who has steadfastly shunned any distortion of its subordinate and purely investigative role.

In our country, every single activity of the F.B.I. is controlled by laws enacted in a Congress whose members are freely elected by American voters casting a secret ballot. The Director of the F.B.I. is appointed by the President of the United States who is himself elected by the people. Every aspect of our national security program is controlled by Congressional legislation and appropriation. Thus our security program expresses the will of the people and is the diametric opposite of a secret police security program controlled by a dictatorship.

On August 24, 1967, Tom O'Brien of the *Santa Barbara News-Press* reported under the headline "University Destruction":

"A master plan of how best to destroy the American university system as it is today seemed to be the goal as a conference of militant student leaders and ex-students opened yesterday at the Center for the Study of Democratic Institutions (funded by the Fund for the Republic). The participants were described by the Center as all having been prominent in demonstrations and movements within their universities."

Mr. O'Brien further reported, "Devereaux Kennedy, student body president at Washington University, St. Louis, Mo., called for outright revolution and overthrow of the United States Government. He advocated terrorism on such a scale that it would 'demoralize and castrate America.'"

During the years 1968-1970 that terrorism very nearly did demoralize and castrate America. Today all thoughtful, patriotic and law-abiding Americans are relying heavily on the F.B.I. to prevent any reoccurrence of that terrorism.

In historical perspective of our century, our United States of America has constantly been in danger of demoralization and of destruction by internal enemies.

Since 1924, J. Edgar Hoover has fulfilled all the duties originally laid on his shoulders by Supreme Court Justice Harlan Fiske Stone. Today Mr. Hoover is seventy-six years old and has given more than half a century of distinguished service to our nation in the cause of justice and freedom. Charged by Presidents and by Congress with the awesome duty of protecting our national internal security, Mr. Hoover has faithfully carried out his duty under most difficult circumstances.

Many years ago, the Reverend Paul Curry Armstrong preached at St. Thomas Chapel in New York City the sermon, "Greatness is gratitude."

Surely the American people are great enough to be grateful to J. Edgar Hoover who, within himself, is an embodiment of a lifetime American warranty of integrity.

CONGRESSMAN DINGELL OPPOSES THE SO-CALLED EQUAL RIGHTS AMENDMENT FOR WOMEN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD an excellent statement given by Mrs. Myra K. Wolfgang before the Judiciary Committee of the House of Representatives, March 31, 1971, in opposition to the so-called equal rights amendment for women.

Mrs. Wolfgang is vice president of the Hotel and Restaurant Employees and Bartenders International Union and is a militant trade unionist and battler for the rights of the workingwoman.

Her excellent statement tends to give a measure of balance to the real situation afflicting workingwomen, housewives, widows, and retirees on passage of the equal rights amendment. The statement follows:

TESTIMONY ON WOMEN'S EQUALITY ACT AND EQUAL RIGHTS AMENDMENT

My name is Myra K. Wolfgang. I reside in the City of Detroit, State of Michigan. I am an International Vice President of the Hotel and Restaurant Employees Union AFL-CIO and Secretary-Treasurer of its Detroit Local 705. I represent the interests of service work-

ers, both organized, and as a member of the Michigan Minimum Wage Board, unorganized as well. I have been a member of the Mayor's Committee on Human Relations and at the present time am serving as a member of the Michigan Women's Commission (formerly known as the Governor's Commission on the Status of Women) since its inception having been appointed by Michigan's last 3 Governors, Democrat and Republican. I am grateful for the opportunity of appearing before you and wish to thank the Committee for holding these hearings.

Hearings are particularly necessary since your body voted for the passage of a bill similar to H.J. Resolution 208, now under consideration, in the last session of Congress. You did so without hearings and with a brief floor debate, giving the proponents of the Bill 45 minutes and the opponents 15 minutes. Since you were told by the Bill's sponsor in that very brief discussion that the proponents of the Equal Rights Amendment are seeking a "psychological uplift" for women, I am, indeed, happy to have this opportunity to discuss the heavy price the unskilled, untrained non-professional woman is being asked to pay for that "psychological lift."

In previous testimony before the Senate Judiciary Committee, I stated that the best road to travel to achieve the equality we all seek would be the "specific bills for specific ills" approach. H.R. 916 makes such an attempt. I will discuss it in greater detail after I first state my opposition to the so-called Equal Rights Amendment, and to H.J. Res. 35, 208, and 231.

I oppose adoption of the so-called Equal Rights Amendment since I believe that the adoption of the Amendment would jeopardize existing labor laws and standards that apply to women only.

I oppose the so-called Equal Rights Amendment because I do not believe that it will solve the problems of sex discrimination.

1. It will not bring about equal pay for equal work, nor guarantee job promotion free from sex discrimination.

2. It does not apply to the private sector of the community where the greatest amount of discrimination exists.

3. It is excessively sweeping in scope, reaching into the work force where "equality" cannot always be achieved through "identity of treatment". Not all laws are necessarily discriminatory, nor should all laws containing different provisions for men and women be abolished.

The contention of the optimistic proponents of the Equal Rights Amendment that the vulnerable woman down at the bottom of the ladder will in the long run be pulled up by the Equal Rights Amendment is outrageously optimistic.

Unfortunately, the only way to go is not up. Far more likely, a good many women would be forced off the job ladder altogether, preferring the purgatory of existence on Aid to Dependent Children (ADC) to the hell of back-breaking, home-wrecking compulsory overtime—overtime that would be required if state protective legislation is abolished.

The pie in the sky so generously proffered by the advocates of the Equal Rights Amendment must seem like a cruel joke to women who have no hope of reaching it. Just try telling a woman obliged to work a 60 or even a 70-hour week, as well as meet her family responsibilities, that the Equal Rights Amendment should boost her "morale, aspiration and fighting spirit".

The middle-class supporters of the Amendment make the mistake of thinking that sweat-shops belong to the past. This is not the case. Profit is still the name of the game—just as it was in the heyday of *laissez-faire*. It is legislation and labor unions, not any notable improvement in employer morality that has created better working conditions today than we had a century ago.

Witness what happened when Michigan's

54-hour a week law for women was temporarily suspended in the late fall and winter of 1967-68: the Chrysler Corporation, to be specific, immediately initiated excessive overtime for women—a 69-hour week—which resulted in some women literally dropping from exhaustion and having to be carried out on stretchers.

This is not my idle appraisal, this is sworn testimony of witnesses in the case of Stephanie Procluk vs the State of Michigan. A meat packing company, to be specific, the Glendale Meat Packing Company, began requiring its women employees to work a 70-hour week in a refrigerated room where temperatures ranged from 32 to 40 degrees. If these women are not already arthritic, they will become so working under such conditions.

This inhuman bondage took place, not at the turn of the century, but in 1968 and should give us a glimpse of the havoc that would be created if existing state protective legislation was swept off the books.

Hours limitation laws for women were provided them as a shield against obligatory overtime permitting them to fulfill their responsibilities as wives and mothers and still continue in the work force. While all overtime should be optional for both men and women, it is absolutely mandatory that overtime for women be regulated because of her dual role.

This doesn't sound like the testimony you heard last week from the spokesman from the A.C.L.U. Mr. Norman Dorsen. He testified, as did Congressman Abzug and Congressman Ryan's staff member, Jean Faust, that women are bringing suit to escape from the protection of such legislation. Some are, many aren't. They predicted that if the so-called Equal Rights Amendment is ratified, the benefits enjoyed by women in protecting themselves from excessive overtime "would be extended to both sexes". But, that's not what happens. The facts are that only compulsory overtime has been extended and that's equality of mistreatment. Those witnesses told you that protective laws "are a fraud and sham". That they are fast becoming "a red herring". Gentlemen, the exhausted Chrysler working mothers didn't think so, those shivering meat packers know different. Michigan's working women knew that they were covered by a law albeit inadequate, that guaranteed their getting home in time to fulfill their roles as mother and housewife. Those witnesses, gentlemen, are as far away from reality as Neil Armstrong was from earth when he stepped out onto the face of the moon.

Any witness who tells you that the passage of the so-called Equal Rights Amendment will not "invalidate any of the necessary protection and benefits that have been extended to women by statute" is getting their pot from Shangri La.

Many of those witnesses said that the question of the impact of the Equal Rights Amendment on protective hours legislation is a moot one, since several court decisions and State Attorneys rulings have said that such laws are superseded by Title VII of the Civil Rights Act of 1964. They are wrong. They do not take into account that hundreds of thousands of women are not covered by Title VII since they work for employers of less than 25 persons. To strike down as conflicting with Title VII all maximum-hour legislation for women only, is by no means the way to achieve equality. A much more sensible way would be to extend such laws to men.

But to promise an unsuspected electorate that passage of the so-called Equal Rights Amendment will extend hours protection to men, is as wrong as the promise was of a chicken in every pot and a car in every garage.

How strange, that the women who are rarely called upon to work overtime speak of a 60 or 70 hour week as a privilege. Exces-

ive overtime for either men or women is a punishment, not a privilege. Overtime is usually agreed to by the worker for fear of dismissal or to solve dire economic problems caused by inflation and the ever-increasing cost-of-living. Equalizing to the lowest denominator is not the answer, it increases exploitation as it has in other Michigan industries.

In addition to the previous instances mentioned—the Hostess Baking Company in Detroit (a subsidiary of the I.T.T.-Continental) eliminated their 3 shifts and instituted 2-shift day, after our Attorney General nullified the hours law. This meant that women were scheduled to work from 12 to 4 hours per day. I'm talking about September 1970, not the turn of the Century!! There were no men working in the bake rooms of this plant so the increase in work hours wasn't a question of equal application of the law. It was solely a question of an employer taking advantage of an Attorney General's ruling. This is another example of increased exploitation. I could give many more.

Those who say exploitation is a thing of the past are no doubt referring to life as they see it, in their professional Ivory Towers. Exploitation is real in 1971, bitterly real to women who are compelled to work excessive overtime. In addition, hundreds of thousands of women workers are not covered by the Fair Labor Standards Act and therefore are not even paid any premium pay for overtime worked. In fact, the entire hotel and restaurant industry is excluded from the overtime provisions of the Fair Labor Standards Act; only those workers covered by Union contracts receive premium pay for overtime worked.

I am sure you realize that time and one half is no longer a deterrent to overtime. It is more economical for employers to schedule overtime than to hire new workers.

Those who are urging the nullification of protective labor standards are playing the employers' game. Whether they are doing it in the name of equality, or whether they are doing it because of conservative commitment, it is treachery and has the same disastrous effect on the working woman.

Anyone who tells you that the employers of this nation will not jump at the opportunity to work their workers as much as they can are kidding you. That's the best way they know how to avoid giving pay raises to offset the rising cost-of-living—more hours and more hours and more hours—forget women's home responsibilities. It is this unlimited work week which will lead more women out of work force than the Pied Piper led Hamelin's rats.

Gentlemen, the women of America need to work, want to work and will work but not at the expense of their children, their husbands or their marriages.

Protective legislation was won by working women, for the protection of working women under the leadership of courageous women crusaders who knew that true equality didn't mean sameness of treatment or equality of mistreatment.

I find it strikingly inconsistent that the House floor leader of this Administration, that wouldn't approve a bill to extend equal pay for equal work to executive, professional and administrative women in the last session of Congress, spoke on the same floor in support of the Equal Rights Amendment and said: "This Amendment will give women those most valued of rights—the right to a job—to a promotion—to a pension—to all fringe benefits of any job".

Congressman Ford, Gerald not William, certainly must know that the only employment the Amendment will have any effect on, is public employment—Federal and State. It does not affect the private sector. Such insensitivity and inaccuracy is matched only by those who say "no one is compelled to work overtime if they don't want to—women shouldn't be treated like children."

Employers exercise controls over the unskilled and service workers that make protective laws as needed now as when they were first enacted. What is more, collective bargaining, as an instrument of balance between employer-employee relationships, is a non-existent factor for the majority of women in the work force who remain organized.

Voluntary overtime is rarely controlled by collective bargaining. The demand against compulsory overtime was one of the first dropped in the recent GM-UAW negotiations. Certainly no one can charge that the UAW was lacking in militancy, force or power. Yet, even after a crippling strike, the Union could not do away with the compulsory overtime. Those who say "if you don't like the job then why don't you quit" should have an alternative to suggest to the person of meager income who must work and cannot quit.

Equality for some women should not entail misery for others. The woman executive who wants to work long hours is a far cry from the average working woman, for whom compulsory overtime can be both back-breaking and home-wrecking. The woman who must choose between neglecting her home and family by working excessive overtime or quitting her job to go on welfare, is certainly not "free" in any real sense of the word. It is such a choice the proponents of the so-called Equal Rights Amendment will be obliging many of the lower-paid women workers, who they so facetiously refer to as "sisters", to make.

I have read with interest the rationale behind the Equal Employment Opportunity Commission's August 1969 guideline. It states: "hours of work have ceased to be relevant to our technology". Now this is simply not true, just what has technology done for service workers? Without protective legislation the unorganized service worker may be asked to "stand on her feet" for 10 and 12 hours a day. Has technology given her an extra set of feet? Tell the unorganized hotel maid making beds and changing linens, that economic progress has made labor standards legislation obsolete—she may well ask you if people are now sleeping standing up!!

Many of today's feminists who support the so-called Equal Rights Amendment state the role of mother and her need at home is exaggerated, therefore, regulated hours are not warranted. They assure you that many children are suffering from too much "momism". Gentlemen, it is not a question of too much "momism." I'm concerned with too little "momism." I'm concerned with the problems of many waitresses whom I personally know, who had to leave their jobs—and mind you, they were working just 8 hours a day—to be with their 13 or 14 year old daughters who were desperately in need of supervision and parental care. One of these harassed working mothers discovered that her home was being used by her 15-year old daughter as the "Place" to go after school hours for "pot parties."

We are on the threshold of the worst drug epidemic (in the sociological sense) that our Country has ever known, affecting young teen-agers from all classes in our society, much of it caused by lack of parental supervision. I am a Consultant of SHAR, a Detroit based effort to help cure narcotics addiction. Self Help Addiction Rehabilitation spells SHAR, pronounced share. I frequently see the results of "too little momism" there. Nevertheless, the super-feminists have now joined Portnoy in his complaint and say what is needed is more "popism."

More popism! What "popism" can there be for children of divorced women, widowed mothers, abandoned wives and unwed mothers. Such a mother has strong obligations at home for she is both mother and father to the child and its sole-support. Such women should not be forced by economic circumstances to work excessive hours, for rare in-

deed, is the mother who abandons her children while the father who "walks out" on both wife and child is not unusual.

The number of unwed mothers in this Country is increasing, according to Dr. Clark E. Vincent in his book "Unmarried Mothers", a compilation of studies published in the "American Journal of Sociology" and the "American Sociological Review". His studies also point out the contrast in judging the behavior of unmarried fathers and unmarried mothers. Although the father is half the cause of illegitimacy, the ratio of studies of unwed fathers to unwed mothers is approximately one to twenty-five. The father is considered less of an important research project simply because it is so difficult to recognize him. The mother's participation is made obvious by a protruding profile—evidence hard to conceal. The father bears no outward signs, his accessory role must be proved. It is easy for the male to maintain his anonymity if he chooses. No Equal Rights Amendment will ever alter that fact. Studies further show that the unwed mothers who keep their children come from families of lower socio-economic status, working in semi or unskilled jobs.

I resent the cavalier way that some of the proponents of the so-called Equal Rights Amendment handle the question of maternity legislation. Equal Rights Amendment supporters who recently testified before the Senate Judiciary Committee correlated the need for maternity legislation with paternity legislation. Could they possibly be serious!! Are the functions the same? The fathers contribution to the blessed event is the act of impregnation followed by the ritual of passing out cigars nine months later, dutifully announcing "it's a boy" or with bowed head "it's a girl." While the mother, in addition to the many problems of pregnancy, some disabling, loses an average of 20% of her blood in delivery. Some difference!!

Since we persist in killing off our men in wars, the growth of the female population is exceeding that of the male by about 100,000 a year. The number of divorced women who do not remarry is more than 30% larger than that of men in same situation. There are over 8 million widows in this Country. The widow is almost totally helpless in this situation, for rare, indeed, is the man who agrees to become the married ward of a built-in family.

What is more, we are now living in a three-generation society. In many households, the working wife is the mother, caring for her children, and the daughter, caring for aged parents, as well. It may be true that "father knows best" but where in the devil is he? That question is being asked by an increasing number of women.

Senator Birch Bayh when opening the Senate Judiciary Committee hearings on the Amendment stated that the purpose of the hearings was to create grass-roots support for passage of the so-called Equal Rights Amendment. The hearings were held in early May. What support have the hearings generated since then? A recent edition of McCall's Magazine reveals the results of a poll on the question of Women's Liberation. When asked Do You Think Young Children Need A Full-Time Mother?—76% of those questioned answered yes. When asked Do You Think That Women Should Be Drafted?—73% answered no. When asked Do You Think All-Male Clubs And Bars Should Be Abolished?—83% of those questioned answered no.

Ponder this when the proponents of the so-called Equal Rights Amendment appear before you to remind you (with political overtones) that women are 51% of the population. McCall's Magazine also recently compiled a list of State laws that "discriminate" against women. Listed were family support laws. It is very doubtful that women would agree that a family support law is a curtailment of their rights. Divorced, separated or deserted wives struggling to support themselves and their children may find their

claims to support even harder to enforce than they are right now, with the passage of the proposed Equal Rights Amendment. Can it be said that the treatment everywhere accorded to wives regarding support is a manifestation of male oppression or chauvinism or domination?

An Equal Rights Amendment that prohibits any legal differentiation between the sexes compresses all relationships into one tight formula. This can't be done. There are many laws that now differentiate, and indeed they should.

Virginia R. Allan, Chairman, President's Task Force, has assured you that the passage of the Equal Rights Amendment would "enable women to share with men the responsibilities of family, community, and nation. *Too long* (she continues) have men borne the total burden themselves without the full partnership of that other half of the population".

To give credence to such a statement, we have to blind ourselves completely to the realities of life in our society. Some of the upper-middle-class feminists who talk about the "shared-roles" ideology, may be able to brow beat their husbands into sharing some of the "responsibilities of family"—perhaps even into sharing some of the less delightful tasks arising out of that responsibility, like floorscrubbing and dishwashing, and if they fall in this ploy, they can always hire another woman to do the housework, for them.

But let's face it—the "shared roles" ideology is just an ideology as far as most women are concerned. The average working mother and homemaker is going to be doing her outside job as well as meeting her family responsibilities. She will have little or no help at her second job at home. If she has a husband at home—and is not widowed, divorced, separated or unmarried, as many working women are—she will probably not find him very eager to put on an apron and do dishes, or to bathe the children, or to cook dinner, or to do the laundry. Unjust this may well be—it's the way things are. If you think you're going to "enable" women to share their roles by an Equal Rights Amendment, better first ask the average husband how he feels about housework. All the Equal Rights Amendment will do, in most cases, is make the role of the working woman harder, by removing the legislation that protects her in outside employment and sending her home to her second job exhausted.

Representative Mikva notes that the "underlying social reality" of the male as provider and the female as child-bearer and rearer has changed, indicating a change is needed in the laws. But just how much, and in what way, has this change taken place?

To be sure, more women have entered the work force—often functioning as sole provider for their family. *But the woman still is the one who bears primary responsibility for the home and children.* She now has two jobs. To me, this indicates she needs more protection—not less—in order to successfully play the dual role modern society demands of her. This is the true reality—the dual role of women—not the illusionary "shared-role" some of our feminists are talking about.

As some feminists seem to have it, any difference is a discrimination. If this be the case, women are damned from birth. No Equal Rights Amendment will alter one whit the basic biological differences between men and women. Nor, unless we are foolish enough to imagine we can restructure in one broad sweep our entire society, will it alter the traditional role of woman, not only as the bearer of children, but also as the one primarily responsible for their care, their growth, and development. This being the case, "sameness" of treatment will never result in true equality.

Senator Sam Ervin recently noted, and it deserves repeating, that in the State of North

Carolina, any man sexually molesting a female under the age of 14 is guilty of statutory rape, punishable by death. A woman molesting a boy under the age of 14 is guilty of misdemeanor, punishable by 90 days imprisonment. The reasons are obvious—pregnancy may follow the rape upon the girl. The effects of molestation upon the boy are either a pleasant or unpleasant experience. But come "equality" which law will apply? Which will it be?

Or consider the law that approves different premium rates for life insurance for men and women; based on actuarial statistics of life expectancy, the rates for women are lower. Here is a legal recognition of a fact of life, which happens to favor the position of women. Women's greater longevity also effects the cost of providing pensions. The cost is higher for women than for men. Insurance companies, in providing for such differences, are not guilty of sex discrimination, but are simply providing for biological differences, which will not go away if we try to pretend they do not exist. Private employer-employee pension funds administered by Union and Employer representatives have found that since, normally, a wife is dependent on her husband's pension, a husband usually not dependent on his wife's pension, that providing death benefits under a retirement plan to husbands of deceased employees, especially if they have their own source of income, is an unnecessary diversion of monies that could be used to improve benefits for other female employees living in retirement.

Likewise, health and welfare insurance is utilized differently by men than women. The incidence of pregnancies and hysterectomies among men being, needless to say, non-existent.

Therefore, if an insurance fund to which both male and female employees contribute, men are, in effect, subsidizing the higher cost of pensions and health benefits for women. Discrimination? I think not. Rather a fact of life—one that no so-called Equal Rights Amendment will legislate away. How will those laws be equalized?

Many of the proponents of the so-called Equal Rights Amendment acclaim the Court's decision in *Weeks vs. Southern Bell*. They hail it as progress. The Court stated that "Men have always had the right to determine whether the incremental increase in remuneration for strenuous, dangerous, obnoxious, boring or unromantic tasks is worth the candle. The promise of Title VII is that women are now to be on equal footing". To be given the opportunity to do strenuous, dangerous, obnoxious work is not what American women wish to be liberated to. An Associated Press release of March 24th, interestingly enough entitled "Equal Rights", reports: "Women now can work in Colorado coal mines. Governor John Love signed a bill removing a ban on the employment of women in the mines". What would the Mad-Hatter say now!

The middle-class women who push for the passage of the so-called Equal Rights Amendment will, at best, be "liberating" only themselves—and they won't be going to work in the Colorado coal mines—at the price of adding to the exploitation of the 64% of the female working force who hold low-paying or menial jobs and who desperately need what protection they now have. Our goal should be to humanize working conditions for all, not to de-humanize them for women in the name of equality.

Mrs. Shriver testifying for the Business and Professional Women before your Committee quoted the National Safety Council's 1954 study in which it is said that women can perform arduous labor, like coal mining, and railroad building. She seems to feel this is reason for requiring such back-breaking work. Strange reasoning, to say the least! I do not doubt that there are both women and men who can work perhaps even survive for a

while—under the most inhuman of conditions. But is this what we want? If a woman can manage somehow to return to work and stand 12 hours a day after delivery of child shall we then demand she do so in the name of equality? If one can lift heavy weight without injury, should all be obliged to do so despite the obvious risk. Of course not, and to argue otherwise is either unthinking or cruel.

Nothing in the Amendment prohibits the reduction of present benefits and privilege as a means of complying with the equality standard set out by the Amendment. I would point out in the Equal Pay Act of 1963, provision against equalizing to the lowest denominator was written into the law with the words "Provided, that an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rates of any employee". No such provision has been proposed to the Equal Rights Amendment. In absence of such a provision, there is no guarantee that we will not equalize to the lowest denominator.

I do not, of course, disavow the principle of equality, but I oppose this Equal Rights Amendment as a method of trying to achieve it. Legal remedies must be made available for specific areas of discrimination on a case by case approach. H.R. 916 attempts to do this, and I would like to make the following comments:

H.R. 916, the Women's Equality Act of 1971, is intended primarily to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities. Notably, this piece of legislation does not propose passage of the so-called Equal Rights Amendment, which was the first of the Task Force's list of recommended legislation. I can only hope this indicates an awareness on the part of the proponents of H.R. 916 that the so-called Equal Rights Amendment is not the answer.

H.R. 916 amends the Civil Rights Act of 1964 as well as other existing Federal statutes and programs to extend protection against sex discrimination. Section 3 of H.R. 916 deals with public accommodations. The problem of public accommodations is not a great an issue as others facing the women of this country. To be sure, there are a few diehard bars, such as the infamous McSorley's who refused to serve women, but let's face it, most women couldn't care less and wouldn't be found dead in the place. They are too busy to waste much time brooding about their inability to buy a drink in one of the few remaining men only bars. Most women get their beer shampoo in beauty parlors, not at McSorley's. Granted that women should have the right to drink where they please. H.R. 916 would give it to them—but the public accommodations provision, as it stands, could have less desirable effects.

Segregation by sex in certain kinds of physical accommodations is not always, as is racial segregation, a *per se* discrimination. Separate rooming facilities, for example, run by the YMCA and the YWCA can hardly be called discriminatory against either men or women, but, to the contrary, offer the advantages of convenience and privacy to both. Few women want or are willing to share communal toilet and bathing facilities with men, and *vice versa*, yet many YMCA and YWCA's are built with communal accommodations. If an occasional odd-ball feminist is refused a room at the YMCA, or an eager young man turned down by the YWCA, I would say that is their problem, demanding a personal solution, not legislative correction.

Therefore, if the Civil Rights Act is to be amended to prohibit sex discrimination in public accommodations, as it should be, provision should be made for cases where true discrimination does not exist and where sex

ration by sex is reasonable and advantageous to both sexes.

Section 4 of H.R. 916 amends Section 301 of the Civil Rights Act of 1964 to forbid sex discrimination in public facilities, giving the Attorney-General power to bring suit in such cases at public facilities owned, operated or managed by any State government or subdivision thereof.

Presumably, "public facilities" would include, parks, hospitals, prisons and other institutions or recreational facilities—as well as any restrooms connected with them. Again, we must ask if any segregation by sex in such cases would be true discrimination. Is it discriminatory to have separate men's and women's prisons? I think not. Provision should be made to allow for legitimate, non-discriminatory segregation by sex, where society deems it appropriate.

When considering Section 5 of H.R. 916, the same question of legitimate separation by sex versus sex discrimination arises. Section 5 would amend the Civil Rights Act of 1964 to include sex under Sections 407 and 410, authorizing the Attorney-General to bring suit in behalf of women in our system of higher education.

The problems of women and our educational system are many. Women received a larger percentage of masters and doctors degrees in 1930 than they did over 30 years later. The passage of H.R. 916 could be a step towards correcting this imbalance. Most discrimination in educational facilities would probably continue on a de facto basis, since it is based more on the deeply entrenched attitudes of the male hierarchy of academia than on public policy. Whether the existence of any educational facility segregated by sex is discriminatory is an involved question. Both men and women sometimes prefer to attend institutions limited to members of their own sex; the passage of H.R. 916 would probably not leave this option open.

I am not sure we should pay the price of outlawing all non-coeducational schools and colleges in order to curtail real sex discrimination, albeit, discrimination does exist in most of our educational institutions. The results are reflected in the fact that 9% of American physicians are women as compared to 24% in Great Britain and 65% in Russia.

There is a special legislative basis, however, for the large number of women in Soviet medical schools and as practicing physicians. Provisions for nurseries for small children which facilitate the continued useful employment of women is one such benefit. By law, the physician mother in the U.S.S.R. and women medical students have the right to paid leave for pregnancy and delivery—56 days before and 56 days after. Students preserve their scholastic standing during this period and proceed with their studies as if they had missed no time. Women with young children are not required to serve night duty in hospitals. It is this special protective legislation which could not be enacted under the so-called Equal Rights Amendment, that has enabled so many Soviet women to become doctors. Dr. Harold Kaplan of the New York Medical College in an issue of "The Woman Physician" writes—"Dykman and Stalnaker's authoritative survey of women physicians which revealed that 38% of the 17,000 women physicians in the United States had to remove themselves from professional activity for an average of four years each because of pregnancy and family problems; thus the nation was deprived of 25,440 years of medical practice from these women which was approximately the number of man-hours that the graduates of 25 new average-sized medical schools would practice in 10 years". This appalling situation should suggest to the powers-in-charge that radical changes must be made in education. Amending Sections 407 (a) (2) and 410 of the Civil Rights Act will not by itself bring about the changes needed to utilize women to their

full capacity; conversely, further special legislation is needed. Using foreign countries as an example, where flexible and special provisions are made for women, there is an increase in the number of women continuing medicine as a career.

Section 6 of H.R. 916 adds sex discrimination to the jurisdiction of the Civil Rights Commission in the areas of voting rights, a study of legal developments concerning equal protection of the laws under the constitution, and the appraisal of the laws and policies of the Federal Government with respect to equal protection and fringe benefits for families of female Federal employees. It also authorizes the commission to serve as a national clearing house for information on sex discrimination involving denial of equal protection.

I feel that sex discrimination is a legitimate concern of the Civil Rights Commission and that the inclusions proposed here are valid and acceptable.

Section 7 of H.R. 916 amends the Civil Rights Act of 1964 to prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance. Let's consider what that fine-sounding proposal could mean: Federal assistance would have to be denied to many organizations operating now with bona fide, non-discriminatory sexual segregation, such as Boy Scouts and Girl Scouts, many summer camps for poor children, and men's and women's colleges and those student organizations limited to one sex or the other, to name a few.

I don't think these results would be in keeping with the true intent of the act, and feel that provision should be made for such organizations that legitimately restrict membership by sex.

I concur with Section 8 of H.R. 916 which amends the Civil Rights Act to authorize the Attorney-General to intervene in court actions involving denial of equal protection under the law under the 14th Amendment on account of sex. Since I believe the 14th Amendment already guarantees equal protection for all persons, including women, this provision would encourage court decisions to that effect.

Sections 9 and 10 of H.R. 916 include sex under the fair housing provisions of the 1964 Civil Rights Act making it unlawful to refuse to sell or rent a dwelling to any person on account of sex, as well as prohibiting sex discrimination in other aspects of housing, such as loans and listing of dwellings.

Just how much sex discrimination exists in this area is not known to me. Certainly, men as well as women suffer from sex discrimination, particularly in rentals. In some University towns, landlords hesitate to rent to single young men, being convinced that young men will not own vacuum cleaners and will therefore let the carpet go to pot, you should pardon the expression. Other landlords don't want to rent to young women, on the grounds that they will give loud parties, or get married and move out. More and more landlords make blanket refusals to rent to families with children.

No such class typing, of course, is valid. Some young men keep a clean house, and some young women live quietly in the same place for years and do not get married and not all children finger paint on the walls. Landlords who refuse to rent to some particular category, especially in regard to sex, may have formed a hasty judgment on the basis of societal influences. This sort of sex discrimination is not valid and should be stopped; for this reason, I support this passage.

Section 11 of H.R. 916 extends the Fair Labor Standards Act to provide for equal pay for women in executive, administrative and professional positions. I support it. However, this concern on the part of the President's Task Force seems a bit suspect, in view of the fact that no recommendation is made by the

Task Force members for extending coverage of the Fair Labor Standards Act by including household employment and other workers not now covered.

There are over 2 million domestic workers, most of them women, most of them earning less than \$1.00 an hour, many of them the sole support of their families. Almost all of them are far below the poverty level, barely subsisting on pitifully, outrageously inadequate wages. Surely, their plight is as pressing as the plight of discrimination of women executives receiving \$24,000 a year in contrast to their male counterpart's \$26,000. I do not think that professional women should be discriminated against—we must have equal pay for equal work—but I do insist that strengthening amendments to the Fair Labor Standards Act should affect far more seriously the lower paid working women.

President Nixon's Task Force showed inordinate, although expected, insensitivity to the problems of working women by not recommending that Fair Labor Standards Act coverage be extended to all workers, premium pay be paid for all overtime, and a minimum wage of \$2.00 per hour be enacted.

Mrs. Shriver of the Business and Professional Women claimed in her testimony before you that protective legislation prevents millions of women from providing "their dependents with proper support and care". Surely women forced to work excessive overtime are going to have trouble "caring" properly for young children. Is Mrs. Shriver basing her claim on the concept that wages for women are so low they have to work a 70-hour week to properly support their children? The way to correct that would not be with an Equal Rights Amendment but with legislation bringing all workers under an improved Minimum Wage Law, strengthened with the aforementioned amendments.

Section 12 of H.R. 916 authorizes the Secretary of Health, Education and Welfare to pay up to 50% of the cost of Women's commissions, panels, and boards established by the States to study discrimination against women under State laws, in employment, public accommodations, etc.

I have one strong reservation about this proposal—it fails to require that the commissions so funded have a truly representative membership. Without such a provision, we may find the commissions presumably claiming to speak for all the women of their particular States composed solely of well-to-do professional and business women, who have little or no understanding of the lives, needs or problems of the majority of working women.

Therefore, I submit that Section 12 of H.R. 916 should be amended to assure that the commissions are bi-partisan and made up of employer-employee representation. I would not like to see Federal funds subsidizing, in effect, the interests of one class, to the exclusion of the needs of other female members of our society.

Section 13 of H.R. 916 authorizes a number of studies and the reporting of them to Congress. Section 13(a) authorizes the Secretary of Health, Education and Welfare to submit to Congress, within one year from the effective date of the Family Assistance Act of 1970, his recommendations for legislation to provide social security benefits for husbands and widowers of women workers under the same conditions that are now provided to wives and widows; to provide equitable retirement benefits to families with working wives under the Social Security Act and the Civil Service Retirement Act; to provide Federal assistance for child-care services to families not covered under the Family Assistance Act and to amend child-care services under that act to apply equally to families with working husbands and working wives; and to amend the Internal Revenue Code to allow families with both spouses working, families with one spouse disabled

and the other working, and families headed by one person to deduct from gross income as a business expense the cost of a housekeeper, nurse or institution for care of children or disabled parents.

Since the bill at this time calls for a study of Social Security benefits, I support it. However, I cannot agree that the inequity towards women rests with the specific provision mentioned (spouse benefits); since women are the greatest recipients of medicare (financed by Social Security) because of their longevity, perhaps the difference of survivors benefits is understandable. This is a complex matter that will certainly not be clarified by a constitutional amendment, rather a study is warranted so that if any changes are required, the Social Security Act can be amended to conform to such changes.

I further want to comment on the proposal relating to child-care services. I am strongly in favor of child-care facilities being available to all who need and wish to use them, and I feel that immediate action to reach this goal is imperative. I question whether further studies are necessary. Child-care centers, like convalescent homes, are springing up in a helter-skelter, uncontrolled, unregulated manner. We are at a point where we can no longer caution against rushing into child-care centers. They are starting anyway, one way or another. I would, however, like to make the observation that after 50 years of child-care centers in the Soviet Union, "Grandmother" has now become once again a most important institution. For if "babushka" is willing to baby-sit, mother does not have to face the difficulty of what to do with the child while working. "Babushka's" American counterpart, though, is on well-earned Social Security retirement living with her peers in Florida. To coin a phrase, she feels her grandchildren's homes are "a nice place to visit but I wouldn't want to live there". Child-care centers are of immediate urgency, let's get on with the job. I urge the government authorize the appropriate funds necessary for an adequate and comprehensive child-care program.

The proposed amendment to the Internal Revenue Code, allowing deductions for child-care and for care of disabled parents is a valid approach, but I feel an income limit, which would keep upper-income taxpayers from using the provision as just another tax benefit, should be included.

Section 13 (b) of H.R. 916 authorizes the Commissioner of Education to conduct a survey of sex discrimination in education and to submit his findings to Congress along with recommendations for legislation to correct what inequities exist. As I said earlier, I believe equality of education will come not just from equality in admission policies, but from recognition of and provision for the biological and social differences between men and women. Legislation designed to equalize educational opportunities should be studied. A review of the testimony on the Equal Rights Amendment hearings before the Senate Committee dramatically illustrates how badly correct information is needed.

The so-called Equal Rights Amendments proponent's rose-colored spectacles are not admitting the light of common sense when they suggest that the so-called Equal Rights Amendment will dislodge the male hierarchy of academia. It is doubtful that a woman was even denied a full professorship because of state protective legislation. The heaviest lifting these women teachers perform in their work duties is to carry the weight of their knowledge—by no means a challenge to weight lifting restrictions.

It is more likely that a good many have been denied promotion on the centuries old, if unspoken, assumption that "women just can't think like men". To be sure, this is nonsense, but it is equally nonsensical to claim the Amendment would change it or the discrimination. Discrimination, we all know, is deplorably pervasive. It exists not only in our

universities, but in virtually every field of endeavor. It is firmly rooted in attitude; and attitudes—pre-dispositions to act or react in certain ways—are intangible, insidious, and extremely hard to change.

H.R. 916 strengthens the enforcement provisions of the Equal Employment Opportunities Commission and should be enacted to assure compliance with the Law.

A member of Congressman Ryan's staff, Jean Faust, has testified that the "baby boom" of the fifties came about because women left the factories. Surely, she must know that this "baby boom" came about as the result of husbands and boyfriends returning from the armed forces at the end of the War. Fewer babies were born in the forties because of the absence of husbands. To say different confirms men's suspicion of lunacy in the women's liberation movement.

In order to have true equality, we must have protective legislation and social rights to meet woman's dual role as mother and breadwinner. We need—

1. Meaningful child-care centers and school lunch programs. H.R. 916 is such a beginning.
2. Improve hours limitation laws and their rigid enforcement.
3. Mandatory rest periods and separate washroom facilities.
4. Reasonable weight lifting limitations.
5. Rigid enforcement of Equal pay and Equal employment opportunity laws. H.R. 916 is a step in that direction.
6. An educational campaign to expose male chauvinism and its roots in order to create the social atmosphere conducive to real sex equality.
7. Recognition of the special double role of women and their acceptance of that responsibility.
8. Equal access to all educational facilities. H.R. 916 attempts this.

By working for the enactment of such legislation, women would, as they should, become part of a social movement dedicated to reforming our social structure to permit true equality between the sexes. True equality should accomplish for all women, young and old, married and single, housewives and breadwinners, mothers and the childless, wives and widows—their goals and aspirations. It should improve their life. It should broaden the fruits of science to lessen the drudgery of our housework and to make clothing functional, yet enhancing. It should bring peace to the world and bring our teenagers home, going to colleges or learning a trade rather than working towards expanding the draft by including women to kill and destroy. It should fight to maintain the right to stay home as a housewife and mother, if circumstances permit, and that it be the preference of the individual woman. It should fight to have an economy that's free from hunger and privation that affords freedom from want and need in a society that promises every man and woman equal pay for equal work. That's the kind of liberation I'm interested in. That liberation embodies the "rights" we should fight for.

In conclusion, whatever one's definition of "male" and "female" may be, nothing justifies an inequality of rights and where such inequality exists, it must be eliminated. Let us make sure, though, that we properly define rights and privileges before eliminating them. I do not propose to take away the rights of some women to give privilege to others. When equality becomes "sameness" an imminent principle of order is lost. Shakespeare in *Troilus and Cressida* tells us: "Take but degree away, untune that string, and hark, what discord follows. Each thing meets in mere oppugnancy".

That was said over 350 years ago when Ulysses was warning Agamemnon about the danger of changing the structure of communities and the inter-personal relations in society. Not recognizing immutable differences is as dangerous today as it was during

the Trojan War. The discord that will be created by the failure of the so-called Equal Rights Amendment to recognize difference could well be disastrous.

Thank you for this opportunity to testify before your Committee.

COMMON CAUSE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GOLDWATER. Mr. Speaker, the Republican National Committee's hard hitting weekly publication, Monday, has recently done two outstanding articles on John Gardner's organization, Common Cause. I would recommend these pieces to my colleagues, as well as to anyone else proceeding on the mistaken assumption that the organization is nonpartisan. The articles follow:

JUST HOW NONPARTISAN IS THE "NON-PARTISAN" COMMON CAUSE

Ralph Waldo Emerson: "Do not say things what you are stands over you the while, and thunders so that I cannot hear what you say to the contrary."

In his "Dear Friend" letter to potential members, the Chairman of Common Cause John Gardner, refers to his organization as a new "Independent, nonpartisan organization for those Americans who want to help in the rebuilding of this Nation." An investigation of the organization by Monday has shown that behind the nonpartisan rhetoric there is much more than meets the eye.

To begin with, there is Gardner. A nominal Republican, he has become a purveyor of the radical Democratic line on virtually every major issue. Examples abound: In a 1968 speech to the National Press Club, Gardner accused the President of a "failure of leadership" in domestic affairs. The *New York Times* called the address a "strong indictment" that bore down particularly hard on the Presidency. In May, 1970, Gardner assailed President Nixon on civil rights. In a statement on Laos this February, Gardner ignored North Vietnamese violations of Lao-tian neutrality and accused the Nixon Administration of widening the war in Indochina. He accused President Nixon of playing Russian roulette and a deadly game.

Next, there is the staff of Common Cause and the way the organization is run. It's Policy Council has approved as President of Common Cause, Jack Conway. And Harold Willens has become Special Advisor to Gardner. Conway, who will be the "chief operating officer" of Common Cause, is a Democrat and former chief assistant to the late Walter Reuther, head of the United Auto Worker's union. He was also Deputy Director of the War on Poverty in the Johnson-Humphrey Administration. Willens, also a Democrat, is co-founder with Henry Niles, another Democrat, of the radical Business Executives Move for Vietnam Peace. Both Willens and the group he helped found have been unremitting critics of the Nixon Administration. Their views are indistinguishable from the Democratic party's left-wing. The *Washington Post* has quoted Willens as blaming "American militarism" for the war in Vietnam. The *Post* also reported that Business Executives Move for Peace contributed \$8,000 to help bail out the left-wing Vietnam Memorandum Committee.

A Monday poll of Common Cause's 19-member Executive Committee, which is responsible for detailed review of both past and future action, shows Democrats outnumbering Republicans by 11 to 6. One

identified herself as an Independent; another was unreachable. The Common Cause Policy Council is also loaded with Democrats: Ga. State Rep. Julian Bond, Tex. State Sen. Joseph Bernal, the wife of Sen. Fred Harris of Okla., Gary, Ind. Mayor, Richard Hatcher, Henry Santiestivan, husband of the editor of the Americans for Democratic Action publication, ADA World, Cleveland Mayor Carl Stokes, Philadelphia Mayor James Tate, UAW President Leonard Woodcock and Andrew Young, Jr.

While President Nixon is fighting to reverse the flow of power from Washington to the States, Common Cause is doing precisely the reverse. In a signed message to members last week, Gardner reported that after "consultation with long-established organizations" it had been decided that Common Cause would not adopt the conventional local chapter form of organization. "Nor do we want members to launch local actions that are not a part of a national effort that Common Cause is making," he warned. The reason: "Uncoordinated local initiatives would dissipate the power that Common Cause can exert when all members act together."

Common Cause's stand on issues also belies the claim to nonpartisanship. Following up on charges by Newsweek columnist Stewart Alsop and Washington Post columnist Kenneth Crawford that there are no differences on the issues between Common Cause and the Americans for Democratic Action (ADA), Monday put the question to both organizations. The answer was the same: Neither could think of one major issue on which the other differed substantially. "I think there are some," ADA Press Secretary Sarah Trott told Monday, "but I can't think of one specifically." Special Assistant to the chairman of Common Cause, Thomas Mathews, said essentially the same thing, only a little more colorfully (see box).

Not only do Common Cause's positions follow the liberal Democrat line, but they also are even lobbied for on Capitol Hill by Democrats. Four out of five of Common Cause's registered lobbyists are Democrats. They are: John Lagomarcino, who wouldn't admit to Monday that he was a Democrat, but said he voted for Humphrey in '68 and Johnson in '64; Jack Moskowitz, formerly with a subcommittee of the Senate Judiciary Committee—put there by the Democrat Senator from Michigan, Philip Hart; Wayne Horvitz; and Ed Anderson, formerly with the Friends Committee on National Legislation. Anderson, when asked if a Democrat, said: "Please don't ask that." But when pressed, he said he was a Democrat. The lone Republican lobbyist is Lowell Beck.

How Common Cause got into one issue, the seniority system, has been reported in the New York Times which said the organization took on the controversy after Gardner, Lagomarcino and Pete Edelman, a former staff aide to Sen. Kennedy, "scouted around Capitol Hill talking with such Congressmen as Donald Fraser, Democrat of Minnesota, head of the liberal Democratic Study Group."

Seeking a Common Cause member's opinion as to the partisanship or nonpartisanship of the organization, Monday spoke with Mrs. M. E. Herr of Yakima, Washington. Mrs. Herr was chosen at random from material in a Common Cause press kit quoting her on the ineffectiveness of Congress. Mrs. Herr told Monday: "I think Common Cause does lean toward the liberal Democrats on the issues. And I think if they are partisan, and I concede it looks as if they are getting that way, I believe they should say so."

In a letter to the Washington Star last month, Common Cause member E. D. Gibson announced his resignation from the group saying: "The bloom is soon departed . . . Common Cause . . . is found wanting. It has taken the easy turn in becoming another anti-government organization opposing the national policy in the Far East."

In recent weeks, other information has

come to light which seriously weakens Common Cause's pretenses to nonpartisanship. These include:

The revelation that the organization allowed the Democratic National Committee to use part of its membership list to raise funds. Gardner later expressed regret over the incident causing RNC Chmn. Bob Dole to ask if Gardner was embarrassed "because he goofed or because he was caught?"

Reports in the Albuquerque Journal that Anne Wexler, a veteran of the Eugene McCarthy and Joe Duffey campaigns, is heading a voting rights division for Common Cause. The Journal also reported that she is pushing reforms contained in the report issued by the Democratic Nat'l Committee's convention reform commission headed by Sen. George McGovern. David Mixner, also a veteran of the McCarthy campaign and a Vietnam Moratorium Committee organizer, is working for Common Cause on a pilot project on the relationship between corporations, regulatory agencies and state legislatures, the Journal reported. Craig Barnes, a defeated Democratic House candidate, is working with Mixner.

A report in the leftist New Republic magazine that Common Cause is "serving as a half-way house for backers of Presidential candidates who haven't announced, such as Sen. Harold Hughes of Iowa." The magazine also reported that while Common Cause boasts of its nonpartisanship, in the early weeks of its formation "rumors were flying about that Common Cause was laying the foundation for a third party . . ." The New Republic reported that Gardner enjoys former Sen. Eugene McCarthy; "He thinks that every time the former Senator opens his mouth, he says something, which is unusual in Washington."

A report in Human Events that the PR firm of Doyle, Bane and Bernbach, which handled LBJ's campaign in 1964 is providing free services to Common Cause.

To sum up, the question about Common Cause is not whether it has the right to employ whoever it wants to take whatever positions it wants. What is at issue is whether the organization should hire partisan individuals in prominent positions and take partisan political positions while at the same time calling itself nonpartisan. As Stewart Alsop put it: "I'm not arguing whether the dove Democrats and Common Cause are right or wrong. My point is that a spade really does occasionally need to be called a spade. And John Gardner, who is undoubtedly an admirable fellow, is no more the head of a nonpartisan citizen's lobby than I am. He's the head of a lobby for liberal Democrats—which, of course, he has every right to be."

A SLIGHT CASE OF PARANOIA

When Monday spoke with Thomas Mathews, special assistant to Common Cause's Chmn. John Gardner, about Stewart Alsop's comment that there are no major differences between CC and the Americans for Democratic Action, Mathews became indignant. "Not true," he snorted. "Absurd." Then name a few, Monday asked. But I don't know where ADA stands on the major issues, replied Mathews. Then how do you know your stands aren't the same, asked Monday. At this point Mathews began to yell incoherently. But all ended well. Mathews later apologized to Monday explaining that he has a "slight case of paranoia" when it comes to discussing "our partisanship."

COMMON CAUSE CONTINUES TO PARROT DEMOCRAT LINE

As we were saying last week, the organization Common Cause and its chairman, John Gardner, are purveyors of the radical Democrat line. In this month's newsletter, Common Cause advocates a legislated end to the Vietnam war, a position the organization

says it arrived at after "consulting at length with former officials of the Defense Department and National Security Council." Although the newsletter did not say so, a spokesman for Common Cause admitted to Monday that the officials consulted were officials in the Johnson-Humphrey Administration. In an attempt to document the wisdom of setting a date for withdrawal from Vietnam, Common Cause cited the beliefs of such "experienced Americans" as Averell Harriman, Clark Clifford and Cyrus Vance. All Democrats and all high officials in the Johnson-Humphrey Administration. Why the men who got us into the war in Vietnam and escalated our involvement there should now be looked upon for advice as to how to get out of the war and de-escalate it, is not explained in the Common Cause newsletter.

In addition the language used by Common Cause in urging a legislated end to the war is strikingly similar to the language used in last month's bug-out statement by the Democratic Policy Council (see box). Common Cause also charges that no party to the Paris talks has begun serious negotiations. This is most puzzling. President Nixon, as recently as last week, has called for: an immediate release of all prisoners of war in the Indochina area; an all Indochina Peace Conference; the complete withdrawal of all outside forces; and a political settlement of the war. It would appear that Common Cause defines "serious negotiations" as those put forward by Democrats.

Democratic Policy Council statement on Indochina, March 24, 1971: "There should be a firm, unequivocal declaration by the Government that all American forces will be withdrawn by the end of this year. The Congress should share responsibility for this decision. An announcement for complete withdrawal this year should be used to negotiate the safe withdrawal of our troops and the speedy release of our men who are prisoners of war. . . . Such an announcement could also result in the beginning of real substantive negotiations in Paris . . ."

Common Cause newsletter statement on Indochina, April, 1971: "Congress must reassert its role. It must legislate an end to the war. It must enact into legislation the desire of the American people for a complete military withdrawal from Indochina and it must fix a date by which that process must be completed. Only this step can end American involvement in the war, free our prisoners, and permit the Vietnamese to determine their own future. . . . Announcement of a definite date for withdrawal of all U.S. forces is the only basis on which Hanoi will begin serious negotiations."

WHOOOPS!

Common Cause newsletter, April, 1971: "The American people haven't been told, but all indications are that the President does not (emphasis theirs) intend a total withdrawal."

President Nixon in his troop withdrawal address, April 7, 1971: "Our goal is a total American withdrawal from Vietnam."

HOUSE JOINT RESOLUTION 540 PROVIDES ADDED FUNDS SOUGHT FOR RAILPAX

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. TERRY. Mr. Speaker, I am one of over 30 cosponsors of House Joint Resolution 540, with the aforementioned rep-

representing 10 States. I feel that House Joint Resolution 540 is the most comprehensive bill introduced so far dealing with the overall problems concerning the drastic reductions of the Nation's passenger service.

Furthermore, I was delighted that the Subcommittee on Transportation and Aeronautics of the House Committee on Interstate and Foreign Commerce held hearings on April 21 and 22 on House Joint Resolution 540 and other legislation amending Public Law 91-518, the Rail Passenger Service Act of 1970.

My good friend and distinguished colleague from New York, Congressman KEMP, has reintroduced House Joint Resolution 540 and is now asking for additional cosponsors. This legislation, if enacted, would enable Railpax to expand the basic system and for the States to then work with Railpax to tie in other routes going through the various congressional districts.

Mr. Speaker, Labor, a national newspaper had an article and an editorial in their April 17 issue concerning House Joint Resolution 540 which they referred to as "most significant of the bills," and the determined efforts of Congressman JACK KEMP to bring better passenger service, not only to his own congressional district, but also throughout the Nation.

Mr. Speaker, at this point, I include the article and the editorial:

ADDED FUNDS SOUGHT FOR RAILPAX—ASK \$290 MILLION MORE FOR TRAINS—SKELETON PLAN HIT

Ferment is continuing in Congress over drastic slashes in the nation's passenger trains announced by Railpax, the semi-public corporation which is slated to take over the trains on May 1.

At a Senate hearing, the skeletonized network announced by Railpax drew rounds of severe denunciation from senators, led by Majority Leader Mike Mansfield (D., Mont.). A similar fusillade is expected at hearings before a House Interstate Commerce subcommittee, set for April 23.

Also, railway unions continued a battle to win adequate job protection for thousands of employes in passenger service who will be adversely affected by the Railpax slash in trains.

Meanwhile, many members of Congress have introduced measures calling for enlargement of the Railpax network. Others have proposed a six-months extension of the May 1 deadline for the Railpax takeover so as to allow time for reconsideration of some of the slashes.

Most significant of the bills was one submitted by Rep. Jack F. Kemp (R., N.Y.), with the cosponsorship of over a score of other congressmen from both parties.

A \$290 MILLION EXPANSION

This measure proposed that Congress appropriate another \$290 million to Railpax for the fiscal year starting July 1 so that the agency can finance a larger passenger network. In its initial Railpax legislation, Congress authorized only \$40 million.

Sen. Robert Taft (R., Ohio) announced he would introduce a similar bill, calling for an additional \$250 million to cover six more routes. Hitting the exclusion of northern Ohio from the network, Taft declared that if a rail passenger system is going to succeed, "the trains must go where the people are." Other senators indicated they would support such a measure.

Under Kemp's bill, the \$290 million would be used to add major routes dropped from the Railpax list. These would include:

Buffalo to Chicago, via Cleveland; Detroit to Toledo; Denver to Portland, via Cheyenne, Ogden and Boise; Fargo (N.D.) to Portland, via Billings, Butte and Spokane; Denver to San Francisco, via Cheyenne, Ogden and Boise; Washington to Cleveland, via Cumberland, Pittsburgh and Akron.

WOULD SAVE JOBS

"I think the inclusion of these additional routes, plus others, will make for a more effectively integrated passenger rail network," Kemp said. Also, it will save many of the thousands of jobs in passenger service slated for elimination, at a time of already-high unemployment, he explained.

Deploing the fact that "the passenger train is on the verge of extinction in many parts of the country," Kemp declared: "This trend must be stopped and reversed."

Kemp's bill also contains a provision that states wishing additional service can arrange with Railpax for operation of the added trains by picking up a third of the losses. Under the present Railpax law, they must pay two-thirds.

MOVE FOR STATE PARTICIPATION

A possibility that states in the area between Chicago and Buffalo may be willing to pay two-thirds in order to retain service was indicated by Gov. William Milliken of Michigan last weekend. He said that Railpax had agreed to provide such service if the states involved—Indiana, Ohio, Michigan, Pennsylvania and New York—pick up two-thirds of the deficit, estimated at about \$2 million a year.

At the Senate hearing on Railpax, held before a Transportation Appropriations subcommittee, Mansfield charged that Congress had been "misled" earlier by the Department of Transportation into believing that most existing passenger routes would be retained by Railpax.

The system finally announced by Railpax, Mansfield, was "a shock to many of us in Congress and to the people we represent." He pointed out that the system leaves many states and cities with no service, or only token service.

"INADEQUATE," SAYS MANSFIELD

"As of May 1, we will have a totally inadequate rail passenger service, still to be operated (under contract with Railpax) by the same railroads which for years have attempted to abandon their responsibility to the traveling public," the Montana senator declared.

Mansfield suggested that Congress might rescind all funds appropriated for Railpax, unless it expands on the announced system.

Chairman David Kendall of Railpax defended the system, asserting it will serve all but two of 56 cities with over a half million population. He said that in view of the limited funds voted for Railpax by Congress, the corporation has no alternative but to start with a restricted system "covering routes of highest ridership demand" and then "gradually expand the system as public confidence is renewed and prudent finances permit."

Kendall declared that the type of service to be provided by Railpax, even though reduced, will be "far superior to what is running now."

MORE MONEY AND ALL-OUT EFFORT NEEDED FOR RAILPAX

Many newspapers have voiced dismay in editorials over the drastic cut in intercity passenger trains being made by Railpax, the semi-public corporation which takes over these trains on May 1. Among constructive editorials on the subject appearing in the press was one carried in the conservative Washington (D.C.) Star, an evening daily.

Said the Star: "There is an obvious imbalance in federal transportation policy, which has provided many billions to subsidize high-

ways and air travel, while taking a miserly approach to the promising effort to salvage rail travel. The financial standing of Railpax requires an early re-examination by the Administration and Congress. If additional funds are needed to enhance the plan's chances for success, they should be forthcoming."

Similarly, the New York Times editorially urged that the government go all-out on a program of modern rail transportation and apply the most advanced technology to this purpose.

In contrast to the rejected SST, which would have served only a relatively few travelers, "rapid rail transportation would serve the many, while at the same time reducing the pollution and congestion created by automobiles and aviation," the Times said.

Many other newspapers have carried editorials along the same line, and some members of Congress have moved to implement the suggestions for more adequate financing of Railpax. Among them, Rep. Jack F. Kemp (R., N.Y.) has introduced a resolution calling for an additional appropriation of \$290 million to Railpax for the fiscal year starting July 1 so the corporation can substantially expand the number of lines it will operate. Kemp's measure has the initial co-sponsorship of over a score of congressmen of both parties, as reported in another story in this issue.

LABOR most heartily agrees with the suggestions and proposals that more money be voted for Railpax, over and above the meager \$40 million previously authorized. Only if that is done can Railpax truly serve the nation as a whole.

DAVENPORTER IS INTERNATIONAL PRESIDENT OF SOCIETY OF REAL ESTATE APPRAISERS

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHWENDEL, Mr. Speaker, serving as president of the Society of Real Estate Appraisers this year is Roy R. Fisher, Jr., of Davenport, Iowa.

Better known to his friends as "Jack," Mr. Fisher is a well-known realtor in the Quad-Cities area. The recognition he has earned as president of the Society of Real Estate Appraisers is well earned.

His official speech as president of the Society of Real Estate Appraisers should be of interest to the House. It follows:

THE SOCIETY OF REAL ESTATE APPRAISERS

(By Roy R. Fisher, international president)

As the growth of government services and involvement in American life has expanded its operations in the area of real estate, so too has the appraisal profession in the past 35 years expanded its operations and aid to government and the public.

This expansion of professional appraising has been vital to the equity of both government and the public in the real estate area for it is the appraiser who is the key link in the translation of passing the title to real property from the government to the public and from the public to the government. As a major professional appraisal organization the Society of Real Estate Appraisers has played an important role in making sure this link has been and will be a strong one.

The American economy, recovering from the impact and controls of World War II gathered momentum in the early 1920's

Housing demand soared to unprecedented heights. Income producing properties, featuring apartments, office buildings and combined residential-commercial structures appeared.

By 1928, "two cars in every garage, and a chicken in every pot," became a way of life for the vast majority of a materially-minded American public. In this period, too, mortgages were considered to be the best of all forms of savings investment. Mortgage bankers, quick to sense the atmosphere of the times, utilized Gold Bonds in \$1,000 and \$500 denominations which enabled these bankers to finance larger mortgages required for apartments and commercial buildings.

Eagerly, the public accepted the Gold Bonds and in doing so opened the flood gates for the less ethical land developers, for land speculators and for a type of promoter whose credibility was literally non-existent. The public clamored for more and more Gold Bond real estate investment opportunities and they got it—but not in the way expected.

Mortgage loans exceeding the cost of construction became so numerous that unneeded and unjustified new construction was not only permitted, but encouraged. If appraisals of value were made at all, no methods or standards have ever been discovered.

The aftermath of Black Friday and its toll in terms of real estate investment became apparent by mid-1930. By 1931, public psychology concerning real estate investment had turned a complete 180 degrees.

During 1931 and 1932 the Federal government created Federal Savings and Loan Associations, replete with Federal audit supervision and Federal insurance guaranteeing the safety of deposits designed to reestablish public confidence in regular savings for the purpose of making home loans. In 1934, the financial community and the real estate industry collided head-on with a "no exception" regulation. Henceforth all loan applications processed through the Home Owners Loan Corporation would require an estimate of property value based upon some type of standard and consistent methodology. But such methodologies were virtually non-existent and bona-fide students of the basic valuation processes were a scant few in number.

Such valuations were unprecedented and resulted in many abuses. There was no market against which selling prices could be compared. A need arose to establish universally accepted standards governing the obvious approaches to property valuations.

In 1934, leaders of trustee lending institutions moved to correct the haphazard and slipshod methods which characterized broker-oriented residential appraisals. As a result, the U.S. Building and Loan League approved a resolution to sponsor the "Society of Residential Appraisers." The league also funded the fledgling Society and assisted in formation of the all important By-Laws. This historic first annual meeting took place on November 14, 1935, and with the election of the first successor-president, drawn from the ranks of membership, the Society's continuity was assured.

Contributory thinking in the direction and management of the Society came from the U.S. Savings and Loan League, the Federal Home Loan Bank Board, the Home Owners Loan Corporation and the Federal Housing Administration. No effort was spared to program a plan of action which would achieve the Society's purposes and objectives. Standards governing appraisal conduct and ethics, together with rules to control questionable solicitation of business, were also established.

With membership growing and chapters being activated, 1940 saw the Society of Residential Appraisers continue its search for

ways and means to improve the educational processes available to those members desiring the professional designations denoted by Associate membership and by Senior Residential Appraiser membership. At the close of 1940, membership stood at 2,885 and by 1945 this number had increased to 3,936. Forty-five chapters had been established.

By 1950, membership had soared to 8,727 and the number of chapters rose to 75. Formal educational courses of 18 and 22 week duration were introduced by two chapters. Also, the Society inaugurated special training sessions in conjunction with regional conferences. These training sessions, tailored to current appraisal problems and techniques were an instant success in terms of improved quality of education. The response by the membership to these training sessions emphasized the need for building a solid educational program on a sustained basis.

In 1951, training clinics sans regional conference sponsorship were held. In addition, was the establishment of a permanent Education Committee. The Society continued to move forward in the achievement of its foremost objective—to possess the best in professional educational opportunities for member appraisers. The Society's Board of Governors directed that contact be made with leading colleges and universities to ascertain the feasibility of joint participation in the presentation of the Society's formal training courses.

Growth of the Society's membership continued at a phenomenal pace. By 1960, membership exceeded 13,000 and the count of chapters had reached 130. Programs related to appraisal education again recorded substantial progress. In 1956, some 1,500 members were enrolled in 20 officially approved courses based upon the "Principles and Techniques of Residential Appraising." By 1960, enrollment numbered 4,100 members in 80 courses with 32 of these courses being jointly sponsored by the Society and leading colleges and universities. In 1957, the Narrative Report Seminars were introduced and more than 1,000 members attended 43 presentations. National Symposiums were also introduced.

In the first half of the 1960 decade, the Society continued its accelerating drive toward improved educational opportunities for appraisers. Formal training courses were upgraded to meet the challenge of rapid changes in the real estate market place.

Although a seemingly unlimited residential appraisal market still existed by virtue of long-term government-guaranteed housing loans, the Society moved to broaden its professional appraisal base to include commercial, industrial and rural properties as well as residential properties. And so, in 1963, the Society's name was changed from the Society of Residential Appraisers to the "Society of Real Estate Appraisers," and a new designation of Senior Real Estate Appraiser was created for those qualified to appraise many different types of real property.

Recognizing that updated education alone was not sufficient to serve the public interest, in 1968 and 1969, a program was launched directly toward public education in the understanding of the "what," "why" and "when" of the need for property appraisals and of the advantages that could accrue given a professional appraisal when needed.

In this program, every available media including news coverage, the periodic use of public service time on television and radio, trade magazine publications, educational films depicting the appraisal process and paid advertisements had been and will continue to be utilized.

With problems growing more complex and interests in real estate more diverse, the appraiser must constantly learn new approaches and procedures to remain current with the market. Professional appraisers are

now carefully trained in economics, financing, investigation, condemnation, law, observation of market phenomena, reporting techniques and even computer application to the real estate industry.

In keeping pace with the need for such training, the Society has this year restructured its membership requirements. A new Senior Realty Appraiser designation was created for those members competent to appraise both residential and income properties. To obtain this new designation an Associate member must pass residential and income property courses and pass a general examination designed to test the member's ability to apply the knowledge acquired both through actual experience and course study to practical situations. In addition, the Associate member must attend an income seminar and submit a demonstration appraisal on an income property, as well as comply with minimum experience requirements.

The first Senior Realty Appraiser designation will be awarded in July of this year. All existing Society members are being urged to move up into this new category as the Society of Real Estate Appraisers continues to meet the expanding needs of the government and the public.

QUALIFICATIONS OF APPRAISER ROY R. FISHER, JR., SREA, MAI

1. Graduate of Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa, with a Bachelor of Science Degree, 1947.
2. Real Estate Broker with Roy R. Fisher, Inc., Davenport, Iowa since 1947.
3. Granted M.A.I. Designation, i.e., Member Appraisers Institute #1927, November 9, 1953.
4. Past President of Greater Davenport Board of Realtors and past President of Chapter #34 American Institute of Real Estate Appraisers.
5. Granted the Senior Residential Appraiser designation by the Society of Residential Appraisers July 24, 1956.
6. Granted the Senior Real Estate Appraiser Designation #160 November 15, 1963 and renewed in 1968.
7. Fee Appraiser for condemnation appraisals for Iowa State Highway Commission, Illinois Highway Commission, Union Electric Co., of St. Louis, and Iowa-Illinois Gas and Electric Company.
8. Have engaged in private appraisal work on various types of property for the following: General Motors Corp.; Ford Motor Co.; Shell Oil Co.; Union Electric Company of St. Louis; Standard Oil Co.; Continental Oil Co.; DX Sunray Oil Co.; University of Iowa; Monsanto Chemical Co.
9. Appeared as expert witness in Scott, Johnson, Wapello, Lee, Blackhawk, Linn, and Des Moines Counties in Iowa and Rock Island County, Illinois, testifying both for and against condemning bodies.
10. Have qualified as expert witness before Illinois and Missouri Commerce Commission.
11. Served as a faculty member for the American Institute of Real Estate Appraiser's Course I offered at Missouri University, University of Mississippi, and the University of California at Berkeley; for the Society of Real Estate Appraisers in Principles and Techniques Course at Minneapolis, and the Apartment Course at Davenport, Iowa.
12. Appeared in Federal Court, Northern District of Iowa.
13. Served two terms on Governing Council of American Institute of Real Estate Appraisers.
14. Served as Member of Board of Governors of Society of Real Estate Appraisers.
15. Served as Vice President of the Society of Real Estate Appraisers, 1969, Senior Vice President, 1970, currently President for 1971.
16. American Society of Real Estate Counselors, May 7, 1970.

RAILROAD RETIREMENT BENEFITS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. HARSHA. Mr. Speaker, I rise today to express my full support of an increase in railroad retirement benefits. Providing an increase in benefits comparable to that recently provided social security recipients is a matter of simple justice, and I fully support the 10-percent increase, retroactive to January 1, 1971, called for in this legislation.

Railroad retirees living on fixed incomes have found it increasingly difficult to meet living expenses in view of the continuing inflation in the United States. These retirees worked hard and long, often in hazardous conditions, to establish their eligibility for benefits and have therefore, earned the right to a secure and comfortable retirement. However, in recent years prices and wages have continually escalated, and this has made it extremely difficult for those dependent solely upon retirement incomes to eke out more than a bare minimum for survival.

Sufficient retirement income is essential to the human dignity of those who have worked long years and contributed to a retirement system which they believed would adequately provide for them after their active working years were over. The economic security of all is enhanced by the economic security of those who have passed the age of active employment, so it is imperative that Congress fulfill its responsibility and provide this much needed and richly deserved increase. I fully support and strongly urge that every Member of the House give this increase the fullest consideration and support possible.

While I strongly support this increase in benefits, there is another provision of this bill which concerns me deeply. This legislation will continue an inequity as it applies to retirees who have earned both railroad retirement and social security benefits. Like the legislation approved during the last Congress, this bill includes an offset provision which provides that a retiree's railroad retirement benefit increase will be reduced by the amount of his social security benefit increase. Workers who have worked under both railroad retirement and social security and have contributed to both systems understandably feel that they have earned and are entitled to receive increases authorized for both programs—and I fully agree with them.

In my judgment, there is no justification for such a reduction in benefits. Last year and again this year, I introduced legislation to repeal this offset provision and to guarantee full benefits for all retired citizens who worked long and hard and deserve the full retirement compensation they have earned. While I shall vote for this bill as I believe it is imperative that railroad retirement recipients receive the 10-percent increase provided without delay, I am greatly disappointed that this unfair and unjust offset provi-

sion is perpetuated and earnestly hope that the committee will favorably consider my proposal to repeal this provision at the earliest possible time.

I was pleased that the legislation enacted last year authorized the establishment of a Commission on Railroad Retirement to conduct a thorough study of the entire railroad retirement system with a view to making such recommendations as might be necessary to provide adequate levels of benefits under the program on an actuarially sound basis. The original legislation intended that the Commission submit its recommendations to the Congress in a year and that Congress thereafter would have a year to study the recommendations to determine what changes in the system were necessary. Unfortunately, delays that have been encountered in the appointment of the Commission and in its initial organization have not reflected the sense of urgency which I feel is necessary. I regret to note, here, that the actual increases included in this bill are only temporary and without further action will expire on July 1, 1972. The bill we will consider authorizes a 6-month extension of the time given the Commission to submit its report for congressional study. Hopefully, the findings of the Commission will make it possible to make the necessary revisions within the financial structure of the program which will eliminate the present operating deficit and allow the benefit increases to be made permanent. These changes should also strengthen the stability of the fund for the benefit of future retirees and, thus, I strongly urge that the Commission proceed with its study without further delay.

In closing, I again wish to express my complete support for the benefit increase provided by this bill. It is a well-deserved and long-overdue step and should have the unanimous approval of all Members of the House.

THE BIG TIMBER RAID

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, "The Big Timber Raid" is the title of a column by Stewart Udall and Jeff Stansbury which has just been released by the Los Angeles Times Syndicate in association with Newsday. Former Secretary of the Interior Udall and Mr. Stansbury are doing an outstanding job of bringing environmental and conservation issues to the attention of the public and I feel that my colleagues will find the current column of timbering operations to be of interest. Therefore, under unanimous consent, I include the text of the column at this point in the RECORD:

THE BIG TIMBER RAID

(By Stewart Udall and Jeff Stansbury)

Last month we reported that timber companies had launched a new logging raid on the national forests, using the housing shortage as a pretext. Their main objective in boosting the harvest of public timber, we be-

lieve, was to lower lumber prices and thereby deny competing wood substitutes a larger share of the housing market.

We challenged the timber companies to back up their domestic housing arguments by answering these four questions:

Why did they export 2.5 billion board feet of softwood logs in 1970?

Why don't they harvest the 30 billion b.f. of standing saw-timber they have already bought from the U.S. Forest Service in the lower 48 states?

Why don't they earmark more of their timber to housing?

Why do they waste a third of the wood and bark in the average commercial tree?

After our column appeared, the Western Wood Products Assn. (WWPA) issued an indignant reply asserting that the United States is a net importer of softwood lumber, that a large standing timber backlog is essential for sound management, that "It is not man's law but nature which determines to what use a tree is put" and that, in the Pacific Northwest, industry uses 90% to 95% of each tree trunk it harvests.

These claims are fascinating. Let's examine them.

Exports: The United States is a net importer of softwood—but this reply begs our question. If housing needs are so acute, why does industry export at least 3 billion b.f. of high-priced logs and lumber each year? Diverting this wood to domestic housing would appear to be a vital step if housing materials are in short supply.

Backlog: The forest products people are correct: Some purchased timber must be left standing "in the pipeline," but surely not 30 billion b.f.—a full two-and-a-half-years' supply. A big backlog is a device for financial speculation. Market prices determine when it is cut, not social needs such as housing.

Non-housing uses: On commercial forests, it is man's law, not nature, which determines what three species are planted and harvested. Today most companies give top priority to low-grade timber grown on short rotation for pulp and paper—while most of the best softwood is earmarked for high-priced homes, not for urgently needed low-income housing.

Waste: The WWPA rebuttal artfully talked only about tree trunks trimmed for the sawmill. Our statistics referred to the whole green tree. Nationwide, timber companies still convert no more than two-thirds of the wood and bark in the average commercial tree into useful products—a weak performance by Japanese and European standards. Millions of tons of logging cull, bark, mill shavings and pulp fibers contribute to the dismal record of waste each year.

Timbermen cannot have it both ways. They cannot export softwood, build up a huge standing backlog and waste prodigious amount of their resources while asking the public to sacrifice outdoor values as a result of increased Forest Service harvests.

Our analysis convinces us that the timber industry's real motive in lobbying for a stepped-up cut is to depress the market for such increasingly popular wood substitutes as aluminum, steel, concrete and plastics.

CENSORSHIP

As a leading and staunchly independent conservation author, Mike Frome has brightened the pages of *American Forests* magazine with a no-punches-pulled monthly column.

Recently, in typically outspoken pieces, Frome has told the magazine's 83,000 readers about clearcutting, erosion and waste in the national forests. We have learned that, on March 4, William Towell, executive vice president of the American Forestry Assn. (which published the magazine) sent editor James Craig a memo. Its contents were apparently designed to appease *American Forests'* principal advertisers—the forests products industry.

"Mike's column," wrote Towell, "is to be censored—Frome, in the future, is not to

wire critically about the U.S. Forest Service, the forest industry, the profession or about controversial forestry issues."

Without telling Frome, Craig reluctantly began softening his star columnist's copy. Frome protested vigorously. According to latest reports, Craig, who has edited *American Forests* for nearly two decades, may resign rather than remain a party to censorship. We hope Frome's admirers will rally behind him and force the AFA supposedly a citizens group, to keep his column.

FRAZIER OF SOUTH CAROLINA

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MANN. Mr. Speaker, I would like to insert into the RECORD the following account, from the Greenville, S.C., News of April 10, 1971, of Joe Frazier's appearance before the South Carolina Legislature. Those who think that all the evil that exists in racial relations has sprung from the South stand to learn something from the champ's remarks. Joe Frazier sees that the fight for racial equality must be waged no less in the North than in the South. Joe Frazier knows that it must be waged through an effort at mutual understanding, not a series of force acts. That the South Carolina Legislature, to a man, should rise to its feet, applauding these remarks, says something very real about the condition of race relations in my own State—and it is a message of which I, along with all Americans, can be very proud. Joe Frazier is a champion among men—a good and a patriotic man, a man who has not ducked any of his responsibilities to his Nation, standing up before his peers. That this is all that matters to his fellow Americans in the South Carolina Legislature should give us all heart and hope in the future of America.

The editorial follows:

MESSAGE FROM A REAL CHAMP

Joe Frazier's address to the General Assembly proved that the Beaufort native is a champ in the truest sense of the word. As a man among men, he brought an important message to all South Carolinians—both black and white.

"Our main problem today is that people won't work together, won't get along," the heavyweight champion of the world said. And although he was one of the first black men to speak before a joint session of the legislature since Reconstruction, he aimed his remarks at all races.

"In my hometown there have been some changes, but some things never seem to change," he said. "We must work together, get a little closer, and we can solve all of our problems."

The champ termed his speech a "rap" session with the legislators. It was a talk obviously from his heart, from a philosophy that has carried him from plowing with a mule on the sandy soil of coastal South Carolina to one of the highest honors the athletic world can bestow.

It was not an easy journey, but along the way Joe Frazier has gained a profound understanding of life and what it takes to be a winner. "It is you and me, all men together, we must fight and we can whip the problems of South Carolina and the whole country.

And it isn't just the South, it is the North too," he told the legislators.

The champion has first-hand knowledge of the daily trials that, in the past, have been part of being black—and a Southerner. But his experiences have not left him bitter. Rather, they have convinced him that cooperation, understanding, brotherhood between the races are necessary to create a good life for all our people.

"When I say our people, I mean both black and white," the champ said. His pride in the blacks elected to the legislature comes from his pleasure, he said, in knowing "that finally white and black citizens are working together for the help of all people."

The spotlight of the world was on Joe Frazier when he won his boxing title. But his homecoming this week carried more deep significance for his fellow South Carolinians than that famous appearance in Madison Square Garden.

He is a native son of whom the entire state can be proud. We all wish him well.

GUNNAR MYRDAL TALKS ABOUT TROUBLES IN "UTOPIA"

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DUNCAN. Mr. Speaker, a leading businessman in my district has called to my attention an article in the April 1971 issue of *Nation's Business* on "utopia" in Sweden.

I think this article is well worth the reading by our colleagues, especially in view of the great problems we are facing in our State welfare programs. I would like to include the article, "Gunnar Myrdal Talks About Troubles in 'Utopia,'" in the RECORD today:

GUNNAR MYRDAL TALKS ABOUT TROUBLES IN "UTOPIA"

(By Sterling G. Slappey)

STOCKHOLM.—The impossible happened in the welfare state of Sweden not long ago.

Tens of thousands of Swedes—professionals, including judges, doctors and teachers; various white collar workers, including municipal employees; and railwaymen—went on strike.

It was class strife in an egalitarian society and it came at a time when taxes were incredibly high and when inflation in a nation so often called "Utopia" roared up and up and up.

As springtime arrived, it was obvious that changes could be expected in Swedish welfare, and in the public's attitude toward unions.

One man who saw a need for changes was an architect of this welfare state: Gunnar Myrdal, the internationally renowned thinker and economist. In his small office near the top of a Stockholm skyscraper, he talked to a *Nation's Business* editor about his views.

Much of what Prof. Myrdal said applies to the United States, for the two countries are alike in numerous ways. Many Americans feel their nation is moving down the road Sweden has already traveled.

Prof. Myrdal, author of "An American Dilemma," "Asian Drama," "The Challenge of World Poverty," "Beyond the Welfare State" and other books, emphatically made it clear he does not want to disassemble the welfare state in his homeland.

But he also made it clear he feels there can be excesses in welfarism, as he discussed:

HANDOUTS

He's against the welfare check for those who can work, he said. "Instead, every person should have a job, for without a job there is no dignity." The welfare situation in the United States "is scandalous, just horrible. It must be changed." When welfare recipients are given cash, in many cases all they do is get "bigger automobiles and fancy dresses. These problems are too deep, brother, to solve with cash."

He had deep "reservations about the American guaranteed income plan."

Instead of cash welfare handouts, Prof. Myrdal said, "aid in kind should be provided—better schools, hospitals, parks. Housing must be improved. Day nurseries should be built so mothers can go off to jobs." And, he said, family planning aid must be provided.

HAPPINESS

Welfare state aid, Prof. Myrdal said, often fails to create the happiness and contentment it is supposed to. No country, certainly not Sweden, "is a picture of paradise. Here the lion is not beside the sheep."

Greediness exists in the welfare state. There is always agitation for lowering the retirement age and "everyone wants the road in front of his home paved. People want more nurseries, more hospitals . . . more and more."

When people have to line up to receive payments, "they are angry."

At the same time that people are demanding more benefits, they are complaining about high taxes. "The people must realize they can't get something for nothing."

Bureaucrats think they know more about what a citizen wants than the citizen himself does, Prof. Myrdal added. He recalled how bureaucrats tried to tell his uncle in Dalecarlia (a central Swedish province) "where to put the doors in his house" after the uncle got a state loan for reconstruction.

CLASHES BETWEEN CLASSES

Since the Swedish welfare state reduced the range in income between the highest and lowest paid workers, between upper, middle and lower classes, sharp frictions have developed in a society where everyone supposedly is to be made equal. Extensive strikes among middle-class white collar union members grew from these frictions.

"The middle- and upper-class union members must come to their senses," Prof. Myrdal said. "They create trouble for everyone. It's become a class struggle with the academics [university graduates] and civil servants seeing the lower classes creeping up on them and not liking it."

Miscalculations have been made in Sweden on attitudes of union members. "We thought the upper- and middle-class unions would show as much respect for society as lower-class unions have, but this was a mistake." When white collar and professional people struck, Prof. Myrdal said, it was a case of a few men being in a position to stop everything. "This was their freedom, but non-freedom for everyone else."

He called for disbanding Swedish unions of professionals and university graduates and for denying Swedish Army officers and a wide range of government employees—including judges, teachers, municipal workers and railwaymen—the right to strike.

INFLATION

Ballooning costs throughout the economy are among Prof. Myrdal's greatest worries. "Inflation is upsetting for everyone. It's hell for every society."

The situations here and in the United States are alike in that all political parties compete in offering more and bigger welfare benefits. Prof. Myrdal said. This, he added, is as true of Democrats and Republicans as it is of leaders of Sweden's Social Demo-

cratic, Liberal, Conservative, Centre and Communist parties.

Too many people in a welfare state look upon the state as an employer, Prof. Myrdal said. "They forget the state is all of us."

To put Prof. Myrdal's thoughts in context, an examination of the Swedish welfare state should be made.

FREE—AT A PRICE

Children under 16 receive nontaxable allowances. Nearly every kind of health care (some dental care is excepted) is provided free for youngsters. Nurseries, nursery schools, leisuretime centers and camps are free or provided at vastly reduced costs. Child welfare officers stand by with copious advice.

Free education is available at universities as well as at lower-level schools. Most school meals and supplies are free. School travel allowances are paid out. There is a tremendous range of educational grants, the size depending on family income.

Though there is practically no unemployment, the government has special employment services that provide job opportunity news, training, and transfer grants.

Young people who aren't well off can get loans for furniture. The man and woman don't have to be married; just living together will qualify them.

Every mother receives a maternity allowance, with extra money paid for twins. Medical needs including services of midwives and stays at maternity hospitals are provided free. Family guidance centers offer young mothers plenty of advice. Some dental services are provided. If a prospective mother wants an abortion, it's hers.

Tenants with children get help in paying their rents.

Old age pensions of one kind or another cover just about everyone. Supplements are available to boost income of the elderly. Social and home help of many kinds are given the aged and handicapped.

A woman who feels the need of a holiday can get government aid if her income does not go above a quite-liberal figure.

Illness and accident benefits are nearly all-covering. Disabled citizens, including those disabled by too much whiskey, can get considerable help, depending in many cases on their abilities to pay part of their bills. Several programs help the family whose breadwinner has passed away.

Paying for all of this, and more, has made Swedish taxes mountain-high.

A person earning \$10,000 a year pays up to 46 per cent in direct national and local income taxes, plus another 15 to 20 per cent in sales taxes and other levies. A Swede making \$20,000 a year pays up to 54 per cent in income taxes, with numerous other taxes heaped on top of that. A value added tax on appliances and large items such as cars or boats amounts to 15 per cent of the cost of the item.

As welfare benefits have expanded and taxes have gone steadily higher, the Swedes have been beset by fearful inflation. Customarily, it has raged at an annual rate of 7 per cent.

After years of constantly cheapening money, Sweden has become a very expensive country to live in, or visit.

THE SPICE OUT OF LIFE

Welfarism has, in the opinion of many people, taken much of the spice out of life in Sweden, as the citizenry has leaned so heavily on the state.

Swedish culture increasingly has become a matter of imports from more imaginative populations.

Until the divisive issue of the strikes last winter, Swedes found few domestic matters to get excited about. So they have spent large amounts of time worrying about other people's problems, including the Viet Nam war. They have made big productions of

shipping aid to the Viet Cong, and to Castro's Cuba. They also have delighted in listening to speeches by U.S. servicemen who have deserted.

Virulent anti-Americanism, which grew partly from the fact that life was so placid, even took the form of trying to degrade the American ambassador, the distinguished Negro, Dr. Jerome H. Holland. (Sweden's brand of neutralism has found little favor among her neighbors, Denmark and Norway. Unlike the Swedes, both are members of NATO and seek Common Market membership.)

Prof. Myrdal took note of the blandness of Sweden's society:

"Society does not need rebels and ardent reformers any longer, and neither does it have any place for the diehard philosophers of reaction. It has, instead, use for large cadres of practical tacticians, organizers and bureaucrats. Most potential intellectuals are now being drawn into these cadres early in life.

"Their adventurousness is calmed down, and they seem to be happy to be engaged in practical matters. But, of course, not all react in this way.

"I will honestly confess that to me, personally, Sweden has become somewhat boring, while I feel excited about America, the underdeveloped regions and most other countries where there are staggering problems and spectacular struggles to wage."

Prof. Myrdal, who owns stocks in U.S. companies and whose son-in-law, Derek C. Bok, has been named the next president of Harvard, is anything but anti-American. He visits America six or eight times a year, lectures regularly at universities and adults he often works more with America than with Sweden in mind.

He warmly greets American visitors at his Institute for International Economic Studies—part of the University of Stockholm.

With his tremendous imagination and his wide-roving mind he is as free with his conversation as he is frugal with his cigarettes (he takes a few puffs, stubs out the cigaret carefully and later fires it up again).

He's candid about his country, which he obviously loves dearly, and there is one particular thing which irks him deeply. It is to repeat the canard that Sweden has the world's highest suicide rate. It doesn't. Several other nations have a much higher rate.

Prof. Myrdal comes on strong when a visitor casually asks just what the Swedish government has nationalized recently.

"Nothing," the professor fires back. In fact the tobacco industry is being denationalized.

Most of Sweden's economy has always been in the private sector, though there is far more government ownership than in the United States. There is nationalization, for example, in transportation, in the liquor industry, and in several smaller industries in Lapland, where it is so cold and sparsely populated that private capital is hard to come by.

GENERALS ON THE PICKET LINE?

With Army officers and even clergymen in the ranks of unionists, Sweden presents a spectacle of vastness not only in taxation and welfare benefits, but also in unionism.

However, except for an occasional rather minor flareup, there was labor peace until just after Christmas, when big trouble broke out.

Middle- and upper-class unionists wanted large pay increases which would put them once again well ahead of lower-class workers—a position they were losing as the welfare state constricted wage differences. The government offered raises one third the size of those demanded.

One of the most agitated unions was the Confederation of Professional Associations.

Other highly irritated unions included those representing white collar salaried employees, teachers and highly paid civil servants.

Strikes broke out across the country. Schools were closed. Courts shut down. Trains did not run; dispatchers sent themselves home.

In the midst of it all the government toyed with the idea of barring 3,000 unionized Army officers from military bases. This would have forced the officers' union to pay them weekly sums equal to the strike benefits paid other members of the same union who had walked off civilian jobs. This, the government said, would break the union financially.

At the last moment the government backed off, though some military maneuvers were canceled in anticipation of an official lockout.

Besides saving government face, the change of plans saved innocent officers from being stranded outside bases which they would not have been able to enter. They could not have caught trains home either, of course, because the railways were struck.

THOUGHTS OF THE FUTURE

Clashes between the classes set Swedes to thinking about problems and alternatives.

Staffan Burenstam-Linder, member of the Riksdag (Parliament) and deputy head of the Conservative Party, said that if a non-Socialist government gets into power, there will be few major, immediate changes in the direction of government.

"But," he said, "small changes in direction amount to large changes. Like a ship, a small change in course, if maintained, means you are many degrees off the original course."

"We would encourage private savings, more private home building and ownership, more holding of stock in companies. This would leave more money in the hands of people who earn it."

Mr. Burenstam-Linder said the Conservatives are pressing for adoption of a scheme to encourage private saving. The plan would operate generally like this: A Swede who puts away as much as 2 per cent of his salary annually for as long as five years would be given a sizable deduction off the amount of income he declares on his tax return.

The Social Democrats, in power for nearly four decades, have in recent years lost their majority in Parliament and now hold onto the government only because Prime Minister Olof Palme gets the Communists to vote with them. The Palme government could well topple within a year. Mr. Palme, who got part of his education in the United States, is so unpopular in Washington he was not invited to the White House during a visit last year.

A government official from Mr. Palme's side of the political spectrum also looked ahead for Sweden.

Bror Rexed, chief of several welfare services, said he feels that taxation is near the ceiling, that the government probably can't collect much more than it now does. At the same time, he said, refinements can improve good programs and new programs can replace poorer ones. More women can be brought into the working corps and a larger percentage of the almost automatic 4 per cent annual expansion of the Swedish economy can go toward paying added costs, he said.

One government official who wished to remain anonymous said some of the present discontent was caused by local programs which promised more to the people than could be delivered.

Another problem, he said, is that "we are educating many youths just so they can be educated." He added:

"Sweden possibly cannot afford some of the social programs it has. We know full well there are many poor people who cannot afford the new, low-cost housing we're building for them. Too much of their income already goes to the state for welfare."

"Something is wrong and we must reconcile the money we pay to house these low-income people with the money we must pay workers to put up the houses.

"There are many people in Sweden who feel we have gone too far and this is a cause of some of the strikes we're having."

Does all this indicate anything for America? Probably.

As Prof. Myrdal put it: "You're already more of a welfare state than some Americans think." He noted that "President Nixon has done some things along these lines recently," and recalled President Johnson's Great Society as being recognition of the welfare state as a national goal.

Prof. Myrdal, however, made it clear once again that he doesn't favor leaving the welfare road—only changing some of the travel methods.

America, he said, should clear out poverty pockets, and bring people up from "slum-mindedness," by spending an extra trillion dollars in the next decade.

TRAMMELL CROW RECOGNIZED AS U.S. BIGGEST REAL ESTATE DEVELOPER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. COLLINS of Texas. Mr. Speaker, America's challenge for the seventies is to find more men of vision and have them lead the way. Dynamic business leaders such as Trammell Crow of Dallas, Tex., set the pace for the Nation. He is now recognized as the largest real estate developer in our country.

Crow represents the best of business leadership. He has sound commonsense developed by experience as a self-made man. He works hard because creativity to him is a challenge. Trammell grows while his associates grow with him as he shares his opportunities.

I have known Trammell since we lived in the same neighborhood and went to Woodrow Wilson High School together. He started from scratch. Yet, he is still the same nice guy that I knew as a boy. His character and sense of honesty and fairness have made him a successful builder. He has drive and vibrates action as he likes to close out deals. Crow made it the hard way and climbed the ladder all the way to the top.

America still offers much to young men who have ambition and are willing to work for success. Forbes magazine in its current April 15 issue wrote an interesting article on Trammell's individuality that has given him such a record of achievement. You will find the story of Trammell Crow exciting. Crow owns the biggest private real estate operation in the United States and you will enjoy reading the Trammell Crow story in Forbes magazine, as follows:

TRAMMELL CROW: BIG, BIGGER, BIGGEST?

(NOTE.—Real estate developer Crow doesn't follow the crowd. He builds to own, and what he owns is now the biggest private real estate operation in the U.S.)

The conventional real estate strategy is to borrow, build, depreciate, sell; then take the profit and start all over again. But the U.S.' biggest private real estate developer, Dallas'

Trammell Crow, achieved his present Texas-sized eminence by standing such accepted canons of real estate practice on their heads. "We aim to keep everything we build," says Crow. "We pay lots of taxes, depreciate slower than we have to, and no borrowing out—beyond the bare cost of the project—and no refinancing."

It's keeping everything he builds that has done it—made Crow at the age of 56 the biggest private landlord in the U.S., head of the loosely structured Trammell Crow Co. and sole or partnership proprietor of properties worth something in excess of \$1 billion. Crow's involvement in the \$55-million Dallas Market Center, in Atlanta's \$60-million Peachtree Center and, with David Rockefeller, in San Francisco's \$200-million Embarcadero Center commercial complex, have won him what public attention he has had to date. But the underpinnings of his nationwide empire are somewhat more mundane—25 million square feet of warehouse space in 26 cities from New Orleans to Philadelphia, 24,000 housing and apartment units—"no high rises, just garden apartments"—in cities from Palm Beach to Chicago.

"You won't find us mentioned in the slick magazines as innovators," he says, eyebrows bristling, "but you won't find us listed in The Wall Street Journal as bankrupt, either."

Crow's friends describe him as folksy, imaginative, modest and "tough as hell when he wants." But doesn't it take more than that to build a single Dallas warehouse into a real estate empire stretching from Hong Kong to Belgium to Shreveport? Crow's own answer is deceptively forthright: "By finding a success formula, making it work and repeating it, repeating it, repeating it," he says. Sounds simple, but it's trickier than that.

BUY, BORROW, BUILD

In 1936 Trammell Crow, the teller behind window H-to-M in the Mercantile National Bank in Dallas, was a 22-year-old kid who dreamed of going to college, but was stymied by the Depression. Instead, he got his CPA at night, quit banking to work for the accounting firm of Ernst & Ernst, then served in wartime Washington as a Naval commander. He married during the war, and in the late 1940s was managing his wife's family grain elevator business in Dallas.

"In 1948 I had to find tenants for an old multistoried warehouse," he says. "That attracted me to real estate, and I decided to try my hand at it. By buying a piece of land, and using it as collateral, I was able to borrow \$40,000 from Pacific Mutual Life and the First National (Bank in Dallas on whose board he now sits) and build a warehouse. I rented it to Ray-O-Vac." Crow had discovered his first formula—to buy, borrow, then build—and he kept repeating it until he had used up every cent he had.

Having reached the limit of his own resources, Crow searched for partners. He found them: the Stemmons brothers, scions of Dallas' pioneering Stemmons family, became his backers and partners by putting up some of their land holdings. "Equitable Life Assurance (of New York) was pretty far-sighted," Crow says, "and loaned us money—the land was our equity—to build the Dallas Market Center."

The Dallas Market Center became the prototype of another Crow formula: trade marts, showrooms for wholesalers, which he has since developed in several other U.S. cities and more recently in Europe.

The partnership concept became a central element in his operating style, and many of his Dallas friends were among his early partners, just as David and Winthrop Rockefeller were among his later ones when he began operating on a national scale. Next came formulas for apartments and offices.

"Had I done what others do," Crow points

out, "I could have avoided having any partners. I could have sold out and gone on to the next thing. But that's not what I wanted. I wanted to hold on. And partners have been one way to do it.

"You have to delay the fruits of your work," he says. "Many people can't wait for profits. Me and my partners, we held off. We lived through hard times on low pay, sweated it out waiting for the long term. The good times arrived because we hung on. Look," he goes on, "we're not big because I'm a ——— big shot. We've all worked for it. Our worth is a function of this steady accumulation, year in, year out, of more and more real estate, plus the growth inherent in these times. We just got less and less small. Then medium sized. Then big. Then bigger."

What his backers like about Crow (besides getting a piece of the equity action) is what Chairman Robert H. Stewart III of Dallas' First National Bank calls his "long-term judgment." Says Stewart: "Trammell convinced us to move over one block from our old location, tear down a \$3.5-million parking garage and think in terms of developing an entire block. We did and we are. He was right." The resulting First National Tower is one of the bank's better investments and a prime piece of Dallas real estate.

"What real estate is" Crow explains, "is marketing. You look at an area, decide what it needs that you can market and get your return on it. Only then, with the concept, the financing and design details pulled together, do you worry about the land."

Many investors believe real estate is a local rather than a national business. "Trammell understands this," says William Murdoch, head of Schroder (Bank) Real Estate, New York. "It's a local business that needs local people involved." Not just to take care of the details, but because real estate—especially zoning—is local politics, and it's knowing local social and economic patterns that make real estate values. So it makes sense to have partners who know the ropes.

A recent venture in San Francisco shows how Crow's mind and system operate. "Ned Spieker and I—he's my San Francisco partner—see the Bay area as needing more warehouses. We're on the peninsula, in San Jose and East Bay. But we've decided that East Bay is the area for warehousing and we're going ahead there."

Why East Bay? "First place, most of the population growth must be off the peninsula, in the East Bay area, so warehouse service points don't have to be concentrated on the peninsula itself. Second place, it's first stop for the railroads. Third place, highways going south to Los Angeles and north to Seattle go right through there. Fourth place, more land is available there. Fifth place, it's half a day quicker for railroad deliveries; they don't have to run around the peninsula. Sixth place. . . ."

KEEPING IN TOUCH

Spieker will take charge of the new 100,000-square-foot project now under way. He's a 20-40 partner with Crow. The other 40% belongs to Crow's general partner Robert E. Glaze. Spieker and Crow will talk over the phone twice a month, meet four times a year. "And Ned will send in written reports which will cross either my desk or Bob Glaze's."

Crow has five operating partners in the Trammell Crow Co., six regional operating partners and nine partners who, in their own right, manage development companies in which Crow has a 50% stake. Glaze, Crow's financial manager, joined the company eight years ago, and is now worth around \$5 million. Says Crow: "I'm worth about \$40 million [it has doubled in the last eight years], the children [six, ranging from 11 to 26 years] are worth about another \$40 million, through separate ownerships. My partners [in the

Trammell Crow Co.] are worth about another \$40 million. That's net worth, of course. You don't hire a guy and tell him to work for you. You give him a piece and let him work for himself. That's not just your strength, it's your guarantee the job will be well done."

Crow operating partner Mack Pogue, 36, is 50-50 with Crow in Lincoln Property Co., in which Winthrop Rockefeller participates. Pogue has taken Lincoln Property from a one-city to a 13-city operation in seven years, building a quarter-billion dollars' worth of housing and apartments. Along the way Pogue's share has made him a millionaire ten times over. "Trammel gave me free rein, and trusted my judgment," Pogue explains.

"Take Gillis Thomas, for example," says Crow. "Gillis joined us in the Fifties as a bookkeeper. Today he's my senior partner for industrial buildings in Dallas, Atlanta and Denver, where Gillis and I go 50-50 in the Crow Co.'s share of any project, usually a majority share. But Gillis is getting as much out of it as I am."

PROFITS, CASH, AND TAXES

At last count, the Trammell Crow Co. had some \$554 million worth of completed projects, another \$285 million still under construction. But that's cost. The market value, at a 25% to 27% markup, is over \$1 billion. On top of that, the various properties are probably yielding around \$8 million to \$10 million in income annually.

The fact is, some of the early Crow developments have been paid off and are now generating substantial amounts of cash—free and clear of any interest or principal charges. "We can use that income," Crow says, "and the value of those properties to secure a greater piece of the equity in the next project we undertake. This means our net worth is starting to appreciate more rapidly, because we have to take in proportionately less outside money on some projects."

It also means that Trammell Crow Co.'s tax bill has been rising, but Crow dismisses the tax problem with a shrug. "We pay lots and lots of taxes," he says. "We never play the tax game of shielding income unless a co-partner insists on it. We can't afford to—everything we do is directed at hanging on to what we build.

"If you use depreciation to shield income, especially accelerated depreciation, there's going to be a time when the tax shield runs out. But the income is still coming in, and the debt must be serviced." To offset that, Crow tries for an equation in which debt service will never exceed depreciation.

So where does he go from here? Is the next step to take the Trammell Crow Co. public and really cash in on the fruits? "There is no room for a cents-per-share approach to real estate," replies Crow. "First place, real estate does not produce the pretax profit goals, usually around 20% on dollars allocated, that most corporations require. Real estate can offer only 9% to 13%—our profits go up and down with the interest rate. Twenty percent would be totally unrealistic as a goal for our business."

Warming to his theme, Crow adds: "Corporations can shoot for the moon and try to make that type of money in real estate, but they are apt to make the kinds of deals which in the long run are going to hurt. Big corporations are still coming into real estate, but they are going out the other end of the tube, battered."

Has Crow ever been battered? "Oh, yes, you can be sure. We've not always been able to hold on. But no one has ever lost money on us. Right now we have a couple of properties which, if we sold them, we'd lose money on. But we'll not sell them."

Crow tries not to let his formulas, or those of his competitors, tie him down to a pattern. Right now he's building a downtown

Dallas office tower—though he hadn't really planned to. "It just became apparent to us that several office buildings slated for downtown Dallas, Griffin Square, LTV Tower and Two Main Place would not, in fact, be built. And we were right. So we looked at what the area needed, thought about financing and design and then went out to look for the land. Metropolitan Life felt a downtown Dallas tower would be great." The tower is going up at the rate of two stories a week, and Crow's partners are looking after the details. As for Crow himself, he's already on to something else.

RESOLUTION CALLING FOR FREEDOM FOR THE BALTIC STATES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GOLDWATER. Mr. Speaker, recently the Los Angeles County Board of Supervisors passed a resolution urging the President of the United States to bring the question of freedom for the long-enslaved Baltic States before the United Nations. I find this action by the board of supervisors commendable and I would like to share their resolution with my colleagues:

RESOLUTION, COUNTY OF LOS ANGELES: 720TH ANNIVERSARY OF THE LITHUANIAN STATE

Whereas, this year marks the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 53rd anniversary of the establishment of the Republic of Lithuania on February 16, 1918 commemorated by Americans of Lithuanian origin or descent and their friends in all parts of our great nation; and

Whereas, the Communist regime did not come to power in Lithuania, Latvia and Estonia by legal or democratic process; and

Whereas, the Soviet Union took over Lithuania, Latvia and Estonia by force of arms; and

Whereas, the Government of the United States maintains diplomatic relations with the governments of the Free Baltic Republics of Lithuania, Latvia and Estonia and consistently has refused to recognize their seizure and forced incorporation into the Soviet Union; and

Whereas, the committee of the House of Representatives, created by H. Res. 346 of the 83rd Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia and Estonia was contrary to established principles of international law; and

Whereas, the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed House concurrent Resolution 416 urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia and Estonia and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples:

Now, therefore, be it resolved, that the board of supervisors of the county of Los Angeles respectfully urges the President of the United States to bring the question of liberation of the Baltic States before the

United Nations and ask that body to request the Soviet Union withdraw all of its troops and release its control of Lithuania, Latvia and Estonia and return to their homes all Baltic exiles and deportees from prison camps in the Soviet Union; and

Be it further resolved that a copy of this resolution be forwarded to the President of the United States, Secretary of State William P. Rogers, and United States Ambassador to the United Nations George Bush.

Adopted by order of the Board of Supervisors of the County of Los Angeles, State of California.

WARREN M. DORN,
Chairman of the Board and Supervisor 5th District.

FRANK G. BONELLI,
Supervisor 1st District.

KENNETH HAHN,
Supervisor 2d District.

ERNEST E. DEBS,
Supervisor 3d District.

BURTON W. CHACE,
Supervisor 4th District.

QUEEN ISABELLA DAY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, in 1492 Christopher Columbus landed on the shores of America opening North and South America to settlement and development by European nations, thus laying the foundations for contemporary America. However, this voyage of discovery would never have taken place had it not been for the vision, intuition, and willingness to gamble of Queen Isabella of Spain.

Today, April 22, 1971, is the 520th birthday anniversary of this remarkable woman. A day all of us should remember with gratitude and pride. I have introduced a bill in the House of Representatives, House Joint Resolution 85, which would authorize the President to proclaim the 22d day of April of each year as Queen Isabella Day. While the House has yet to take action on this legislation, a number of cities and States throughout the Nation are celebrating Queen Isabella Day today.

It is a pleasure to place in the CONGRESSIONAL RECORD a number of proclamations designating Thursday, April 22, 1971, as Queen Isabella Day.

The proclamation follows:

PROCLAMATION

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding affect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451;

Now, therefore, I, Erastus Corning 2nd,

Mayor of the City of Albany, New York, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in the City of Albany, and urge all citizens to honor this Spanish Queen who was solely responsible for America's Discovery.

HOUSE OF REPRESENTATIVES,
Washington, D.C., Apr. 8, 1971.

Mr. JOHN P. PAINE,
President, National Committee for a Queen Isabella Day, Kittanning, Pa.

DEAR MR. PAINE: Thank you very much for your letter of April 5 with regard to the forthcoming 520th anniversary of the birth of Queen Isabella and the proposal to have the President proclaim a "Queen Isabella Day".

I read your letter and attachments with interest and appreciate your furnishing me with this information. The contributions made by Queen Isabella in underwriting the discovery of the New World are certainly well-known and it would be a fitting tribute if a special day would be set aside to honor her memory. I will be glad to continue to support such an effort.

In addition, I will make appropriate remarks in the Congressional Record, after the Congress reconvenes following the Easter recess, and I will be pleased to keep you advised of my activities in this regard.

Sincerely,

HERMAN BADILLO,
Member of Congress.

STATE OF MISSOURI

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding effect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Aragon and Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in Missouri, and urge all citizens to mark this day with ceremonies appropriate to her honor.

COMMONWEALTH OF KENTUCKY

To All To Whom These Presents Shall Come:

Whereas, April 22, 1971 marks the 520th anniversary of the birth of Queen Isabella, dynamic Castilian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for clear intellect, energy, virtue and patriotism; and

Whereas, The qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Louie B. Nunn, Governor of the Commonwealth of Kentucky, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in Kentucky, and urge

all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

STATE OF VERMONT

MARCH 30, 1971.

Mr. JOHN PAUL PAINE,
President, National Committee for a Queen Isabella Day, Kittanning, Pa.

DEAR MR. PAINE: Governor Davis has asked me to respond to your letter requesting him to proclaim Queen Isabella Day in Vermont on April 22.

The Governor will be very happy to proclaim this day in Vermont, and we will send you a copy of the proclamation when it is issued.

Sincerely,

FREDERICK M. REED,
Secretary of Civil and Military Affairs.

COMMONWEALTH OF VIRGINIA

Queen Isabella of Castile, as the sole backer of Christopher Columbus, was responsible for the discovery of America.

The shrewd intuition of Queen Isabella, contrary to the fifteenth century concept of the world, as well as her financial support and risk, led to the uncovering of the unknown riches of the Western Hemisphere.

April 22, 1971, marks the 520th birthday anniversary of this great ruler of Spain, and has been declared Queen Isabella Day by the National Committee for a Queen Isabella Day.

I call this occasion to the attention of all our citizens.

LINWOOD HOLTON,
Governor.

OFFICE OF THE GOVERNOR, FRANKFORT, KY.
MARCH 26, 1971.

Mr. JOHN PAUL PAINE,
President, Queen Isabella Day,
Kittanning, Pa.

DEAR MR. PAINE: This will acknowledge your letter of March 23, 1971, relative to a proclamation for Queen Isabella Day, April 22nd.

I am pleased to inform you that this proclamation has already been issued as of February 23rd. This document was requested by Mrs. Helen Brockman, State Regent of Kentucky, Daughters of Isabella, who resides at 18 Curtis Avenue, Ft. Thomas, Kentucky.

Thanking you for writing, with best wishes, I am,

Sincerely yours,

LOUIE B. NUNN,
Governor.

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
March 26, 1971.

Mr. JOHN PAUL PAINE,
Kittanning Pa.

DEAR MR. PAINE: Thank you for your letter of March 22.

The proclamation you requested for Queen Isabella Day has been approved and will be sent to you as soon as it is processed.

Sincerely,

(Mrs.) DIANE OTTINO,
Press aide.

WILLIAM G. MILLIKEN, GOVERNOR OF THE STATE OF MICHIGAN, PRESENTS THIS EXECUTIVE DECLARATION IN OBSERVANCE OF APRIL 22, 1971, AS QUEEN ISABELLA DAY

In recognition of the enthusiasm and support given by Queen Isabella of Castile, which led to the discovery of America. Queen Isabella was the sole backer of Christopher Columbus and her intuition, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible

for uncovering the unknown riches of the Western Hemisphere.

STATEMENT BY GOVERNOR RUSSELL W. PETERSON IN OBSERVANCE OF QUEEN ISABELLA DAY

April 22 marks the 520th anniversary of Queen Isabella of Spain. The courage, foresight and keen intuition of this ruler led her to back Christopher Columbus in a proposed expedition which was contrary to the contemporary concept of the world.

The discovery of America by Christopher Columbus was one of the great turning points of the history of civilization and has also become imbedded in the tradition of our nation.

Accordingly, as Governor of the State of Delaware, I designate Thursday, April 22, 1971, as Queen Isabella Day in Delaware and urge all residents to join in tribute to the memory of this great queen whose financial support to Columbia made the discovery of this great continent possible.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE.

I am happy to join with those who are giving recognition to April 22, 1971, Queen Isabella Day.

This 520th birthday of this great woman of courage and vision focuses the attention of Americans on her contributions which led to the discovery of the New World. Queen Isabella's faith in the capabilities and the quest of Christopher Columbus is that same kind of faith which has allowed man to reach into the infinity of space.

I urge my fellow Californians to give due recognition to this outstanding woman of history on April 22, 1971.

Sincerely,

RONALD REAGAN,
Governor.

STATE OF MONTANA, OFFICE OF THE GOVERNOR

All of us realize the importance of adequate financing, but few of us, with the exception of economists, appreciate the important role financiers have played in history.

Each October 12 we honor intrepid Christopher Columbus, the sailor who discovered the new world.

We do not honor Queen Isabella, the woman whose foresight and support of Columbus made his discoveries possible.

I believe it is fitting that Americans remember the important part Queen Isabella played in the pre-history of this nation.

FORREST H. ANDERSON,
Governor of Montana.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT, PROCLAMATION

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding affect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451:

Now, therefore, I, William T. Cahill, Governor of the State of New Jersey, do hereby proclaim Thursday, April 22, 1971 as Queen Isabella Day in New Jersey and urge all citizens to honor this Spanish Queen who was solely responsible for America's Discovery.

PROCLAMATION BY THE GOVERNOR OF THE
STATE OF KANSAS

Whereas, April 22, 1971 marks the 520th anniversary of the birth of Queen Isabella, dynamic Castilian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for clear intellect, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration:

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in Kansas, and urge all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

OFFICIAL MEMORANDUM BY PRESTON SMITH,
GOVERNOR OF TEXAS

The enthusiasm and support of a single ruler led to the discovery of America and the resounding effect this discovery had upon the history of the world.

This great ruler, Queen Isabella of Aragon and Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th Century concept of the world.

The shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere.

The history of America has direct linkage to the birth of Queen Isabella on April 22, 1451.

Therefore, I, as Governor of Texas, do hereby designate Thursday, April 22, 1971, as Queen Isabella Day in Texas, and urge appropriate recognition thereof.

STATE OF OHIO PROCLAMATION, QUEEN ISABELLA
DAY, APRIL 22, 1971

Whereas, April 22, 1971, marks the 520th anniversary of the birth of Queen Isabella, gracious and far-sighted Castilian Queen, whose name and fame are fixed forever in the history of both hemispheres in recognition of her intuition and generosity which moved her to be the sole financial backer of Christopher Columbus on his first epic voyage to the New World; and

Whereas, the chronicles of her time portray Isabella as a lady of great force of character distinguished for her intellect, energy, virtue and patriotism; and

Whereas, the qualities of character ascribed to Queen Isabella are not confined to one single era of human history. History is replete with the achievements of able and inspiring rulers whose statesmanship and wisdom shaped the course of events for centuries to follow:

Now, therefore, I, John J. Gilligan, Governor of the State of Ohio, do hereby designate Thursday, April 22, 1971, as Queen Isabella Day in Ohio, and urge all citizens, schools, historical societies, and civic and cultural organizations to suitably observe the significant event which changed the history of the world.

STATE OF NEW MEXICO PROCLAMATION

Whereas, the support of Queen Isabella of Castile led to the discovery of America and the modern affect this discovery had upon the history of the world was resounding, and

Whereas, Queen Isabella was the backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world, and

Whereas, the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere, and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451, and

Now, therefore, I Bruce King, Governor of the State of New Mexico by virtue of the authority in me vested do hereby proclaim Thursday, April 22, 1971 as: "Queen Isabella Day in New Mexico" and urge all citizens solely responsible for America's discovery.

STATE OF NEBRASKA PROCLAMATION

Whereas the enthusiasm and support of a single ruler led to the discovery of America and the resounding affect this discovery had upon the history of the world; and

Whereas this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th Century concept of the world; and

Whereas the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451:

Now, therefore, I, J. James Exon, Governor of the State of Nebraska, do hereby proclaim, Thursday, April 22, 1971, as Queen Isabella Day in Nebraska and urge all citizens to honor this Spanish Queen who was solely responsible for America's discovery.

EARTH WEEK

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. TERRY. Mr. Speaker, the week of April 18 through the 24th is Earth Week. It is a movement to guarantee the existence of our Nation. The continuing awareness of the environmental issue is shown by the fact that so many different bills and resolutions have been introduced on the subject of the environment. We are really very fortunate that near unanimity exists in our resolve to end the destruction of our land, air, and water resources.

Since joining the House of Representatives in January, I have been continually in communication with a variety of organizations in the counties of my district who are trying to stop the destruction of our resources. The beautiful Finger Lakes are located in the center of my congressional district. These magnificent bodies of water have provided recreation and business to a large portion of my constituency. The Finger Lakes are an international attraction to tourists, and we cannot permit them to be destroyed by carelessness or lack of concern.

Much of the zeal of our youth has been channeled into the environmental cause. Several Scout groups recently held cleanup days in different parts of my district. Their personal commitment to cleaning up their communities is an example for all of us.

The most critical problem we face is finding methods of stopping all forms of pollution without disrupting our communities. For example, if General Electric in Syracuse were ordered closed, or the American Can Co. in Geneva or Eastman Kodak in Rochester, the economic impact on my District would be disastrous. In our zeal to clean up the environment, we must also be aware of the dangers of reacting too hastily.

Recent actions by the Environmental Protection Agency under the aggressive direction of William Ruckelshaus, have worked to stop industrial pollution. The standards set up by the EPA are not avoidable and every industry will have to meet these standards.

Another major problem has been the construction of solid waste disposal facilities for all of the smaller communities of this Nation. Since January, we have received over 20 requests in my office for Federal assistance for construction of these facilities. The towns simply do not have the money to independently construct a treatment plant which will serve its needs. Again, the Government must take the lead. It will cost a great deal of money over the years, but it is a cost which is vital to our very survival.

Finally, a recent survey published by Lou Harris indicates that over 70 percent of the American people are not willing to pay extra for consumer items which are packaged in such a way as to make them easily disposable. This is a critical problem. We need only drive by the proliferating landfills of this Nation to know that we are about to drown in our own garbage. If we are to demand certain standards of operation from our businesses, and if we are to provide facilities for our towns and villages for sewage treatment systems, then there will be some need of additional Federal assistance.

The cause is survival of our Nation. In the plenty of the United States, there has been poverty in planning our expansion and preservation of our environment. It will not be simple, but it must be done.

TOWARD COMMON INDUSTRY ACTION ON TRANSPORT PROBLEMS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ALEXANDER. Mr. Speaker, in a time when the competition among the various special interest groups for the Federal dollar has reached a new high, I find greatly encouraging the attitude toward transportation problems expressed by John A. Creedy, president of the Water Transportation Association.

The troubles of the mass transportation industry are well documented. They are regularly lamented in this Chamber, and outside it, by myself and my colleagues. Many, if not most, of us are seeking ideas for practical, workable solutions. All too often the best of legislative intentions have been thwarted by the jealousies exhibited by various seg-

ments of the transportation industry in their quest for more Federal support.

In view of the national concern over the crisis level difficulties of the mass transportation situation, I feel that many of my colleagues in the House of Representatives will be especially interested in Mr. Creedy's remarks. That is the reason I would like to insert in the CONGRESSIONAL RECORD his statement, entitled "Toward Common Industry Action on Transport Problems," presented at the University of Louisville in Louisville, Ky., on March 11, 1971.

The following is the text of his comments:

TOWARD COMMON INDUSTRY ACTION ON
TRANSPORT PROBLEMS

It is a pleasure to be here today to comment on the railroad package of cures for transport ills. I will have to say at the outset that the Water Transport Association, the I.C.C.-certificated carriers on the rivers, Great Lakes and in the coastwise and intercoastal trades, has refrained from taking a position on any of the various aspects of the railroad proposals.

There is a flood of ideas around this season for curing transport ills—mostly the usual reactions one expects from those who are impatient with complex problems. This is the year of the simple solution. Abolish the ICC. End all regulation. Put transportation under the antitrust statutes. Such simple solutions are hardly likely to get very far because they do not meet the problems.

In discussing these issues, I find it hard to forget the complaint of one of the leaders of the Congress. He has observed the transportation industry for many years as a senior member of one of the most powerful committees of the Congress. He said recently: "Year after year the various modes come to us each with his own little program, each concentrated on his own problems. Anyone can see that there can't be just a railroad or a trucking or a water carrier solution to the problems. Congress won't rubber stamp the program of any mode. We can't, in the public interest. And yet what do we see: each mode has just enough power to cut the other down and not enough power to get its own program enacted. Therefore nothing happens. If the day ever came when the transportation industry came before us with a unified position, it could almost write its own ticket. "But," he shrugged and then went on, "it'll never happen again."

Perhaps this year we will surprise him—and ourselves. Today, as never before, there is a need for new thinking and constructive thinking on the part of the entire transportation industry and its customers. I have been visiting around the railroad and trucking industries in the past few months. Signs are clear to me that most of the industry leaders are ready for it. Water Transport Association has taken the leadership in this effort in the past few months and the response so far has been just what we expected: an eagerness to cooperate on a sound all-industry program.

It is inevitable that there will be a trend to common action in the coming months. I have never observed so great a willingness to communicate among the modes, as exemplified by this meeting today. Out of this type of communication is going to come common action.

Before commenting on any aspect of the railroad package, let me say that we have been analyzing the various issues before us—few of them are new—and we suggest a division of them into three categories.

Category one would be the issues on which all the common carriers in transportation have a common interest. We ought to be able to agree on policies and programs in

this area and get them accomplished quickly.

Category two is defined as those issues which vitally affect one mode and don't hurt any other mode. In the past we've been indifferent to vital issues affecting other segments of the industry even when they don't hurt or affect us. I think that has to change. The entire transportation industry should be organized to put its weight behind getting these issues resolved quickly in the interest of the common carrier system.

The third category is made up of those issues which are frankly controversial, where economic interests appear to be adverse and where quick agreement seems unlikely. The issues are tangled, the myths abundant on both sides and the benefits to be derived perhaps less real than they appear to be. We are not recommending that these issues be put aside. Each mode should do about them what it deems best and let the soundest public policy approach win! But parallel to that activity, we should organize ourselves as a transportation industry to get the category one and category two issues settled. It may well be that the habit of common action and common thinking on important issues will lead to new thinking even on the controversial issues.

We believe category one and category two items, if adopted reasonably quickly, would have enough impact to enable the transport industry to reverse most of its major difficulties.

Where would one start on a category one program of communication? Water Transport Association has started at the beginning. Secretary of Transportation John Volpe has stated that in the next 10 years, if the transportation industry is to keep up with the growth of the economy, there has to be an increase in capacity of at least 50 per cent. Many people believe that estimate to be conservative. Now that's a sensational statement. We have to put in place in 10 years 50 per cent of the capacity it has taken us generations to build. The alternative is great loss of efficiency for the economy.

The next question practically asks itself. Where is the money coming from to underwrite such an enormous expansion in capacity? Well, those of us in this room who are trying to be constructive about reforms in national policy don't even know how much money it will take in new investment to keep up with the needs of the economy. Is it \$20 billions or \$50 billions? That's an essential piece of intelligence to have around when we discuss rate levels. The plain and simple fact is that transportation service is undervalued in the economy. Despite the fact that transportation is, without question, one of the two or three most important industries and perhaps the most important industry in the economy, we don't seem to be able to get our shippers to pay us a level of rates that will enable us to expand and improve our productivity.

Just how badly we have fallen behind the economy generally was pointed out in a paper given in Washington recently by the Water Transport Association. Using 1960 as a 100, freight rates in 1969 by barge were at 69, pipelines at 84, railroads at 96.4 and trucking at 110.9. The wholesale price index was at 112.2 and the consumer price index at 123.

Now if underpricing of transportation is the problem, and few if any transport problems would not be solved by adequate revenues and earnings, let's get at the solution as an industry by advocating the modernization of the ICC's approach to cost justification.

On the one hand, rates are held down by the ICC and, on the other, transportation has to pay higher prices for materials and labor. We never catch up. This is the most important single problem.

In the unregulated segment of the economy prices rise until profits are sufficient to

underwrite replacement and capital costs at whatever level they need to be. Our Association is advocating that the Commission should use current replacement cost for assets which need replacement rather than historic cost as a proper basis for cost justification and the current cost of capital rather than the imbedded or average cost. I'm going over that very fast, but our Association suggests that it is timely, in the light of inflation, to upset about 30 years of settled regulatory thinking in this field. What would be accomplished? If this new approach were taken, we would have—all of us—a much more convincing and sounder rationale for adequate revenues and earnings.

Would it mean rate increases? Yes, of course, it would; but rate increases are coming anyway. If we approach this question properly by explaining what the increased earnings are going to be used for—better service—it is not unlikely that we can get the shippers to support us. Just last week I was asked by a major shipper to join a symposium to discuss this very subject. The shipper wants to raise the question as to whether the rate increases have been large enough. I thought I'd never live to see the day! The way the system works now, a premium is placed on hanging on to obsolete and high cost equipment and methods of working. The new approach we recommend would result in the creation of a powerful incentive for deployment of the most modern and efficient methods of operating. We have been saying that the *only* way to break out of the lock step spiral of cost and rate increases is by buying productivity improvements which today too many of us cannot afford to buy. Thus, the way to stable or lower rates in the long run, may well be higher rates in the short run, higher rates the shippers ought to be glad to pay in their own enlightened self-interest.

Our Association also thinks that a major effort ought to be made to switch huge blocks of traffic now in the private carriage sector back to common carriage. All of us individually of course work on this issue all the time. The common carrier water carriers have standing offers out for the private barge fleets. But we would make more progress if we worked on it together attacking the basic—and we believe economically unsound—thinking on which much of private carriage is founded.

One interesting fact is that those operating private fleets of trucks, barges and ships typically buy enough capacity to take care of their minimum needs, then depend on the common carrier to take care of peaking and standby needs—not at the premium prices charged in the electric utility industry for peaking and standby capacity, but at the normal freight charge. Now it is quite obvious that those with private fleets are shifting the cost of maintaining peaking and standby transport capacity to the common carriers and their customers. To that extent, they are getting a free ride on the common carriers and are incorrectly figuring their costs.

The Water Transport Association believes that the economic reasons on which much of private carriage is based, no longer exists for a very large proportion of the traffic. But, of course, empires have been built, jobs are involved, we have a hard time getting in the door to make sure that top management really has the true facts about what private carriage costs. The transportation industry working together could do the research necessary which would result in the diversion back to common carriage of great blocks of this traffic. Common carriers would be more efficient with the added volume and manufacturing would be much more efficient without the financial burden of operating services which, in too many cases, they don't know how to operate efficiently. What's needed is a vigorous counter-attack to divert

private carriage freight back to common carriage.

We think that if the transportation industry could get behind a program of this kind—all of which represents sound free enterprise business thinking—the benefits would be so substantial that some of the patching proposals now before the government—loans and the like—would not be necessary. That's the nucleus of a category one program: modernizing the cost justification for adequate rate levels and a counter-attack on private carriage.

We all have candidates for the category two area—items which would be helpful to one mode but would not hurt another. Basically, we have not opposed loans, fast write-offs, and other tax incentives for the railroads. The government may have a new and larger role to play in connection with maintaining healthy railroad operations in the public interest.

A railroad right-of-way is an extremely valuable national asset, just as a waterway is. I would very much like to see someone develop a 50-year perspective on railroad capacity needs out ahead, as has been done for water resource needs, including navigation. The transport industry would look pretty foolish 20 or 30 years from now re-buying right-of-way at land prices current at the time. If, in fact, railroads are shown to have excess right-of-way and this is too much of a financial burden for railroads now, let's develop some sort of plan for a Government-owned national right-of-way bank which could be used for the needs of later generations. Let's not build shopping centers on rights-of-way which we may need in the future.

You'll find the water carriers thinking constructively and willing to help on such railroad problems as inequitable state and local taxation, improved tax incentives for modernization and expansion, and ways to resolve the over-lapping of regulation among varying jurisdictions.

The Water Transport Association went all out last year in support of a favorite railroad proposition. We believe, with you, that all commercial transportation rates should be publicly disclosed and price structures brought into the open. There you had an example of close cooperation between railroads and water carriers and between railroad labor and water carrier labor. More progress was made on that issue than had ever been made before; the measure passed the House of Representatives. But it was run over in the Senate by forces beyond the control of either the railroads or the water carriers. However, the water carriers kept faith, despite the most extreme pressures from many quarters and the basic risk that they would lose altogether the one thing they had to have—authority to mix regulated and unregulated commodities in a single tow. In the end the question of publication of all dry bulk rates will be settled after a study by the Department of Transportation so the issue is by no means closed. The certificated water carriers have not changed their views on the desirability of open disclosure of rates as a matter both of equity for the railroads and in the interests of more vigorous competition.

I know that the issue of open published rates borders on the controversial. Mr. Mechling of our Association wants it made clear, he's not for it. We found ourselves ranged with the railroads against the most powerful commodity interests in the country. However, there is truth in lending, truth in packaging; why shouldn't there be truth in freight rates?

If the truckers, the railroads and ourselves were to work together to accomplish category one and category two items, some of the more drastic remedies of public subsidy and public ownership would be avoided.

However, let's not duck the controversial

category 3 items. The water carriers are very skeptical of the need of the railroads for greater freedom from the minimum rate power of the Commission, which is what is meant when greater freedom for rate reductions is advocated.

Our position on the question is basically a pro-competition position, very much in line with national competition policy. I think it is best illustrated by the Supreme Court's decision in the ingot molds case which received so much unfavorable publicity in railroad journals. What did the Supreme Court really say? On the basis of standards which made sense to the court, it found that the water carriers were the most efficient carriers. The reduced rate was not offered evenhandedly to all customers but was aimed solely at barge traffic. The railroad was found to be the more powerful economically, therefore, if allowed to do so, could extinguish the water carrier, and, in the end, the shippers would be deprived of the more efficient and lower cost means of transportation.

There you have the problem in essence. When the railroads set out to sharpshoot the traffic of the more efficient or equally efficient carrier, cross-subsidizing a rate to drive the more efficient carrier out of business, that railroad is going to get into hot water whether under the Interstate Commerce Act or antitrust laws.

Now of course I can see even from here the hair on the heads of railroad attorneys bristling. How do you determine efficiency? What about Federal maintenance of the waterways? We have accommodated all these questions in a very carefully developed position in the Cost-Finding Case, Docket #34013, Sub. 1 and I recommend it to you if you have an interest in the subject; but the nub of our position is that water carriers should not be precluded from competition by the kind of strong-arm tactics which would be indefensible under the antitrust statutes.

The Water carrier position on common or intermodal ownership is that the railroads can't have it both ways. On the one hand there has been a major trend toward high concentration in the railroad industry in recent years; more concentration—merging of railroads—will undoubtedly be approved. Extending the concentration trend to include ownership of water carriers would be clearly anti-competitive.

Even the most enthusiastic proponent of common ownership has trouble with the question of its impact on competition. Would the mammoth transportation department stores really be competitive? Other industries that are highly concentrated find little difficulty in avoiding price competition. The water carriers and the railroads are now highly price competitive.

The day one railroad is given control of a water carrier, every railroad would have to have a water carrier in self-defense. A glance at the structure of the two industries demonstrates at once that water carriers would rapidly become railroad dominated. What then would happen to all those so-called water-compelled rail rates? I know the theoretical answers, but we say there is a credibility gap there a mile wide.

A perfectly good alternative is available. All the benefits claimed for common ownership can be achieved through voluntary coordination without any of the risks of drastically reducing competition.

The Water Transportation Association has suggested that the railroads embark on a five-year period of promotion of water-rail coordination on a "willing partner" basis. At the end of five years, if the public can be shown to have benefitted from new intermodal movements at less cost and a pattern established beyond recall, who knows what would happen in that changed climate? We could then take a new look at common ownership.

In closing let me say that the water carriers believe with the railroads that a successful and financially secure railroad industry is in the national interest. At the same time, it is clear that the nation would not be advantaged by curing the railroad problem at the expense of ruining the truckers and the water carriers.

We believe the areas for common action are broad enough to rescue transportation for private enterprise and lead to substantially improved public service. We think it utopian to suggest that we quit quarreling altogether. The issues are very complex; there is room for honest difference of opinion. But that should not divert us from common action on all-transportation solutions we can all support. The water carriers have been saying privately and publicly for the past few months: we're ready to go.

YOUNG PEOPLE LEAD THE WAY IN EARTH WEEK CELEBRATION

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PEYSER. Mr. Speaker, in conjunction with National Earth Week, many of the schoolchildren in the 25th Congressional District of New York have planned special projects to help alleviate pollution in their hometowns. I personally visited three of these schools at the beginning of Earth Week, and I would like to share the imagination and enthusiasm of these young people with my colleagues.

The sixth grades of West Nyack Elementary School, West Nyack, will complete a week of contests and speakers with an antipollution play, requiring glass bottles for admission.

The Tappan Elementary School, Tappan, N.Y., has scheduled several speakers, and are helping to raise funds for a community park.

The Ardsley Primary School has planned several learning experience, teaching the 5- and 6-year-olds how to care for nature around them.

The Carrie E. Tompkins School in Croton-on-Hudson is sponsoring a poster contest and has formed a litter bug patrol.

Briarcliff High School in Briarcliff Manor has been active in recycling projects for several months.

The Washington Avenue School in Hartsdale has planned an "ugliness to beauty" campaign, including planting flowers and grass, displays of uses for garbage, and painting the trash collection baskets downtown.

The ecology department of Webb School in Hartsdale is collecting aluminum cans and newspapers for recycling.

The Old Tarrytown Road School in White Plains is cleaning up and beautifying their school grounds.

The Naurauschaun School in Pearl River is spearheading a litter collection campaign, conducting a spring cleanup campaign, and publicizing methods of fighting pollution.

The Lakewood School in Congers has invited several speakers to their school, is conducting a cleanup of the school grounds, and is planning the construc-

tion of a nature trail in a nearby nature center.

The Springhurst Primary School in Dobbs Ferry is involved in bottle recycling programs and conducting a cleanup of school grounds.

The Dobbs Ferry Public School is collecting bottles and glass for recycling and are cooperating with Dobbs Ferry High School in sponsoring an "earth fair."

Transfiguration Elementary School in Tarrytown is constructing a "peace and love" garden.

Juniper Hill School in White Plains is providing trash cans and cleaning up the school grounds, and sponsoring a poster campaign.

Orangeburg Elementary School, Orangeburg, has organized a bottle and aluminum can collection campaign, and plans to beautify the school grounds by planting flowers and shrubs.

Our Lady of Perpetual Help in Ardsley has been active in beautifying and maintaining nearby Sprain Brook.

Stony Point Elementary School, Stony Point, has scheduled speakers, films, and demonstrations, and will plant flower beds on the school grounds.

I certainly feel that all of these programs are very worthwhile and I commend all of the people involved for their efforts.

SUPPORT GROWS FOR NON-SMOKERS RELIEF ACT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. YOUNG of Florida. Mr. Speaker, support for my Nonsmokers Relief Act is still pouring in from every section of the country. An American Medical Association policy adopted last summer is in line with the aims of this vitally needed legislation, and a Government survey shows the general public strongly supports it as well. Meanwhile, airlines are adopting policies along the same line.

The AMA house of delegates last June adopted a resolution stating:

That the American Medical Association go on record as urging very strongly that the Federal Aviation Administration require all public air transportation suppliers to separate nonsmokers from smokers when the size of the aircraft permits.

This policy is in line with the aims of my bill, H.R. 4776, introduced on January 22. This legislation would require that separate areas be set aside for nonsmoking passengers aboard airliners, trains and buses. The measure would place no burden on the smoker, but would protect the rights of the nonsmoker from being forced to inhale fumes coming from others' cigarettes, cigars and pipes.

The flood of letters pouring into my office in support of this bill is an accurate indication that relief for the nonsmoker is badly needed.

On April 7, United Press International reported on a survey released by Dr. Daniel Horn, Director of the Federal National Clearing House for Smoking and Health. Dr. Horn said that 58 percent of

the people favor restricting cigarette smoking in the presence of nonsmokers. In addition, he said, 86.5 percent of the population believes smoking is enough of a health hazard "for something to be done about it."

If smokers want to continue the habit despite all the evidence of damage to health, that is their right. But why must nonsmokers traveling in public transportation be forced to inhale smoke-polluted air as well?

The airlines are beginning to recognize the problem and do something about it. As I reported earlier, Trans World Airlines, one of the Nation's largest carriers, has separated smoking and nonsmoking passengers for more than a year with substantial success.

Now I am delighted to note that another of our major carriers, United Air Lines, is adopting a similar policy. Here, for the consideration of my colleagues, is a copy of United's press release on the matter:

SUPPORT GROWS FOR NONSMOKERS RELIEF ACT

Separate areas for smokers and nonsmokers will be available on all flights operated by United Air Lines beginning April 21.

Currently, United provides separate smoker areas only on Boeing 747 flights. According to company officials, the arrangement was introduced on wide-body aircraft because of the ease in separating smokers and non-smokers. Favorable passenger acceptance has prompted expansion of the plan to all aircraft.

In first class sections on all United planes, non-smokers will be seated in the front of the cabin, and smokers in the rear. The division of coach sections, in general, will follow a similar pattern, although there will be variations, depending on the type of aircraft, and whether economy service is offered.

When passengers check in for boarding they will be asked whether they prefer the non-smoking or smoking section, and their ticket wallets will be marked accordingly.

When the smoking section is filled, smokers will be seated in the no-smoking section. If they wish to smoke enroute, they will be asked to walk back to the smoking area before lighting up.

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RHODES, Mr. Speaker, a charming young lady, Miss Raelene Ada Shelley, of my hometown of Mesa, Ariz., was selected the first place winner in the Ability Counts Contest sponsored by the President's Committee and the Governors Committees on Employment of the Handicapped, and was presented the Robert S. Marx Memorial Award of \$1,000 on April 15 in Washington. Miss Shelley, who is a senior at Mesa High School, wrote an essay which, in my opinion, perfectly expressed the theme of the contest—"Employment of the Handicapped: Community Attitudes"—as well as its objectives. These very worthy objectives are to instill positive attitudes in young people toward their

handicapped peers, and to focus national attention on the potentials, capabilities, and accomplishments of the handicapped.

I am proud of Miss Shelley and of her winning essay—and take real pleasure in sharing it with my colleagues by inserting it in the RECORD. Its title is "Are They Dumb, Stupid, and Untrainable?" You will find the answer by reading Miss Shelley's fine essay, which follows:

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES—ARE THEY DUMB, STUPID, AND UNTRAINABLE?

(By Raelene Ada Shelley)

Sitting quietly under an old oak tree a young blind girl monotonously strings a chain of beads. Several streets away a seventeen year old boy sits in front of his television set. Because he is mentally retarded, like the young girl, he is unable to find a job. Day after day they sit around doing nothing. Would you hire them? Do you want a cripple, or one who is retarded, blind, deaf, or has cardiac defects, working for you?

Recently, I interviewed nine employers, each representing a different occupation. In the first part of the interview I asked them to rank from most important to least important the fifteen basic points in an application data. Six out of the nine said the most important factors they looked for were the type of skills possessed and references from previous employers. The majority said that physical handicaps, emotional illness, and age really had nothing to do with deciding who gets the job.

I then had each employer rank the employability of people having various handicaps. Those handicaps receiving no chance of employment were mental retardation and drug addiction. Alcoholics and those with no relevant developed skills placed next lowest on the scale. All other handicaps ranked with a good chance of employment.

Yes, the employers are willing to help, but with no trained skills very few, if any, of the handicapped get hired. In some communities, a rehabilitation center is built primarily to help train the handicapped. Located on the west side of Mesa, the LDS Church has established such an organization, Deseret Industries.

Deseret Industries' method of rehabilitation is carried out in four basic steps: (1) build back the person's self-respect; (2) train the person in some skill; (3) give him some responsibility; (4) get him a job in a private enterprise.

Last year, 1970, Deseret Industries placed seventeen of their employees in private businesses. In 1969, eleven were placed and in 1968, thirteen. Most of these handicapped people train for either laundry or janitor work. Mr. Holein, Director of Deseret Industries, said they were the only business he knew of who were trying to work their employees out of a job.

Deseret Industries has done a tremendous job in training the handicapped. After working seven years with a young girl they were able to teach her to speak. With the same kind of training, in another eight or nine years she will be able to live a normal life. In a short space of time the staff of Deseret Industries trained one deaf man to run a high-powered, electric saw. Normally the saw's high-pitched sound would drive a man crazy, but because this man was deaf, the sound did not bother him. Over a period of several years a blind man, who is also unable to bend his back, learned to cane chairs better than anyone in the department.

One blind lady they trained to cut zippers and buttons out of used garments. She uses a razor blade for cutting and has never once cut herself. From the State Hospital a blind boy arrived at Deseret Industries with the following recommendation, "He is dumb,

stupid, and untrainable." In just one year's time this boy has been trained to sand-paper the wooden furniture produced in his department.

Mr. Holein once told me the thought the largest organization responsible for helping these people was United Fund. Hundreds are involved through the United Fund.

Recently I conducted a survey of fifty-three citizens in my community, all randomly selected from the phone book. The results of this survey showed that 90% of those interviewed wanted to, and in some cases did, help the handicapped.

My community cares. The citizens want to help, but they are not the only ones in our nation. What are you doing? How are you helping? Do you even care? If more would become involved in organizations like United Fund and Deseret Industries, the operation of helping the handicapped would grow.

As J. R. Lowell once wrote, "No man is born into the world whose work is not born with him." I feel we should help those who are unable to help themselves find their work.

COUNCIL ON ENVIRONMENTAL QUALITY GUIDELINES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, the Council on Environmental Quality on April 21, 1971, issued its revised guidelines on environmental impact statements required under the National Environmental Policy Act. The major innovations of the revised guidelines, first proposed in January, have been retained: draft environmental statements are to be available to the public for 90 days before an administrative action—that is, agency actions other than proposals or reports on legislation—is taken, and final environmental statements are to be available for 30 days prior to such action. I welcome this development and congratulate the Council on affirming this stand.

The revised guidelines integrate the requirements of both Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, as amended. The latter calls for public comment by the Administrator of the Environmental Protection Agency on proposed legislation, regulations or agency actions affecting the EPA's areas of jurisdiction, that is, water and air quality, solid waste, pesticides, radiation, and noise.

I understand that the CEQ and the Agency for International Development are presently discussing what arrangements equivalent to the environmental impact statement process should be applied to development assistance transactions abroad. This seems most appropriate even if somewhat overdue.

The revised guidelines will apply to agency actions on which draft environmental statements are first circulated after June 30. Agencies are directed to update their existing procedures to incorporate the new requirements no later than July 1.

Mr. Speaker, so that my colleagues may have an opportunity to make a

detailed examination of the Council on Environmental Quality's revised guidelines, I insert the text of the guidelines, together with certain appendixes thereto, at this point in the CONGRESSIONAL RECORD:

COUNCIL ON ENVIRONMENTAL QUALITY GUIDELINES

(Statements on Proposed Federal Actions Affecting the Environment.)

1. Purpose. This memorandum provides guidelines to Federal departments, agencies and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by Section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 4, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. The objective of Section 102(2)(C) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act. This memorandum also provides guidance on implementation of Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

2. Policy. As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. Agency and OMB procedures. (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by Section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, not later than June 1, 1970 (and, by July 1, 1971 with respect to requirements imposed by revisions in these guidelines, which will apply to draft environmental statements circulated after June 30, 1971) its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by Section 102(2)(C), and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency, whether or not an environmental statement is prepared, when required under Section 309 of the Clean Air Act, as amended, and section 8 of these guidelines, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental

impact including procedures responsive to section 10 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines. The Environmental Protection Agency will assist in resolving any question relating to Sec. 309 of the Clean Air Act, as amended.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) State and local review of agency procedures, regulations, and policies for the the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A-85. For agency procedures subject to OMB Circular No. A-85 a thirty day extension in the July 1, 1971 deadline set in section 3(a) is granted.

(d) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary materials, new procedures, water resource and other objects, etc.).

4. Federal agencies included. Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or favorable reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in Section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. Actions included. The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(1) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement for following the Section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the Section 102(2)(C) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities: Directly undertaken by Federal agencies; Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy, regulations, and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. As necessary, the Council on Environmental Quality will assist in resolving questions of lead agency determination.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under Section 102(2)(C) of the Act.

6. Content of environmental statement.

(a) The following points are to be covered:

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(iii) Any probable adverse environmental effects which cannot be avoided (such as

water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in Section 101(b) of the Act).

(iv) Alternatives to the proposed action (Section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

(c) Each environmental statement should be prepared in accordance with the precept in Section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

(d) Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

7. Federal agencies to be consulted in connection with preparation of environmental statement. A Federal agency considering an action requiring an environmental statement, on the basis of (i) a draft environmental statement for which it takes responsibility or (ii) comparable information followed by a hearing subject to the provisions of the Administrative Procedure Act, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment):

Advisory Council on Historic Preservation.
Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.

Department of Housing and Urban Development.

Department of the Interior.

Department of State.

Department of Transportation.

Atomic Energy Commission.

Federal Power Commission.

Environmental Protection Agency.

Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority.

Appalachian Regional Commission.

National Capital Planning Commission.

Delaware River Basin Commission.

Susquehanna River Basin Commission.

Agencies seeking comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended (i) that the above listed departments and agencies establish contact points, which often are most appropriately regional offices, for providing comments on the environmental statements and (ii) that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in Section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty (30) days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

8. Interim EPA procedures for implementation of Section 309 of the Clean Air Act, as amended. (a) Section 309 of the Clean Air Act, as amended, provides:

"Sec. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

"(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality."

(b) Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator of the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (1) proposals for new Federal construction projects and other major Federal agency actions to which Section 102(2)(C) of the National Environmental Policy Act applies and (ii) proposed

legislation and regulations, whether or not Section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. A period of forty-five days shall be allowed for such review. The Administrator's written comment shall be furnished to the responsible Federal department or agency, to the Council on Environmental Quality and summarized in a notice published in the *Federal Register*. The public may obtain copies of such comment on request from the Environmental Protection Agency.

9. State and local review. Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the environmental impact of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review of draft environmental statements by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) Where these procedures are not appropriate and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement on a proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review.

10. Use of statements in agency review processes; distribution to Council on Environmental Quality; availability to public. (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State and local agencies in the legislative process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed pursuant to Section 102(2)(C) of the Act an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the

President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e. any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to Section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(c) With respect to recommendations or reports on proposals for legislation to which Section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of Congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(d) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods.

(e) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain the comments provided for in Sections 6-9 of these guidelines.

(f) The agency which prepared the environmental statement is responsible for making the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552), without regard to the exclusion of interagency memoranda when such memoranda transmit comments of Federal agencies listed in section 7 of these guidelines upon the environmental impact of proposed actions subject to Sec. 102(2)(C).

(g) Agency procedures prepared pursuant to section 3 of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

11. Application of Section 102(2)(C) procedure to existing projects and programs. To the maximum extent practicable the Section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. Supplementary guidelines, evaluation of procedures. (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the Section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) () Draft () Final Environmental Statement

Name of Responsible Federal Agency (with name of operating division where appropriate)

1. Name of Action. (Check one) () Administrative Action () Legislative Action
2. Brief description of action indicating what States (and counties) particularly affected.
3. Summary of environmental impact and adverse environmental effects.
4. List alternatives considered.
5. a. (For draft statements) List all Federal, State and local agencies from which comments have been requested.
b. (For final statements) List all Federal, State and local agencies and other sources from which written comments have been received.
6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II

Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impacts.

Air

Air Quality and Air Pollution Control

Department of Agriculture—Forest Service (effects on vegetation).

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency—Air Pollution Control Office.

Department of the Interior—Bureau of Mines (fossil and gaseous fuel combustion); Bureau of Sport Fisheries and Wildlife (wildlife).

Department of Transportation—Assistant Secretary for Systems Development and Technology (auto emissions); Coast Guard (vessel emissions); Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of Defense—Department of the Air Force.

Department of the Interior—Bureau of Reclamation.

Energy

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).

Environmental Protection Agency—Water Quality Office; Air Pollution Control Office.

Department of Agriculture—Rural Electrification Administration (rural areas).

Department of Defense—Army Corps of Engineers (hydro-facilities).

Federal Power Commission (hydro-facilities and transmission lines).

Department of Housing and Urban Development (urban areas).

Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).

Department of the Interior—Geological Survey; Bureau of Mines.

Hazardous substances

Toxic Materials

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency.

Department of Agriculture—Agricultural Research Service; Consumer and Marketing Service.

Department of Defense.

Department of the Interior—Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—Agricultural Research Service (biological controls, food and fiber production). Consumer and Marketing Service, Forest Service.

Department of Commerce—National Marine Fisheries Service; National Oceanic and Atmospheric Administration.

Environmental Protection Agency—Office of Pesticides.

Department of the Interior—Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife); Bureau of Land Management.

Department of Health, Education and Welfare (Health aspects).

Herbicides

Department of Agriculture—Agricultural Research Service; Forest Service.

Environmental Protection Agency—Office of Pesticides.

Department of Health, Education, and Welfare (Health aspects).

Department of the Interior—Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—Maritime Administration; National Marine Fisheries Service; National Oceanic and Atmospheric Administration (impact on marine life).

Department of Defense—Armed Services Explosive Safety Board; Army Corps of Engineers (navigable waterways).

Department of Health, Education and Welfare; Office of the Surgeon General (Health aspects).

Department of Transportation—Federal Highway Administration Bureau of Motor; Carrier Safety; Coast Guard; Federal Railroad Administration; Federal Aviation Administration; Assistant Secretary for Systems Development and Technology; Office of Hazardous Materials; Office of Pipeline Safety.

Environmental Protection Agency (hazardous substances).

Atomic Energy Commission (radioactive substances).

Land Use and Management

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—Forest Service.

Department of Commerce—National Marine Fisheries Service (impact on marine life); National Oceanic and Atmospheric Administration (impact on marine life).

Department of Transportation—Coast Guard (bridges, navigation).

Department of Defense—Army Corps of Engineers (beaches, dredge and fill permits, Refuge Act permits).

Department of the Interior—Bureau of Sport Fisheries and Wildlife; National Park Service; U.S. Geological Survey (coastal geology); Bureau of Outdoor Recreation (beaches).

Department of Agriculture—Soil Conservation Service (soil stability, hydrology).

Environmental Protection Agency—Water Quality Office.

Historic and Archeological Sites

Department of the Interior—National Park Service.

Advisory Council on Historic Preservation. Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—Agricultural Stabilization and Research Service; Soil Conservation Service; Forest Service.

Department of the Interior—Bureau of Outdoor Recreation; Bureau of Reclamation; Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; U.S. Geological Survey.

Department of Housing and Urban Development (urban areas).

Department of Defense—Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.

Department of Agriculture—Forest Service.

Department of the Interior—Bureau of Mines; Bureau of Outdoor Recreation; Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; U.S. Geological Survey.

Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—Forest Service; Soil Conservation Service.

Department of the Interior—Bureau of Land Management; National Park Service; Bureau of Outdoor Recreation; Bureau of Sport Fisheries and Wildlife.

Department of Defense—Army Corps of Engineers.

Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—Soil Conservation Service; Agricultural Research Service; Forest Service.

Department of Defense—Army Corps of Engineers (dredging, aquatic plants).

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of the Interior—Bureau of Land Management; Bureau of Sport Fisheries and Wildlife; Geological Survey; Bureau of Reclamation.

Noise

Noise Control and Abatement

Department of Health, Education and Welfare (Health aspects).

Department of Commerce—National Bureau of Standards.

Department of Transportation—Assistant Secretary for Systems Development and Technology; Federal Aviation Administration (Office of Noise Abatement).

Environmental Protection Agency (Office of Noise).

Department of Housing and Urban Development (urban land use aspects, building materials standards).

Physiological health and human well being
Chemical Contamination of Food Products

Department of Agriculture—Consumer and Marketing Service.

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency—Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—Office of Pesticides (economic poisons, e.g., pesticide residues).

Department of Agriculture—Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—National Bureau of Standards.

Atomic Energy Commission.

Environmental Protection Agency—Office of Radiation.

Department of the Interior—Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education and Welfare—(Health aspects).

Department of Defense—Army Corps of Engineers.

Environmental Protection Agency—Solid Waste Office, Water Quality Office.

Department of Transportation—U.S. Coast Guard (ship sanitation).

Department of the Interior—Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes); Bureau of Land Management (solid wastes on public lands); Office of Saline Water (deminceralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—National Marine Fisheries Service; National Oceanic and Atmospheric Administration.

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency—Office of Water Quality.

Transportation

Air Quality

Environmental Protection Agency—Air Pollution Control Office.

Department of Transportation—Federal Aviation Administration.

Department of the Interior—Bureau of Outdoor Recreation; Bureau of Sport Fisheries and Wildlife.

Department of Commerce—National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—Office of Water Quality.

Department of the Interior—Bureau of Sport Fisheries and Wildlife.

Department of Commerce—National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).

Department of Defense—Army Corps of Engineers.

Department of Transportation—Coast Guard.

Urban

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—Urban Mass Transportation Administration; Federal Highway Administration.

Office of Economic Opportunity.

Department of Housing and Urban Development.

Department of the Interior—Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—National Park Service.

Office of Economic Opportunity.

Department of Housing and Urban Development (urban areas).

Department of Commerce (economic development areas) Economic Development Administration.

Department of Transportation—Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education and Welfare (Health aspects).

Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—Federal Highway Administration.

Department of Housing and Urban Development.

Environmental Protection Agency.

Department of the Interior—Geological Survey; Bureau of Outdoor Recreation.

Department of Commerce—Economic Development Administration.

Water

Water Quality and Water Pollution Control

Department of Agriculture—Soil Conservation Service; Forest Service.

Department of the Interior—Bureau of Reclamation; Bureau of Land Management; Bureau of Sport Fisheries and Wildlife; Bureau of Outdoor Recreation; Geological Survey; Office of Saline Water.

Environmental Protection Agency—Water Quality Office.

Department of Health, Education and Welfare (Health aspects).

Department of Defense—Army Corps of Engineers; Department of the Navy (ship pollution control).

Department of Transportation—Coast Guard (oil spills, ship sanitation).

Department of Commerce—National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of Transportation—Coast Guard.

Department of Defense—Army Corps of Engineers; Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—Soil Conservation Service.

Department of Defense—Army Corps of Engineers.

Department of the Interior—Bureau of Reclamation; Geological Survey; Bureau of Sport Fisheries and Wildlife.

Department of Transportation—Coast Guard.

Wildlife

Environmental Protection Agency.

Department of Agriculture—Forest Service; Soil Conservation Service.

Department of the Interior—Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; Bureau of Outdoor Recreation.

APPENDIX 3

Federal agency offices for receiving and coordinating comments upon environmental impact statements:

Advisory Council on Historic Preservation—Robert Garvey, Executive Director, Suite 618, 801 19th Street, N.W., Washington, D.C. 20006, 343-8607.

Department of Agriculture—Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 388-7803.

Appalachian Regional Commission—Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235, 967-4103.

Department of the Army (Corps of Engineers)—Colonel J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693-7168.

Atomic Energy Commission—For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation, Washington, D.C. 20545, 973-7531.

Department of Commerce—Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967-4335.

Department of Defense—Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, D.C. 20301, 697-2111.

Delaware River Basin Commission—W. Brinton Whittall, Secretary, P.O. Box 360, Trenton, New Jersey, 08603, 609-883-9500.

Environmental Protection Agency—Charles Fabrikant, Director of Impact Statements Office, 1626 K Street, N.W., Washington, D.C., 20460, 632-7719.

Federal Power Commission—Frederick H. Warren, Commission's Advisory on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 386-6084.

General Services Administration—Rod Kreger, Deputy Administrator, General Services Administration—AD, Washington, D.C., 20405, 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration—ADF, 343-4161.

Department of Health, Education and Welfare—Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963-4254.

Department of Housing and Urban Development—Charles Orlebeke, Deputy Un-

¹ Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

der Secretary, 451 7th Street, S.W., Washington, D.C. 20410, 755-6960; Alternate Contact: George Wright, Office of the Deputy Under Secretary, 755-8192.

James J. Barry, Regional Administrator I, Attn: Environmental Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617-223-4066.

S. William Green, Regional Administrator II, Attn: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212-264-8068.

Warren P. Phelan, Regional Administrator III, Attn: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215-597-2560.

Edward H. Baxter, Regional Administrator IV, Attn: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404-526-5585.

George Vavoulis, Regional Administrator V, Attn: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312-353-5680.

Richard L. Morgan, Regional Administrator VI, Attn: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102, 817-334-2867.

Harry T. Morley, Jr., Regional Administrator VII, Attn: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816-374-2661.

Robert C. Rosenheim, Regional Administrator VIII, Attn: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303-837-4061.

Robert H. Balda, Regional Administrator IX, Attn: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415-556-4752.

Oscar P. Pederson, Regional Administrator X, Attn: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206-583-5415.

Department of the Interior—Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343-6181.

National Capital Planning Commission—Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382-1163.

Office of Economic Opportunity—Frank Carlucci, Director, 1200 19th Street, N.W., Washington, D.C. 20506, 254-6000.

Susquehanna River Basin Commission—Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 S. Office Building, Harrisburg, Pennsylvania 17120, 717-787-2315.

Tennessee Valley Authority—Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, 615-755-20002.

Department of Transportation—Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426-4563.

Department of Treasury—Richard E. Sliator, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964-2797.

Department of State—Christian Herter Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632-7964.

SERENDIPITY IN WASHINGTON

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MANN. Mr. Speaker, I would like to insert into the RECORD the following editorial from WSPA-TV of Spartan-

burg, S.C., on April 12, 1971. It describes the pleasurable—and pleasure-giving—antics of the Dorman High School chorus of Spartanburg, S.C., when they journeyed to our Nation's Capital. Those who conceive of our Nation's young people as a motley collection of shouters and troublemakers should receive a pleasant surprise from reading this account of what the Dorman High School chorus did with their free time in Washington. For myself, I think this little incident augurs well for the future of our country.

The editorial follows:

WSPA EDITORIAL

The ancient king of Serendip once sent his three sons out to see the world. They encountered so many unexpected pleasures that a word has been coined to describe such pleasures. It is "serendipity."

Last month 130 members of the Dorman High School chorus set out to see the world that is Valley Forge and Washington. They had a full five days. They sang at Valley Forge and had a song recorded to be sent to prisoners of war. They sang at the Senate Office Building. They sang before the South Carolina delegation at a reception. They saw *My Fair Lady*. They visited the Capitol, Mt. Vernon, Arlington, the Smithsonian, and the White House. They attended church at Annapolis.

But it was a bit of serendipity that happened to them on Sunday night that this editorial is about. They had been told to stay in their rooms and not roam up and down the halls. But, as one of them said to us, "We wanted to be together." So someone asked the manager of the Harrington Hotel, where they were staying, if they could sit in the lobby. He said yes. And so nearly all of them went down and sat on the floor. Pretty soon they began to sing softly. When the telephone at the desk would ring, someone would whistle, the music would stop, but as soon as the telephone conversation was over the singing went on. It went on with various small interruptions for the better part of three hours. A well-dressed good natured stranger on the sunny side of middle age soon joined in the singing. As one chorus member said, "She knew all the songs we sang. An old man sent word for them to sing 'On Top Of Old Smokey.'" They laughed and tried to sing it but didn't know many of the words. Then the "sunny side of middle age" got up and led them in the singing. Someone had a guitar and there was a tambourine, and Helen—that was the lady's name—sang "Your Cheat-in' Heart" country style to guitar accompaniment. Toward the end, one of the girls said, "She knows all our songs. Let's make her an honorary member of the chorus." And it was done to applause. The next day, they sang at the Senate Rotunda. And who do you suppose was there? Helen, of course.

We dedicate this editorial to an old man who wanted the young people to sing "On Top Of Old Smokey", to Helen, the newest honorary member of the Dorman High School Chorus who was the life of the party, to a kindly manager at the Harrington Hotel who made the young people welcome in his lobby.

But most of all we dedicate it to the 130 princes and princesses of Serendip who helped to create their own serendipity that night. It is a night they will not soon forget because as one of them said, "This was something we did together, something we wanted to do. Besides, I think it pleased Miss Gosnell."

After all, why shouldn't she be pleased? They were acting with the grace and charm which is young people at their best. And she had trained them that way.

WATSON CREATES NEW PROFESSION—PLANNED ESTHETIC LIGHTING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. COLLINS of Texas. Mr. Speaker, as we now concern ourselves with steps our Government should take toward achieving full employment, it is refreshing to note the imaginative thinking of John Watson, of Dallas, Tex. He has, by exercising choice under our free enterprise system, developed a profitable and challenging business for himself. And, thereby, has created 17 new jobs—slots that never before existed—and an approximate annual payroll of \$170,000 benefiting his employees and community.

All of this Watson has done through initiative and hard work, asking help from no one. And contrary to popular practice, he used no grants-in-aid, no Government loan guarantees, and no subsidies.

In the Southwest with our long summers and mild short winters, many residents have discovered the fun of a garden and enjoying the outdoor life. Now thanks to John Watson, the leader in a field in which he pioneered and helped to create, landscape illumination, people are discovering that their activity does not have to stop at sundown. And in addition to being functional, lighting their yard or garden can be beautifying.

Watson, starting with nothing more than an idea has single-handedly opened a new field of business, and has developed a flourishing exciting enterprise for himself. In fact, he has often more business than he can comfortably handle. Our local power company will give lighting advice free—but homeowners are delighted to pay him for his superior and creative creation.

Watson has requests from all over the world—South America, Australia, and Europe to work on private and public projects, and he is now internationally acclaimed as a lighting consultant. His work includes, lighting New York's Empire State Building, Six Flags Over Texas, the lush, tropical enclosed patios of numerous Mexican hotels and hundreds of private gardens in the Dallas area. Watson insists on personally supervising all of the work himself, down to the exact placement of each light fixture.

John Watson is truly an artist in his work and concerns himself with much more than just lighting the subject he works with. He practices what he calls planned esthetic lighting. That is, lighting planned to be both functional and interpretive. For Watson the illumination is always secondary to the subject and its place in the total scene.

The pessimists and bearers of gloom in this country who would argue that creativity no longer exists do not know what they are talking about. Let us create

more new job opportunities in America—let us encourage better ecology—and we will have a stronger future in the seventies.

BENCH AND BAR HAIL DAVID

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. JAMES V. STANTON, Mr. Speaker, Cleveland is most fortunate to have a man of such rare dedication and wisdom as Herman H. David.

Mr. David is a long-time personal friend, a man I respect for his judgment and loyalty to the legal profession in Cleveland. For 31 of his 80 years Mr. David has served as treasurer of the Cleveland Bar Association, until his retirement last year. He has practiced law nearly 50 years.

Recently he was honored by the Cleveland Bar Association at its annual oldtimers' luncheon. In accepting the tributes of his fellow attorneys, David said:

I have given almost half my lifetime to serving the bar association, and wish that I had started earlier so I could have given more time.

The following article describing the luncheon ceremonies appeared in the Plain Dealer on April 15:

BENCH AND BAR HAIL DAVID

More than 1,000 lawyers and judges gathered in Hotel Sheraton-Cleveland yesterday to honor Herman H. David, 80, who resigned last year after 31 years as treasurer of the Cleveland Bar Association.

The occasion was the association's yearly oldtimers' luncheon. Besides David, who has been a lawyer since 1923, another 18 lawyers were honored for completing 50 years of legal practice.

Presented a plaque commemorating his long service to the association, David, in a voice choked with emotion, told his fellow lawyers that "I have given almost half my lifetime to serving the bar association, and wish that I had started earlier so I could have given more time."

He recalled that when he became treasurer in 1939 the association had a balance of \$3,500 while recently the budget has been in six figures.

David, born in Youngstown, was graduated from West High School here in 1908. He was widely known in his younger years as a championship baseball and basketball player, coach and manager, was one of the organizers of the Cleveland Amateur Basketball Association, was the group's first vice president and ultimately held every office in the organization.

He attended the old John Marshall law school of Ohio Northern University while working for the Lake Shore & Michigan Southern Railroad as a claims agent.

Lawyers honored for 50 years in the profession included William H. Bemis, Joseph H. Crowley, D. C. Demorbus, Karl T. Fish, Jerome M. Friedlander, Suggs I. Garber, Victor Godfried, Frank Harrison, David R. Hertz, Eben H. Jones, Albert G. Levine, Archie M. Marks, Sylvester Marx, Dennis J. McGuire, Fred J. Perkins, Alfred I. Soltz, Frances Tetlak and Mary K. Wolf.

YOUNG DEMOCRATS—POLITICS IS THE MEANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 23, 1971

Mr. WALDIE. Mr. Speaker, the values of our young people of today constitute an acute controversial issue. Many times communications between the generations is clouded by misapplied rhetoric, confusing symbolic language, emotional overreactions, and all too often no communication at all.

Today I submit to the House an address prepared and written by Duke Williams and John Vitalis. Both young men are members of the San Francisco Federated Young Democrats.

The address follows:

"YOUNG DEMOCRATS—POLITICS IS THE MEANS"—OPENING ADDRESS BY THE PRESIDENT OF THE SAN FRANCISCO FEDERATED YOUNG DEMOCRATS

Pericles (404 B.C.): "A citizen does not neglect his state because he takes care of his own household; even those of us who are engaged in business have a very fair idea of politics. We regard a man who takes no interest in public affairs not as harmless. We do not say that such a man 'minds his own business.' Rather, we say that he has no business at all." . . . "We regard him as a useless citizen who takes no part in public affairs."

Young Democrats! Politics is the means. The time has now come for us to dispense with our petty idiosyncrasies and hangups, we must get down to business and get something done. We must finally come to recognize our commonality as human beings. Through the wonders of modern science we have penetrated the forbidden spheres of outer space, reaching as far to achieve the moon and splitting an atom. Politically, we must now begin to reach ourselves. We are on the brink of a new era in the history of man's time.

What is politics? Politics is a system of persistent patterns of human relationships that involve, to a significant extent, power, rule, or authority. A political party may be defined as an agency for the organization of political power characterized by exclusively political functions, by a stable structure and inclusive membership, and by the ability to dominate the contesting of elections.

A stable and inclusive organization also marks the political party. It is stable in that it persists beyond the single cause or the single election. It acquires traditions, clienteles, and ideologies that live on beyond the fleeting policy issues or mortal men. Given this stability it may become a symbol, a focus of loyalty, and a point of orientation for its public. The party is inclusive in the sense that it appeals for and welcomes new adherents to its goals, its candidates, and its symbols.

There would be small need for a political system if there were unanimity among people about their goals and the means for reaching them. Any one person could voice the wishes of the group and it would receive immediate assent. The state and its subsystems exist because people are neither homogeneous nor neatly complementary with respect to their roles, their interests, their perceptions, and their values. Homogeneity of interests and goals are not enough to make for automatic solutions of problems.

The reason why a political system emerges in a society at all—that is, why men engage in political activity—is that demands are being made by persons or groups in the society that cannot all be fully satisfied. In all societies one fact dominates political life: scarcity prevails with regard to most of the valued things. Only where wants require some special organized effort on the part of society to settle them authoritatively we must say that they have become inputs of the political system.

The San Francisco Federated Young Democrats is a "political organization" whose purpose is to endeavor to contribute to the growth and influence of the Democratic Party, particularly among the younger citizens of California by developing leadership, increasing party responsibility, maintaining and promoting harmony within party ranks. Our job, from time to time, is to uphold and effect leadership. As a political organization, we are and must remain dedicated to the Democratic process as the means by which every citizen moving and breathing must express himself in a free and fulfilling environment, an environment truly reflective of ourselves and where we want to be. Unity of spirit, interest and concern are the human qualities of character which strengthen each of us as individuals and, in turn, enable us to help each other in achieving higher realities and newer possibilities.

It is in this capacity that the Young Democrats can act as "brokers" due to the fact that it is an organization primarily constituted of young and politically active people with a liberal orientation toward politics. Many of these people have participated in various ideological causes which, in turn, have enabled them to interpret and articulate these ideological causes to the Democratic Party leadership through the party candidates that are willing to listen, and there are many candidates these days who are now willing to listen. Political figures have the necessary resources to utilize these ideological issues into a purpose for conducting a winning, issue-oriented campaign.

The most dreaded time has finally arrived, the time when we cannot deny the ultimate hard social judgments we must make. We must act in order to maintain a government "of the people, by the people, and for the people." The question therefore arises as to whether or not we are, as individuals, capable of politically effecting positive change within our government. What we have been, are, and to become is to be determined by us through the wise and thoroughly seasoned experience of our elder and senior citizens. The time has come for the youth of our country to show that compared to the youth of foreign nations, we too are on the rise and busily getting involved in the determining of the various stances, poses, and postures we will assume in life. The choice should always be ours as dedicated Democratic citizens of the State.

Renown political author, Alexis de Tocqueville, feared that social conflict would disappear because there would be only one center of power—the state—which no other group would be strong enough to oppose. There would be no more political competition because there would be no social basis to sustain it. He also feared that consensus as well would be undermined in the mass society. The atomized individual, left alone without membership in a politically significant social unit, would lack sufficient interest to participate in politics or even simply to accept the regime. Politics would not only be hopeless but meaningless. Apathy undermines consensus, and apathy was the attitude of the masses toward the state which Tocqueville saw as the outcome of an indus-

trial bureaucratic society. Moreover, political apathy in our society tends to be greatest among the groups most poorly integrated into the reward structure of the society, i.e., minorities, unemployed, and the economically underprivileged.

Pluralistic democracy is not enough. Other organizational structures should also follow democratic forms. By democratic forms, leaders do not just merely consult their followers but the source of legislative power is vested in the rank-and-file membership. Thus the leadership of professional societies, labor unions, and the educational institutions should validate their positions by a vote of the members and by referendum on new policies. To arrive at any semblance of consensus, one has to take into account the aims, purposes, and the types of organizations that exist and function in American society. On one hand, there exist the traditional political parties whose ideologies have never been clearly defined. Political parties, in essence, are interested primarily in winning elections. However, issues do materialize mainly from the smaller and more controversial political parties and militant organizations of young people coalesced together for some common ideological purpose, such as the issues involving foreign policy and our involvement in Southeast Asia, ecology, education, civil rights, etc. It is in this capacity that the political party, as a broker, can pick up these important issues and present them to the prospective voting constituency, issues which, otherwise, could not be articulated on a wide range political basis except through the media of the smaller political organizations which exist primarily for the purposes of articulating issues and running candidates who will present these issues on the political forum.

While empirical evidence suggests that most Americans feel unqualified to advise their leaders, a basic tenet of political philosophy is that every citizen is not only qualified but *obligated to advise* the leadership if he feels so moved. This has produced a significant ritual wherein the citizen is always welcome to make his views known to the politicians, and the politicians—whether in office or not, and whether they hear anything or not—are expected to listen attentively. From the point of view of socialization, the assumptions underlying this ritual are, first, that citizens have the capacity to teach something to politicians and, second, the politicians are eager and rapid learners.

Learning by politicians is best facilitated by the heterogeneity of groups in his constituency and the competitiveness of its policies. Very little political learning goes on in one-party constituencies. On the other hand, the politician who has to campaign vigorously and build winning coalitions out of these diverse elements is likely to be sensitive in his perceptions, eager for new information, flexible in his attitudes, cautious in his opinions, and adaptive in his self-socialization. The American ideology tends to prefer the latter "learning situation."

We, as young Americans, have been challenged by age and our times. But what is the challenge? It is precisely our need and duty to be free to constructively criticize our nation for its open-faced weakness or humbly praising our nation for its hidden strength. We must believe that we can make America a more beautiful country by politically pointing out its defects and by trying to correct these defects, wherever they may be. As we become seasoned in wars, experience will dictate the qualities of political leadership needed, but only if we act now; start now to truly build the social and moral values which older generations of Americans have told us have no place in politics.

WHITE HOUSE CONFERENCE ON
YOUTH—PRESSURE FROM BELOW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RARICK. Mr. Speaker, according to reports, the White House Conference on Youth recently held in Estes Park, Colo., is described by White House aide Stephen Hess as "the most representative body of American youth ever assembled."

Among the proposals which the conference representatives voted for are the following: a total withdrawal from Vietnam by the end of the year—with no mention made of what happens to our POW's; legalization of marijuana; tolerance of "any sexual behavior" between consenting individuals; and resignation of FBI Director J. Edgar Hoover.

While the event was billed as a youth conference, over one-third of the participants were reported to be adults, largely from government and business. The 900 or so young persons in attendance, said to be selected "scientifically" according to statistical distribution nationwide, were certainly not representative of the vast majority of the youth of my district, nor do I believe they reflect the views of most American young people.

The entire affair appears to be an application of the technique called pressure from below and pressure from above which was used so successfully in the Communist takeover of Czechoslovakia. A group of scientifically chosen radical youth, promoted by a cooperating news media to appear as representative of American young people, provided the pressure from below in the form of resolutions calling for change which if implemented would weaken and destroy rather than strengthen and unify America. The pressure from above would be supplied through a yielding to the youthful desires by those persons and groups in positions of power in the fields of government, medicine, education, law enforcement, et cetera as a reform reaction to the "pressing demands of the overwhelming majority of American youth." Give every group a little of what they want or relate to so as to keep them content.

Is it not strange that while efforts of some at the top to dump FBI Director J. Edgar Hoover, to legalize marijuana, and to provide a guaranteed annual income founder because of lack of public support, these efforts are given a boost by resolutions for the very same innovations by what is billed as the "most representative body of American youth ever assembled?"

I insert a newsclipping to follow my remarks:

[From the Washington Star, Apr. 22, 1971]

YOUTHS ON WAR, POT, AND SEX

(By John Mathews)

ESTES PARK, COLO.—The White House Conference on Youth, billed by its national director as the most representative body of

American youth ever assembled, has voted in favor of:

A total withdrawal from Vietnam by the end of the year.

Legalization of marijuana.

Tolerance of "any sexual behavior" between consenting individuals.

When recommendations of the 3½-day conference are presented to President Nixon, they will be introduced by a preamble that says the American Constitution is "both racist and sexist in its conception." The preamble goes on to call slavery the "greatest blemish" of the nation's history and to characterize as "genocide" the "annihilation of American Indians."

PREAMBLE APPLAUDED

The preamble was not voted on by the delegates but was greeted with standing applause by a majority of 1,200 to 1,400 youth and adult delegates attending the final session of the conference yesterday. It states:

"Out of the rage of love for the unimplemented principles we here assert, we challenge the government and power structures to respond swiftly, actively, and constructively to our proposals. We are motivated not by hatred, but by disappointment over and love for the unfulfilled potential of this nation."

Although the 900 or so young people attending the conference were chosen scientifically according to statistical distribution nationwide and the 500 adults were largely from government and business, the scores of resolutions adopted were either liberal or radical. Only about half the delegates actually voted on the resolutions and some of the 10-issue task forces decided not to put their proposals to a vote, although their recommendations will be included in the conference report.

VOTE IS 450 TO 155

On leading foreign policy issues, 450 delegates voted "yes" and 155 voted "no" on a proposal calling for total withdrawal of U.S. military forces and support from Vietnam by Dec. 31—similar to a Senate proposal introduced by Sen. Mark Hatfield, R-Ore., and Sen. George McGovern, D-S.D. The proposal called for immediate cessation of bombing and ground and naval operations in Vietnam.

A minority report recommendation largely backing President Nixon's phased troop withdrawal and Vietnamization policy was defeated, 339 to 246.

With 536 young people and 123 adults voting by secret ballot, the conference also approved by large majorities resolutions calling for the resignation of FBI Director J. Edgar Hoover, a lowering of the legal age of majority, to 18, abolition of the detention camp provision of the Internal Security Act and statehood for the District of Columbia.

Stephen Hess, the White House aide who acted as conference director, did not discount in any way the delegates' votes. He said he stood by earlier statements that the conference was broadly representative of young people, although he added that many of the delegates "tended to be activists." All conference resolutions will be sent to the President and to appropriate government agencies, he said.

STUDENTS BACKED

Although Hess did not mention it, many of the resolutions were drawn up by college and high school students and adults, although the voting indicated that a diverse group of young people saw the issues the same way.

The final five-hour general session in a cavernous roller skating rink here at the conference site, a YMCA camp nearly 8,000 feet high in the snow-covered Rockies, was

a remarkable scene. A picture of Hess pasted to the podium was labeled, "Would you buy a used youth conference from this man?"

A self-proclaimed anarchist waving a black flag occasionally passed in front of the speaker's platform and young people sitting in front openly smoked marijuana while the drug task force read its report calling for legalization of the drug.

CAUCUSES ARE HEARD

A long list of minority caucuses addressed the delegates, including groups representing blacks, Chicanos, Italian-Americans, Asian-Americans, women, socialists, and believers in free enterprise. The latter group received a cool reception when its spokesman said, "We seem to be a minority here who want little government and big people, while the vast majority want big government and little people."

Perhaps the most warmly received statement was made by Tomasine Hill, a 23-year-old Indian from Billings, Mont. "The American nation is a state of mind," she said, "and only the land endures. You can have the country, but the land, it is ours."

The black caucus submitted a wide variety of resolutions dealing with racism and oppression, but officially withdrew from the conference, as did the Indians.

Although many of the resolutions approved by balloting and others submitted by task forces without a vote criticized government policy, few mentioned President Nixon by name. The Asian caucus, however, called on the President to denounce racism in a television address to the nation.

Resolutions submitted by task forces without a vote by the delegates called for support of this Saturday's anti-war demonstrations and a "Peoples Peace Treaty" with North Vietnam, a \$6,500 guaranteed annual family income for a family of four, an end to strip mining, and conversion of the private coal mining industry into a public Appalachian Mountain Authority.

LEST WE FORGET: IT HAS BEEN 7 YEARS, 28 DAYS SINCE THE FIRST PRISONER OF WAR WAS TAKEN IN SOUTHEAST ASIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BIAGGI. Mr. Speaker, it has been 7 years and 28 days since the first prisoner of war was taken captive by the enemy in Southeast Asia. During that period of time almost 1,600 men have been listed as prisoners or missing in action. However, even more heartbreaking is the countless many more wives, children, and parents who await at home to hear some word of their lost loved one.

I have joined in this series on our prisoners of war to help keep alive in the minds and hearts of all Americans the plight of these brave men. We cannot let this war end without assuring the safety and return home of these valiant soldiers. This is the very least we owe them.

Words alone, however, are not sufficient to bring action. We have initiated several proposals here in this body. They include a mutual exchange of all prisoners, placing prisoners in the case of a neutral

nation, and tying the release of all prisoners with withdrawal of all foreign troops.

In addition, many of us have encouraged the mailing of letters to the President of North Vietnam asking him to adhere to the Geneva convention on the treatment of prisoners of war.

I am pleased that the President, too, is in agreement with me and others on this issue. He recently stated that there would be no end to the war without a settlement of the prisoners of war issue.

Let us forget, I will repeat again the grim statistics. It has been 7 years and 28 days since the first of 1,600 Americans has been imprisoned or listed as missing in Southeast Asia.

THE NEED TO REFORM THE MINING LAW OF 1872

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. UDALL. Mr. Speaker, last month I introduced legislation designed to reform the antiquated Mining Law of 1872. In this week's *Sports Illustrated*, Bil Gilbert has written an excellent article pointing out some of the abuses that our public lands suffer from as a result of mineral activities carried on there under the 1872 law. I want to share this eloquent article with my colleagues, Mr. Speaker, and accordingly include it in the RECORD at this point:

WHEN A LAW FIGHTS A LAW (By Bil Gilbert)

Those encountering the Mining Law of 1872 for the first time find it an incredible act. Literally, they do not believe such a law can exist. Yet there it is on the books, giving—to industry or any citizen—license to take over huge tracts of the nation's public lands.

Before the act was passed a hundred years ago there was no national mining law, but there was a lot of mining and passion and money tied up in mineral exploration and exploitation. Unable to start afresh, or believing it politically imprudent to do so, the Congress simply collected most of the traditions, practices and local laws then current in the Western mining country, roughly codified them and declared them the law of the land. The resulting statute, with all its vagaries, loopholes and contradictions, more or less defies summarization. What follows is simply a listing of those of its provisions that prominently affect the country's public lands.

The law provides that on most of our public lands (virtually all of the 450 million acres of the Bureau of Land Management, the 140 million acres under the jurisdiction of the U.S. Forest Service and even on portions of our national parks and federal wildlife refuges) any American may stake a mining claim. To do so he simply marks off the claim area and then registers its location at a county courthouse where he must pay a token fee (in most states the charge is about \$1.50 per claim). Claims are usually 20 acres in size but a man may stake as many of them as he wants. He is not required to ask permission of a public land agency, e.g.,

the Forest Service, before staking the claim. After he has done so, he is not required to inform the agency where his claim is or what he plans to do with it.

Having staked a claim on public lands, the claimant can immediately begin mining operations. He may erect living quarters on the claimed land for himself and his employees. To facilitate mining operations he may timber the land, raise crops, pasture livestock on it and make use of its water resources. He may not be denied access to his claim and can construct a road—anything from a donkey trail to a paved highway—to it. He must obtain a permit from the Forest Service for his road, but the agency cannot deny the permit, only require that the builder meet certain specifications.

A mining claim, though it is on public lands, may be sold or traded for private gain. No federal taxes are paid on a claim since the land theoretically belongs to the public.

In general there are only two ways in which a claimant can lose his land. If he fails to make token (\$100 worth) improvements on the claim each year, another prospector may re-stake the land and claim it for himself. Secondly, a claimant may lose his land (but, on the other hand, may gain almost perpetual use of it) through validation proceedings. Under this process a public-lands agency sends a mineral examiner to look at the claim. He makes a report of his findings to the Bureau of Land Management, a division of the Department of the Interior. If it appears that a "prudent man" can conduct a profitable operation on the claim, it is validated, which means the claim holder can do more or less anything he wants with it. If, on the other hand, the mineral examiner does not find evidence that a prudent man could turn a profit, the BLM will invalidate the claim. The miner must leave it and the land reverts to the public. However, a miner whose claim has been invalidated may appeal the BLM decision, first through a series of administrative tribunals in the Department of the Interior and from there to the federal courts. Large mining companies usually ask that their claims be validated prior to commencing operations so as to avoid future disputes. However, this is not necessary. In effect, a claim is treated as valid until the BLM declares it invalid. Agencies do not enter into these proceedings lightly as they are costly in terms of money, manpower and time. Even an uncontested invalidation case may take 18 months and a hard, messy one may drag on for a decade. Finally—and most ironic of all—the day after a claim is invalidated, another would-be miner may re-stake it.

A claim holder may also patent his land. He simply applies to the BLM for the patent and provides evidence that he can make a profit from the land. The BLM then patents his claim, which means that the land becomes his private property—the patent being a valid land deed. In theory virtually all of our national forest land is open to being patented; and, in fact, hundreds of thousands of acres have in this way been transferred to private control.

The mining industry, by whom and for whom the Mining Law of 1872 was created, believes it to be a splendid law and that any tampering with it will inevitably result in the destruction of the American way of life. The industry is, however, very cautious about making public statements on the controversial questions being raised these days by land managers, environmentalists and lawyers. Many of these people feel the mining law has created devastating land problems and abuses. For example:

The law not only permits but encourages (by giving subsidies in the form of virtually free land) spectacular and speculative ex-

ploitation. Millions of acres of land are vulnerable to despoliation, not because they possess minerals of value but because a miner has a hunch they might, and it costs him little or nothing to play his hunch.

If a mining claim can be regarded, as it often has been in the courts, as giving its holder *de facto* ownership of public lands, then no public-lands agency can be sure exactly how much land it controls or how it can manage its holdings. There may be as much as 20 million acres of national forest lands encumbered by mining claims. At least, that is one estimate. The uncertainty about just how many acres are involved arises from the fact that the claimant does not need to tell the land agency when he claims land from it.

Perhaps the most notorious abuse of the mining law has had nothing to do with either real or hunch mining. For generations Westerners who wanted a nice secluded site for a summer cabin, real-estate development, resort or, in a few cases, a gambling casino or house of infamy would simply stake a claim or claims in a national forest and proceed to occupy and use the land as they so desired. During the last decade the Forest Service has been trying to crack down on some of these "illegal occupancy" cases and retrieve some of this fraudulently claimed land. However, given the ubiquitousness of the practice (over 100,000 claims have been examined so far) and the limited resources of the agencies involved (the Forest Service employs only 40 mineral examiners, the BLM about 60), the best guess is that it will take another 20 years to clean up just the current cases.

For those who think it a bad statute, the worst feature of the Mining Law of 1872 is that it gives public agencies no real autonomy in the use of their own land. No matter how valuable a tract may be for grazing, timbering, recreation, no matter what its water, wildlife, wilderness or scenic values may be, a miner, if he wants the land, is entitled to take it. No other special-interest group has been so favored. Ranchers and lumbermen have been granted certain privileges over the years on public lands, but even they must secure permits and pay fees. The miner needs nothing under the law of 1872.

Currently the Forest Service is involved in a series of major disputes in which miners, attempting to exercise their rights under the mining law, are threatening valuable Forest Service resources—the home waters of the rare cutthroat trout in the Humboldt Forest of Nevada; the entire White Cloud mountain complex in Idaho's Sawtooth Forest; the Stillwater area in Montana's Custer National Forest. These are the most prominent of the current confrontations between Forest Service and mining interests.

In the final analysis, however, another dispute—and the solution of it—may prove more consequential. This case, relatively small in terms of land and resources, involves Ash Canyon in the Huachuca Mountains of southern Arizona. Here a few forest rangers are trying a new approach in defense of their lands.

The Huachucas are little-known mountains but in some respects they are unique. Rising at the Mexican border, they extend 25 miles northward, with their highest peaks soaring to about 9,500 feet. Surrounding the Huachucas is the Sonoran Desert. What makes these mountains singular is their range of climate. There are in the foothill canyons microenvironments that are tropical and more than a mile up on the mountain peaks ones that are subarctic. In consequence the flora and fauna is unusually varied. A greater assortment of reptiles, birds and mammals can be found in the Huachucas

than in any comparably sized area in the U.S.

By and large the mountains are still wilderness. There has always been some ranching, lumbering and mining but, due to the difficult terrain and the lack of resources thereabouts, the mountains have not really been disturbed. Most of the range belongs to the Forest Service, being part of the mammoth Coronado National Forest. Just two rangers are assigned to oversee the Huachuclas and adjacent valleys, a 300,000-acre chunk of land. The supervisor is Adrian Hill, a Forest Service veteran, and his assistant is Chuck Shipp, a young ranger who was assigned to the district last June.

The area also has two full-time non-professional maintenance men. These four men are responsible for everything that goes on in the district—fighting fires, erosion and floods, issuing grazing and camping permits, enforcing the provisions of the permits, cutting trails, clearing springs, building impoundments, locating lost hunters and hikers, assisting miners.

The two regular rangers spend much of their time simply driving, horsebacking and hiking about their vast domain trying to find out what is happening within it. Last July 29 while making a routine patrol along the eastern flank of the Huachuclas, Chuck Shipp discovered what looked like trouble in Ash Canyon, one of the many canyons that scar and torture the sides of the Huachuclas.

An elderly prospector named Bill King, who had held some claims in Ash Canyon and had pecked away at them for beans for more than a quarter of a century, had leased his holdings and become associated with one Alvin C. Hartley of Los Angeles and Las Vegas. Both men have a certain amount of notoriety. King had come into possession of his claims after killing an early partner, James Kelly. He was acquitted of the murder but retains the reputation of being a formidable gunman. He wears a six-shooter on his belt and normally cradles a .30-30 over his arm. Over the years King has run off more than one innocent visitor to the section of national forest on which he holds mining claims. His cohort Hartley is a bit less colorful but has had trouble with the law, too. He is on parole from California and has convictions for receiving stolen property and carrying a concealed weapon.

At their first meeting Hartley told Chuck Shipp that he had organized something called Cochise Mining and Exploration, Inc. He planned, he said, with the advice of his technical expert, Bill King, to take a lot of gold out of Ash Canyon, build some roads through it to the west side of the mountains, strip 150 acres for placer operations and construct a placer mill and wells.

"Right from the beginning this whole Ash Canyon thing really bothered us," recalls Shipp, who by temperament and age is an environmental activist. "In the first place there is no history of productive mining in the Huachuclas, no mineral survey that justified the kind of operation Hartley was talking about. But the mountains have very important natural, wildlife and recreational values. It seemed almost criminal to tear them apart for marginal mining operations.

Also, it seemed to us that this scheme in Ash Canyon had the smell of a promotion, not a legitimate mining operation. We got the feeling that Ash Canyon—and maybe more of this range—was to be gutted not for gold but for a few photographs in a stock prospectus.

This latter suspicion was confirmed by an investigation conducted by the Arizona Corporation Commission. Last winter the commission found that Hartley, an unregistered stock salesman, had peddled unregistered shares in Cochise Mining and Exploration. It ordered Hartley to cease and desist in this

felonious activity, but the order was of an empty, post-factum sort. Late in November, Hartley left the Huachucla scene for Mexico, taking with him a hundred glossy Cochise stock certificates. He has not been seen since.

Between the end of July and mid-December, Shipp made 38 trips to Ash Canyon (on one visit he was unable to proceed up a Forest Service road, being blocked by Bill King and his six-shooter). Cochise Mining and Exploration began building a placer mill and, more important, cutting without permit a 1½-mile, 130-foot-wide road up Ash Canyon across Forest Service land. Shipp was convinced that the work already done had seriously and adversely affected drainage patterns in the canyon. It also seemed obvious to the ranger that if Hartley should return and settle his curious financial and legal problems, he could and would mount new operations in the Huachuclas that would further ravage the land.

Shipp telephoned Ray Russell, the director of mining and recreation resources at the Tucson headquarters of the Coronado National Forest. Ray had been following the case," says Shipp, "and I guess I told him in effect that they had sent me down here to protect a public resource and I didn't feel I had any authority to do so. We'd lost a good part of Ash Canyon and the chances were we'd lose more. I asked Ray if he had any suggestions. I also made a suggestion. We'd all been getting directives about the new Environmental Act and I asked Ray if there was anything in that which might help us. He said he would take a look."

Russell looked, and then he decided to do three things. He started proceedings leading toward a trespass hearing in federal court, charging King and Hartley with cutting a road without permit in Ash Canyon. He got in touch with the nearest Forest Service mineral inspector and asked that the King-Hartley claims be examined to see if they could be invalidated. Both of these actions were more or less conventional ones under the old rules of the Forest Service-Mining Law game. However, the third step Russell took, or rather suggested be taken, was extraordinary, something that nobody within the Forest Service had ever thought of doing before. Russell asked that the Forest Service seek a federal injunction, based principally on the provisions of the National Environmental Policy Act of 1969 (hereafter NEPA), to halt all mining operations in Ash Canyon while a study of the environmental impact of such operations was made.

"I am not a lawyer," Russell says, "but it seems to me under Section 102 of NEPA if any land changes are contemplated we are required to make an environmental impact study before the changes are permitted. So I applied this to Ash Canyon. The mining operations that King and Hartley were talking about there would certainly result in environmental changes. O.K., so we are required to make a study on the consequences of these changes. This kind of study will cost some money, tie up a lot of men and take a lot of time. Suppose we start such a study. The Mining Law and the Environmental Act appear to be in basic conflict. I thought maybe Ash Canyon would be a good place to find out where we stood legally—what law we should obey."

Clyde Doran, the Coronado National Forest supervisor, approved Russell's recommendation that the service seek a NEPA injunction in Ash Canyon and started the request for such action through departmental channels. Also, before paper work on the recommendation was completed, Doran made the matter public. He told the local press about Russell's proposal—that they were going to try to get permission to do something absolutely new, challenge the Mining Law of 1872 on the

grounds it was in conflict with the Environmental Act.

Change, especially precedent-setting action, unsettles all bureaucracies, and the Forest Service is no different. If the service pushed for an injunction and all that it implied, it would certainly become involved in a bitter battle with the mining industry.

"The whole question is of special interest to us in the Coronado," Clyde Doran says, "since there are indications we may have more rather than less mining activity here in the future." It is something of an understatement when Doran says there are "indications" of future mining ventures and problems in southern Arizona. During the past 18 months it is estimated that some 250,000 acres of Doran's 1,800,000-acre forest have been staked in claims by giant mining concerns—Anaconda, Hanna Mining, Hecla, Kerr-McGee. When old claims and new claims by small operators such as Hartley and King are added, it is likely that somewhere between a third and a half of the Coronado is not, in a practical sense and according to the Mining Law, a public forest at all—it is a potential mine.

The reason for this sudden interest in southern Arizona mineral deposits is gossiped about openly within the mining community. The big operators are fearful to certain that they will soon lose control over major foreign holdings—that their mining properties in Chile, Peru and elsewhere in South America will be nationalized. Therefore, they are looking for domestic mines, particularly in Arizona where there are minerals and favorable tax laws. These political and economic factors, along with the ever-increasing demand for metal products, make it almost certain that mining pressure on national forest lands will markedly increase during the next few years. They also explain why land managers like Doran believe that if the Forest Service does not now get additional authority to control, direct and tame the exploiters, they may shortly have very little land left to manage.

The National Environmental Policy Act to which Russell and Doran have turned in the Ash Canyon case is, like the Mining Law, not well understood, but for different reasons. It is so new that few are certain whether it is a real law or simply another pious statement of good intentions.

"I have a theory," says Malcolm Baldwin, a young lawyer employed by the Conservation Foundation, one of the most respected organizations along Washington's Environmental Row (a collection of offices and chambers in the vicinity of DuPont Circle, lying mostly between Massachusetts Avenue and the National Rifle Association). "Until a law is fought over, either before it is passed or later in the courts, nobody really knows what it means. There have been few suits to date involving NEPA. It was written mostly by Scoop Jackson's staff and there was no great debate. You didn't have, say, the American Mining Congress and the Sierra Club at each other's throats when it was being considered. In fact, nobody paid much attention to it—it just eased through. This business in Arizona may provide a significant test case. Obviously if the Forest Service has enough nerve to ask for a NEPA injunction, it could be a formidable weapon."

It is said that a motto of the Devil is "Let's organize this thing." If true, his Satanic Majesty probably created the concept of the Regional Office. Regional Offices—religious, educational, military, corporate, federal—neither sow nor reap. They are not concerned with ideas and policy, which is the business of Headquarters; nor with action—chasing bulldozers out of canyons—which is the work of the field staff. However, they are exquisite instruments for muddying ideas until they cannot be translated into

action, for muffling action so that it cannot influence ideas or policy. The function and ambition of a Regional Man is to hide dirty linen, keep boats from rocking and at all times present a very low profile.

The Albuquerque office of the U.S. Forest Service is not that different from regional offices everywhere. Having been brought into the Ash Canyon case during the second week of January, Albuquerque did what Regional Offices do best—sat down tight on the whole affair. The request for an NEPA injunction looked as if it would not be approved, disapproved or bucked on to Washington, where decisions are made. In what passed for furious action at this administrative level, the Regional Office promised to send a Regional Attorney to Tucson in late February to discuss with the Coronado Foresters the implications of an NEPA injunction. The first meeting was postponed but the conference was finally held a few weeks ago. The attorney is now in Washington and is said to be formulating his case. So that is how the matter officially stands at the moment.

Fortunately, the Ash Canyon affair has broken out of channels. While anonymous Albuquerque men were brooding over the embryonic case, word of its imminent hatching spread. On March 17 Arizona Congressman Morris Udall submitted a bill to the House of Representatives that would drastically revise the Mining Law of 1872.

Ash Canyon and the issues it raises, the challenge to the Mining Law, the question of the public right to regulate use of public lands, has become too large and knobby to be stuffed back in any Regional Man's bag. Like it or not, injunction or not, Ash Canyon has become a case to which we are all party. The proceedings promise to be long and difficult.

PROFESSIONAL VETERANS OF VIOLENCE VERSUS MILITARY VETERANS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RARICK. Mr. Speaker, all week long we have encountered in our midst a group of bearded and shabbily dressed young men clothed in various remnants of military uniform who have been widely billed and played up by the news media as veterans.

Several of these men have been by my office holding themselves out as representing veterans and knowing veterans' problems but when asked for ID cards or discharge papers they folded camp and disappeared. While it is possible that there are veterans of former military service among the crowd, I feel that our Government and the news media are doing a great disservice by not exposing this farce for what it is.

Many are veterans all right—they are veterans of Selma, Watts, Newark, Chicago, Kent State, and other cities too numerous to mention, where the American people have encountered agitation, confusion, and violence. They are veterans all right—just in another costume. Any military veteran involved with such a horde would have to be duped because of a feeling of exploitation by those in Government into thinking that the peo-

ple with whom they are associated are synonymous with helping their country.

Tragically, many military veterans have been the victims of a psychological slideoff to where they are supporting those who are actually responsible for any bitterness and disillusionment.

If this so-called veterans group contained American military veterans who expected by their presence to receive the respect and courtesies due them, most certainly they would have appeared at their Nation's Capitol and among their legislators as military men. They would have worn their uniform complete, or not at all, they would have been clean shaven, would have attended to their personal grooming and would not have used profanity and other vulgarity as if intending to agitate disrespect and revulsion from everyone they met.

This was the first giveaway. The ultimate was the display following permission to enter the Arlington Cemetery, our Nation's shrine to our country's heroes, ostensibly to pay homage to fallen comrades. Then on departure and for the benefit of the seemingly previously cued-in TV cameramen to raise their arms and give the clenched fist salute—the Communist identification symbol—marking them as comrades of the same Communist movement that had killed their comrades they had earlier professed to want to visit out of respect.

Then late this afternoon, again for the benefit of the always-on-hand communications media, this army of fifth columnists paraded by the steps of their Nation's Capitol throwing military decorations, awards, and citations with vulgar exclamations onto a pile as if so much refuse.

Again, a further disservice will be done to every military veteran and to the American people unless our political and military leaders tell our people which of these awards and honors were earned and awarded and which were bought at a military supply or military surplus store.

As a veteran myself, I wonder what the communications media expects to do with the many posed photos and enacted scenes of members of this mob, some with simulated weapons—scenes such as a uniformed man holding a rifle sitting in a tree with the dome of our Nation's Capitol in the background; scenes such as were filmed on the Capitol Grounds and on the streets in Washington, D.C., with simulated riflemen shooting women and children, who were coactors in the drama—falling to the ground and with coloring bags which they burst, giving the effect of wounds and blood.

Words could not describe the injury such films and photos improperly labeled or misused could cause to our POW's or our fighting men. Nor could the propaganda effect be underrated if such staged films and pictures reach the hands of the Communist world and their people are told the pictures show an uprising by the Americans or among our military forces, or that U.S. soldiers have committed acts of violence against women

and children in their own country to maintain law and order. In such instances the photos could be misused to support charges from some quarters that a police state situation has developed.

The visit of the so-called veterans to Washington, D.C., did not accomplish one constructive thing for any participating members—it was not intended to and the actors went out of their way to make sure that they could not and did not accomplish anything for the benefit of the American people or for peace or for national unity. Their mission was not that of a war-weary military veteran, but rather that of a highly trained soldier carrying out a strategic objective in psychological warfare.

I include a news clipping at this point: [From the Washington Post, Apr. 23, 1971] AT NIGHT, VETERANS VOICE INNER FEELINGS (By B. D. Colen)

Phil Lavoie, who has two artificial legs, was explaining why he was sleeping on the Mall with 500 other veterans Wednesday night in what then was defiance of a U.S. Supreme Court order.

"America is the best thing going, man. I love this country. I wouldn't leave it for anything."

But Lavoie, 22, a Vietnam veteran with the Americal Division of the 196th Infantry, is puzzled by things he has seen in Vietnam and at home.

"We captured a couple of sacks," he said. "They were white five pound sacks and they said 'a gift to the free people of India from the free people of the United States.'" The sacks, he said were filled with American wheat, and he believed the Vietcong had bought the wheat on the black market.

"I'm fighting with men eating American wheat. Americans are dying, being killed by dudes eating American wheat."

"President Nixon said he wants to open trade relations with Red China. I was hit with an 82 millimeter mortar round, made in Red China."

If we are going to trade with China, he said, we shouldn't be in Vietnam."

Lavoie joined a circle of friends to listen to a recording of "With a Little Help From My Friends," as light drifted from one of the medical tents at the far end of the encampment.

Nine persons were crammed into the green tent. One of them strummed a guitar, singing "When Johnny Comes Marching Home." Sen. — sat slumped next to the guitarist listening intently. He wore a leather service jacket bearing the presidential seal over the left breast.

"Far out," muttered a fatigue-clad veteran who noticed — in the tent. "This is the heaviest thing that's happened here."

The bright lights used to illuminate the construction project along lower Pennsylvania Avenue NW cast an eerie glow over the sea of sleeping bags on the mall. In the shadows, the still bags looked like the body bags used to bring the dead back from the field, the same kind of bag the veterans are planning to fill with their medals today.

Patrick McCann, a 22-year-old Marine Corps veteran from Philadelphia, paused in his rounds of sentry duty.

"I fought against doing this (guard duty) for a year, and here I am," he said, laughing quietly.

"I'm not sleeping tonight. There's been some people missing stuff, like 45 sleeping bags, but you can probably cut that in half. Some people are tired and misplaced things."

A voice called out, "Ohio?" and about a

dozen uniformed veterans came trotting into the area where the Ohio veterans were sleeping.

"Hey man," one called, "we've got 16 more from Kent State."

"Far out!" was the reply.

"Where have you been eating?"

The old timer at the camp site replied: "We got hot lunch, supper, breakfast. People have been buying it for us. People have been great."

EUROPEAN EXPERIENCE WITH CONSCRIPT AND VOLUNTEER FORCES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, in an effort to preserve the power of conscription, the contention has been made that an end to the draft would threaten our democratic institutions. Militarism, however, has been historically associated with the power of a state to compel young men to serve involuntarily.

In the United States, as I have previously noted, we have had a long tradition of civilian control of the Armed Forces. This tradition was developed and enhanced in conjunction with a system of manpower procurement that has relied upon voluntarism for all but 34 of the nearly 200 years since our Nation, in the Declaration of Independence, proclaimed its belief in the freedom and dignity of the individual.

Those who favor the draft profess a fear of so-called professional armies, but they have never produced evidence to justify their fears. The Gates Commission, with the thoroughness that characterized all of their studies, made a detailed investigation of the experience of foreign nations with different forms of military manpower procurement.

According to part I of the study, for example:

The Greek government is a military dictatorship established by a military coup against constitutional authorities, but Greece is notorious for the rigor of her conscription. For the period 1956-65 the compulsiveness of the Greek recruiting system was exceeded only by that of the U.S.S.R. . . . Both conscription and coups have a long tradition in Greece. . . .

The examination of military interventionism in French and Spanish history also shows that conscription cannot be relied upon as a means of civilian control. I commend this item to your attention:

EUROPEAN EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES' INVOLVEMENT IN DOMESTIC ISSUES

PART I: GREECE, SPAIN, AND FRANCE

(By James W. McConnell)

Purpose

The purpose of this study is to examine European cases to find what lessons, if any, they offer for the United States. Military personnel recruitment has been handled dif-

ferently by different countries and differently by the same country at different times. Historically and logically, there have been three choices. *First*, should the armed forces be comprised of citizens, ethnically and culturally representative of the state, or foreigners? *Second*, should the armed forces be a standing establishment of full-time military personnel specializing in the art of war, or a militia system of part-time civilian soldiers? *Third*, should the armed forces personnel be recruited voluntarily or be compelled to serve? Since the U.S. is committed to a citizen standing army, this study will not discuss foreign mercenary forces and will largely ignore the European experience with militia systems. Of primary relevance to America is the European experience with volunteer and conscript standing armies and their effect upon domestic politics.

Among both scholars and practitioners there have been intense conflicts over the relationship of the recruiting system to authoritarianism. G. G. Coulton, an Englishman, has stated that "in history, compulsory service has been the usual note of democracies, while despots have preferred a paid army." He finds that "the despot and the mercenary have commonly gone hand in hand," while "complete compulsion" in recruiting is "less inimical to political and social liberty." Coulton did not agree with those who hold that "voluntarism in the army, as in other departments of state, is the note of a free country." For him, the test of the army of a free country is whether it "represents the totality of national feeling and national ideals." The hallmark of a free people's army is equality of service, since "it is an obviously democratic principle that all necessary burdens of the state should be shared, as equally as possible, among all citizens." This definition and democracy could be used to justify a totalitarian system, which, if it does treat its citizens harshly, at least treats them equally.

One of the major pro-conscription assumptions is that the major flow of influence is from civilian society through the conscript to the army, rather than the other way. This has been disputed. Many have felt that in the army, the conscript encounters a world he never made and over which he has little control. He must simply adjust and obey. Having served, the ex-soldier might retain his new militarism giving us not civilians in uniform but "soldiers in civvies." In the American debate on conscription prior to our entry into World War I, Villard contended that "men of noble spirit are in every land crushed by the whole system of compulsory military labor precisely as compulsory servitude deadens men's souls everywhere." This line of thought induced adverse comment on President Roosevelt's 1945 proposal for a year's obligatory service for all young men after the war.

"It is inconceivable that the activities of every able-bodied youth every waking moment of every day through a full year of his life at a most impressionable age could be devoid of profound educational consequences."

The recruiting system and military influence

The conscription-vs.-voluntarism argument does not appear to be readily resolvable through logical argument, so perhaps an empirical-statistical approach covering a long span of European history might yield better results. One way to measure the influence of the military is to calculate the burden of defense, i.e., the military's share of the Gross National Product. However, GNP data is simply not available in any lengthy series for many European countries. In lieu of the overall burden of defense, we can use the manpower burden of defense, i.e., the num-

ber of active-duty military personnel per million population. This information is available—in the annual issues of the *Statesman's Yearbook*, in the *Armaments Yearbooks* of the League of Nations, and in books and articles on military affairs. Russett and his collaborators show that the manpower burden of defense is a good proxy for the total burden of defense. From a sample made up of a number of heterogeneous countries, they conclude that the economic burden and the manpower burden vary together, with a correlation coefficient of .68.

Data showing the average annual active-duty military personnel per million population (MP/pmp) for our eight European countries, by decades for the period 1816-1965, is presented in Table III.2.1. The figures do not represent the average for all ten years of each decade. Instead the figures give the annual average for the peacetime or prewar years only. If during a particular decade there was no war or only a war requiring no significant expansion of the armed forces, then the annual average for the entire decade (or representative years of the decade) was calculated. If a major war occurred, then the calculation was based on the three years prior to the war if data was available.

The data on conscription in the various countries (Table III.2.2) was taken from the most readily available sources, primarily *Statesman's Yearbook*, *Whitaker's Almanac*, *The League of Nations' Armament Yearbooks*, *Encyclopedia Britannica* and various military surveys. These data are most uncertain. The compulsiveness of a country's recruiting system is the average annual number of men putting in compulsory full-time military duty. A conscript on active duty during the entire year is treated as one full-time conscript. A compulsory reservist is treated as a fraction of a full-time conscript, depending upon the amount of time spent on military duties. The same calculation has also been made for second-line troops (*Landwehr*, *Honved*, Mobile Militia), third-line troops (*Landsturm*, Territorial Militia), and Ersatz Reserves, as well as young men engaged in compulsory pre-military training.

The data on the size of the military in eight European countries (Table III.2.1), together with the data on conscription in Table III.2.3, show the relationship between compulsiveness and force size (see Table II.2.3).

In the aggregate case and in the cases of the traditionally conscript countries, there should turn out to be a very high correlation between the size of the military establishment and the degree of compulsion. If a country is already under conscription, it is reasonable that an increase in the number of conscripts will increase the size of the force. The interesting point is that Britain, which shifted back and forth between voluntarism and compulsion, shows the highest correlation of any of the eight countries. Most of the variations in the size of her establishment can be attributed to variations in the degree of compulsiveness. During the period of peace-time voluntarism in the years before World War II the British establishment, as voted by Parliament, never varied outside the limits of 5,000 and 7,900 MP/pmp, the lowest of any of the eight European countries. In the years 1948-56, however, at the height of her post-World War II conscription effort, the average annual strength of the armed forces exceeded 21,000 MP/pmp. By 1968, after returning to voluntarism, that strength had shrunk to 7,868 MP/pmp, within the historic limits. If the size of the military establishment is an adequate measure of the degree of military influence within society, the evidence suggests that a shift from compulsion to voluntarism should result in a reduction of military influence.

TABLE III.2.1.—8 EUROPEAN COUNTRIES: AVERAGE ANNUAL MILITARY PERSONNEL PER MILLION POPULATION BY DECADES, 1816-1965

	Britain	France	Germany	Austria	Russia	Spain	Italy	Greece
Period:								
1816 to 1825		8,706	11,247		15,169	12,023		
1826 to 1835		8,060	9,982		11,020	11,754		
1836 to 1845		8,399	8,860		9,721			
1846 to 1855		11,111	8,178	9,740	12,456		10,922	
1856 to 1865	7,243	11,240	9,405	9,395	5,964	10,967	14,842	
1866 to 1875	6,272	11,567	10,710	7,705	8,824	10,793	9,520	11,484
1876 to 1885	5,530	14,196	9,787	7,247	8,565	1,223	8,354	12,342
1886 to 1895	5,773	15,888	10,404	8,253	7,455	9,368	9,285	13,466
1896 to 1905	6,245	18,200	11,105	8,358	8,157	13,457	9,262	11,708
1906 to 1915	6,840	19,735	10,957	7,975	7,450	6,664	8,709	14,375
1916 to 1925	7,898	19,193	2,499	3,487	4,715	9,606	9,028	13,475
1926 to 1935	6,006	16,591	2,896	3,355	4,388	8,019	13,860	11,244
1936 to 1945	7,124	19,905	14,550		15,612		15,416	11,750
1946 to 1955	21,014	15,441	0	0	34,527		6,442	25,182
1956 to 1965	12,085	14,796	5,030	2,870	18,061	9,275	8,777	19,087

TABLE III.2.2.—9 EUROPEAN COUNTRIES: AVERAGE ANNUAL FULL-TIME CONSCRIPTS PER MILLION POPULATION, BY 10-YEAR PERIODS, 1816-1965

	Britain	France	Germany	Austria	Russia	Spain	Italy	Greece	Switzerland
Period:									
1816 to 1825	0	3,283	10,774		12,211				
1826 to 1835	0	5,885	9,190		10,907				
1836 to 1845	0	4,856	7,496		9,235				
1846 to 1855	0	4,856	6,895		11,832		7,508		
1856 to 1865	0	3,119	10,979		5,634		8,816		1,849
1866 to 1875	0	4,489	12,060		9,219		9,111	5,134	1,888
1876 to 1885	0	13,606	10,818	8,436	9,725		9,239	7,387	1,893
1886 to 1895	0	16,202	10,430	8,620	11,078	5,905	8,951	9,412	2,099
1896 to 1905	0	14,586	8,709	8,009	9,542	8,866	9,298	7,867	2,047
1906 to 1915	0	14,419	7,589	7,560	9,222	5,738	9,750	6,583	18,130
1916 to 1925	0	11,006	0	0	7,511	8,364	7,549	10,371	1,751
1926 to 1935	0	7,658	462	0	7,650	3,512	9,325	8,944	2,914
1936 to 1945	698	12,591	15,441		14,099		12,091	11,742	179,037
1946 to 1955	5,378	5,050	0	0	30,348		4,291	13,293	4,785
1956 to 1965	1,709	5,000	2,020	0	16,984	7,415	5,810	14,770	5,016

¹ The high numbers reflect Swiss mobilization to preserve armed neutrality in the 2 World Wars.

TABLE III.2.3.—COMPULSIVENESS AND SIZE OF MILITARY

[Percent of military personnel that is conscripted]

Country	0 to 9.9	10 to 19.9	20 to 29.9	30 to 39.9	40 to 49.9	50 to 59.9	60 to 69.9	70 to 79.9	80 to 89.9	90 plus	Total
Britain:											
Decades	9	1	1								11
MP (pmp)	6,548	12,085	21,014								8,366
France:											
Decades			1	4	2	2	1	2	1	2	15
MP (pmp)			11,240	12,628	13,851	13,796	19,905	13,898	18,200	15,042	14,202
Germany:											
Decades	2	1			1		1	1	2	7	15
MP (pmp)	1,250	2,896			5,030		10,957	11,105	8,519	10,869	8,374
Austria:											
Decades	2										4
MP (pmp)	2,428										8,458
Russia:											
Decades										3	12
MP (pmp)										21,769	8,898
Spain:											
Decades					1		2	1	2		6
MP (pmp)					8,019		11,413	9,275	8,135		9,398
Italy:											
Decades						1	4	1	1	5	12
MP (pmp)						14,842	10,000	15,416	9,028	9,026	10,368
Greece:											
Decades					2	2	2	3		1	10
MP (pmp)					12,930	18,762	12,589	14,602		11,750	14,412
Total:											
Decades	15	2	2	4	6	5	10	8	9	31	92
MP (pmp)	4,743	7,491	16,127	12,628	11,102	15,992	11,887	13,425	13,983	9,795	10,557

Militarism in immature political cultures

In the abstract, of course, it would be possible for a volunteer army to show restraint in using its power to gain material advantages from society, and at the same time, intervene to a serious degree in other matters. In the American debate on conscription which preceded entry into World War I, Professor M. J. Bonn contended that volunteer armies (he preferred to call them "professional" armies) "have often supported governments against the people, and have turned out governments in the interest of the military leaders." He added that a conscript army (he preferred to call it a "national" army) "is scarcely fit for such a purpose." One wonders how such an opinion could have been formed.

Greece

To test Bonn's conclusion we first look at Greece. [The Greek government is a military dictatorship established by a military coup against constitutional authorities, but Greece is notorious for the rigor of her conscription. For the period 1955-65 the compulsiveness of the Greek recruiting system was exceeded only by that of the USSR: it was seven or eight times that of Germany and England, double that of Spain, and almost triple that of France and Italy. Both conscription and coups have a long tradition in Greece,] a point which can easily be substantiated from any good encyclopedia. Conscription was introduced as early as 1839, shortly after Greece was established as an independent nation; four years later,

in 1843, the soldiers staged their first coup. It was only the first of many interventions. To consider only the highlights of the 1920's and 1930's there was the abortive pro-royalist military uprising of 1923 in Macedonia; the seizure of power in 1925 by General Pangalos; the latter's deposition in 1926, in favor of normal civil government, by another military faction; the abortive military coup of 1935; and the installation of General Metaxas as dictator in 1936. It is understandable that the military historian, Alfred Vagts, should characterize the Greek political system as "vicious," because (among other reasons) officers took a lively part. There is little evidence of opposition from the conscripts.

Spain 1812-1873

Essentially the same correlation between conscription and military interventionism is found in Spanish history. The citizen's obligation to bear arms was enshrined in the liberal Constitution of 1812; and when Ferdinand VII, with the aid of the army, overthrew that constitution in 1814, conscription was about the only element retained. This was the *quinta* or selection by lot with the well-to-do permitted to buy their way out. Ferdinand's action was followed by a series of military conspiracies and *pronunciamentos*—five between 1814 and 1819—culminating in the rising of Major Riego in 1820. The success of Riego's military liberalism was ensured when the rest of the army refused to support the government against him (a "negative" *pronunciamento*). This particular revolt set the pattern of Spanish political change for over half a century; military involvement in politics was endemic. It is sufficient to mention the march of the Pardo battalions on Madrid in 1822; the abortive landing at Tarifa in 1824; the La Granja sergeants' revolt of 1836, the only successful *pronunciamento* of non-commissioned officers in Spanish history; the whole series of conspiracies and mutinies preceding the negative *pronunciamento* of 1840 which placed General Espartero in power; the overthrow of Espartero in 1843 by General Narvaez; the unsuccessful *pronunciamento* of General Zurbarán in 1844; the abortive risings of the Zamora regiment in 1846 and of the sergeants of the Regiment of Spain in 1848; the revolution of 1854 which first brought General Espartero back to power, then General O'Donnell in 1858 and finally General Narvaez again; the return to O'Donnell in 1865 and to Narvaez for the third time in 1866; the repeated attempts by General Prim and others at military rebellion in the 1860's, including a bungled sergeants' revolt of 1866, which finally led to Admiral Topete's *pronunciamento* of 1868 and the acquisition of power by Generals Prim and Serrano; the unsuccessful soldiers' revolt at Ferrol in 1871; General Pavia's *coup d'état* against the Constituent Cortes in 1874; and, finally, in the same years, the overthrow of the Republic and the return of the Bourbons through General Campos' positive *pronunciamento* at Sagunto and the negative *pronunciamento* of the Spanish army of the north. "Either positively or negatively, the existence of any regime in Spain was a function of the loyalty of the army."

In this period of Spanish history, military intervention in politics did not normally have the same authoritarian consequences as later. The basically liberal military interventions before 1874 can be distinguished from the generally conservative, even reactionary character of subsequent interventions. Although there were some individual defections, the army as a whole would have nothing to do with Carlist absolutism, either in the 1830's or the 1870's. The army was liberal in the early period but it was a liberalism with limits, the moderate liberalism of a General Narvaez or the Progressivism of a General Espartero. Their democracy was not of the whole nation, for one of the main popular demands of the time was the abolition of conscription, which struck at the very basis of the army's power. Indeed, almost the last gasp of the Spanish small democracy was the anti-*quinta* riots of 1871.

The Spanish Republican Party alone seriously took up the anti-conscription cause; and the Republicans in their period of vigor had only one general in their ranks. "The Republicans," writes Carr, "resentful of the way the democratic revolution [of 1868] had been pushed aside by generals, were the first party that could afford to stress the threat of the army to civil liberty and to campaign for a small army. . . ."

In the early 1870's the Spanish republic was proclaimed. The officers under General Gaminde immediately went for their swords, but the soldiers had different ideas. They were counting on the Republic to abolish conscription—one of the most hated features of Spanish life—and they refused to rise. Gaminde and most of his officers fled, and the army at least partially fell to pieces. . . .

The new Republic faced many grave problems—a Carlist uprising that quickly gained control of Navarre and the Basque provinces, as well as federalist tendencies which threatened to dissolve Spain into its provincial elements. At first the Republicans resigned themselves to chaos rather than turn again to the generals, but "realism" eventually prevailed. The original Republican leaders were replaced by another group of Republicans under Castelar, whose commission was virtually to pull the country together and hold it by force. This commission in itself could only be construed as an acknowledgement of the failure of the Republic.

Castelar began by raising a compulsory levy of 120,000 men. The levy, no doubt, gave him the necessary troops to restore law and order. . . . But in effect the new application of compulsory military service gave the Republic its *coup de grace*. . . . Freedom from the blood-tax was the only interest the common man or the private soldier had found to bind him to the Republic. It was too much an affair of the intellectual middle classes and too little an expression of the feelings of the common people. The reintroduction of conscription knocked away the only popular supports.

1873-1936

The Republic had lost its following, among the public and in the lower echelons of the army, the latter following their officers in welcoming back the monarchy. There followed a quarter of a century of reaction and Republican decline. Deprived of popular support, the movement substituted the party for the people and developed a doctrine of armed intervention. The anti-militarism of 1873 was dropped as unrealistic; to gain the support of the army conscription was promised. Thus, the few serious attempts at military intervention during this period were all Republican-inspired. However, even these conspiracies and revolts on behalf of "the people" did not rely on the initiative of conscripts; they originated with volunteer elements—in 1883 with the sergeants and lower-ranking officers of the garrison of Badajoz, in 1886 with General Villacampa and the senior sergeants.

Although liberalism revived after 1898, it was weaker than in the Republic of 1873. There was some success in equalizing the burden of conscription, but little was done to reduce the total weight of compulsion on society. Liberalism did have some impact on the army's outlook, but even here the initiative came from the officer volunteers rather than the conscripts. On the whole, however, it is difficult to give a liberal blessing to the politics of the army in this period. The notorious Law of Jurisdictions of 1905, for example, which was forced through by the threat of an army coup, provided that defamation of the army by civilians was to be tried by court martial, i.e., by the army itself. As Carr has written, the military "came to feel itself not only 'second class citizens' instead of a political elite but slandered by the new anti-militarism of the left."

After 1920 there can be no question of the basically negative and authoritarian character of military intervention. One must notice, says Finer:

"The quite morbid superiority feeling of the army by Spain. . . . This army, from

about 1900 onwards, had felt rejected by society and had drawn hermetic boundaries around itself, nourishing itself on its own values and hating without understanding the movements of separatism and socialism that were surging through Spain. After its decisive and humiliating defeat by the Moors at Anuel in 1921 the Spanish officers reacted like the Greek officers after Smyrna, or the German officers after 1918, or the Egyptian officers after 1948, or the French officers after Dien Bien Phu. The Spanish army . . . accused the civilians of betraying it. . . . If the Spanish army had not defeated the Rif, it would show that it could at least defeat its own civilians. Thus arose the dictatorship of Primo de Rivera in 1923."

It is an astonishing business. How could a "national army," always, in its majority, comprised of conscripts, civilians in uniform, draw hermetic boundaries around itself, seal itself off from society and nourish itself on its own values? The facts of Spanish military life seem to defy the theory of the Nation in Arms, which expects officer interventionism to be curbed from below, by the conscripts.

Despite the conscripts the dictatorship of Rivera put the generals back at the top of the political ladder. The rest of the story is well known. Preoccupation with domestic politics demonstrated that the army did not exist to repel or conquer the foreigner, but to hold down the Spanish people either on its own account or as "the police force of the ruling oligarchy." "Completely shut off from the civilian currents of opinion that surged about it," the ideal of the military leadership by 1936 "was of a timeless Spain, centralized, hierarchial, Castilian and Catholic."

Civil War of 1936-39

The facts of the Civil War of 1936 have been said to show that a conscript force might, under certain circumstances, prove less reliable for subverting the national will than a volunteer force. This is not entirely clear. The Air Force is, in most countries, a stronghold of voluntarism; and this was probably true for Spain in 1936. Yet the Air Force was the only service which remained loyal as a whole (both officers and men) to the Republic. The Navy was also presumably a stronghold of voluntarism, yet, while naval officers were Nationalist in sympathy, the rank and file were actively Republican. On the day of the Nationalist rising, on all of the ships of the fleet dispatched to crush the rebels of Morocco, as well as at Cadiz and Cartagena and in the harbors of Galicia, the men, stimulated in some cases by radio messages from the Admiralty in Madrid addressed to them and not to their commanders, imprisoned or killed their officers and took over command of the ships for the Republic.

In the army, the stronghold of conscription, defection of whole units to the Nationalists was evident. Army officers were overwhelmingly pro-Franco. Of 14,000 Spanish officers (over 10,000 on active duty), only about 200 opted for the Republic. The 8,000 non-commissioned officers are said to have called to Franco almost to a man. Given this unity of officers and NCO's it is remarkable that the Republic was successful in retaining one-third of the regular army units in Spain. This third was saved primarily by the overwhelming numbers in the Republican militia and volunteer workers' organizations which were sent against the troops. In only two recorded instances were conscripts persuaded to act against their commanders. A larger number of garrisons' defection to the Nationalists was prevented by the resolute initiative of loyal officers, not by conscripts acting independently. As Chorley notes—

"The history of Spain during the opening phases of the rebellion can only emphasize how serious a widespread officers' revolt can be, provided it can raise any support among influential sections of the civilian population and provided it can succeed in carrying with it at any rate a proportion of the rank and file . . . The men, . . . to a considerable extent in Spain, blindly accepted their officers' lead . . ."

And she concludes "from the Spanish experience that conscription is not in itself an adequate foundation for a democratic army."

While the vast majority of the conscripts followed their officers in 1936 they did so without enthusiasm. The conscripts were thought by the Nationalist generals to be unsteady in their discipline—compulsory service under the Republic had been reduced to a single year, hardly sufficient time to induce a military point of view. The two-thirds of the peninsula army which went over to the rebels (with conscript acquiescence) were first used by the Nationalists only as garrison forces.

The role of shock troops in the rebellion was reserved for the more reliable Army of Africa. Part was left to garrison Morocco and the rest brought over to Spain. The ordinary accounts of the Army of Africa give the impression that it contained no Spanish conscripts. Thomas, for example, implies that it was comprised of two elements only: native Moorish units; and volunteers of the Foreign Legion, which, despite its name, consisted primarily of Spaniards, together with some Portuguese, French and Germans. However, of the more than 30,000 privates in the Army of Africa in 1936, the Moors and Legionnaires together accounted for no more than 15,000, leaving at least 15,000 Spaniards unaccounted for. Moreover, according to League of Nations data, the "annual contingent of recruits" for 1936, amounting to a total of 82,850 men, included 21,850 for the Army of Africa. Even if this is a novel use of the term "annual contingent" to imply, not conscripts alone, but conscripts and volunteers taken together, it seems unlikely that all of the 12,850 consigned to the Army of Africa were new volunteers, since only a few years earlier, in 1932, when the army was larger than in 1936, the total number of first-time volunteers plus re-enlisted men in the entire Spanish army (presumably including Moors and Legionnaires) only amounted to 25,099. But even if the Army of Africa were an all-volunteer force, Franco did not in the long run take this alleged object lesson of the Civil War to heart. In reconstituting the Spanish Army after the Civil War, instead of asking for reliable volunteers, he restored the older two-year conscription period of 1930 and thereby was able to increase the size of the Spanish Army from the 145,000 troops of 1936 to the 320,000 of 1941.

To sum up the record: in modern Spanish history conscription has been a constant; and so has direct military involvement in domestic politics. Ignoring the Carlist defections, we can count no fewer than 43 successful or unsuccessful *pronunciamientos* between 1814 and 1923 alone, not to mention the later ones; this represents an average of about one violent intervention every two and a half years. Moreover, the character of these interventions has changed for the worse in the long run. As Carr has noted, in the first period of military involvement, in the nineteenth century, "it took the generals some time to adapt themselves to a new role as permanent party leaders rather than as the occasional interpreters of the national will in the mechanism of the *pronunciamiento* . . ." It took them an even longer time to move from an interpretative "general will" theory to a creative "real will"

theory, but with Franco the transition was complete.

Though advocates of conscription frequently point disparagingly at the militarism of Greece and Spain, neither nation is a particularly appropriate country to investigate for the impact of conscription on the domestic political process. Each country has a tradition of conscription and of military interference, but both are countries of a low political culture with relatively undifferentiated and unstructured societies. As Carr has said of Spain, "Military rule is incomprehensible unless we remember that the division between military and civilian society was indistinct." Unstructured societies do not readily resolve competing claims; there has to be purposeful intervention and the military is often the only accepted institution to act and enforce a consensus. Public opinion in countries of a low political culture "would not be strongly resistive to military intervention; this opinion, being weak and self-divided, is in a fluid state. . . ." Since the views of civilians in uniform can hardly be more advanced than those of civilians in mufti, one would not expect conscripts to resist. Even the benefits of conscription would necessarily be masked by tendencies to give in to the military.

Military agrandizement in developed political cultures

In developed political cultures military intervention might be resisted by public opinion even though the procedures for transferring power and the problem of the ultimate authority are both in dispute. This leaves room for the military to act, but at the same time the conscript might oppose military intervention and play a more exalted role.

France

France falls within the definition of a developed political culture. In France civil institutions are highly developed; the public is a wide one, well organized into powerful associations; and civil procedures and public authorities are well rooted. Nevertheless, modern France has not been immune to military interference. Within the last dozen years in particular she has suffered severe interventionism, culminating in the attempted *putsch* of the Four Generals in 1961.

Prerevolutionary France

Though we attribute the innovation of large-scale conscription to France, before the Revolution compulsion played no role in recruiting for the regular army in peacetime, aside from the occasional frauds and excesses of recruiting officers, acting on their own authority. The king took his volunteers wherever he could, and almost half of the troops were foreign mercenaries. To be sure, the French also had a parish militia usually recruited "by the ballot," although Paris and other important communities laid aside the lottery and paid for volunteers. Not much more than 2 percent of the population were compulsory militiamen in Louis XVI's time. Their drill duties were light and almost non-existing during the fourteen years before the Revolution. Except in war, the militia was never called up.

Despite the eighteenth-century voluntarism, the military never disputed the civil political prerogative. After Louis XIV's time, the army was not often called upon to put down popular self-expression. Military acceptance of civilian politics was probably a consequence of the strong traditional dynastic consensus. That the army was rarely called out testifies only to the greater orderliness of eighteenth-century society.

The revolutionary period

If the French people had no reason to fear voluntarism in the army in pre-Revolution

days, they had even less once the Revolution began. In the summer of 1789 Louis XVI tried to rely on the army, but the troops simply melted away. Soldiers led the attack on the Bastille, the men of the Gardes Françaises, the best regiment of the line, in the midst. In the end, in August 1792, the besieged king was defended only by his Swiss Guards. The citizen volunteers had gone over en masse to the Revolution. The volunteer French armies of the eighteenth century may have been recruited from "the scum of the earth," but they did not support the royal government against the French people: under his buff and bandoliers, your hired shooter has instincts, feelings, even a kind of thought. It is his kindred, bone of his bone, this same *canaille* that shall be whipped. . . . His very doxy . . . drives him into military heterodoxy; declares that if he shed Patriot blood, he shall be accursed among men. . . .

In October 1789 the National Assembly came down on the side of voluntarism. A committee was appointed to report on military reorganization and its recommendations were carried into effect the following March. The voluntary principle was retained in recruiting, "because only an army of this nature seemed worthy of a free nation." The pay of the soldiers, a miserable pittance in pre-Revolutionary days, was increased. In considering alternative recruiting schemes, a few deputies did propose a universal-service militia to replace the volunteer regular army but were voted down. The abolition of the old compulsory militia had been a popular act of the revolutionary assembly (May 1789). The new citizens' militia—the National Guard—was founded on a strictly voluntary basis. Thus democracy and compulsion in France were not born together.

When the French went over to the *levée en masse* in 1793 they were faced with an invasion. Many officers were either sulking at home or in the aristocratic Emigration and Civil War had broken out at home. The Republic felt it had to throw quantity against quality. Necessity led to conscription rather than any inherent democratic predilection for the notion that every citizen ought to be a soldier. The advent of compulsory service in 1793 "was an abrupt and complete reversal of the initial stand of the revolutionaries, who at first looked on conscription as an instrument of oppression, a wasteful consumer of national income, and the earmark of militarism . . ."

Napoleonic period

As war became perennial and the Republic went over from defense to offense, civil institutions lost their superior standing in public opinion, and the army gradually came to be regarded as "the soundest part of the nation." In the dark days of 1793 Carnot took charge of military affairs for the Committee of Public Safety. He "was left relatively unmolested in his efforts to raise a great conscript army" and he "brooked no interference from civilian 'meddlers,'" unwittingly making possible "the swing of the pendulum from the extreme of civilian domination . . . to its opposite, militarism incarnate—Caesarism—or Bonapartism." The triumph of the Moderates—the Thermidoreans—over the Jacobin terrorists in 1794 did not stop the drift to militarism. By 1795 the army was a political force, its grape-shot useful for protecting the established leadership. By 1797 the army was a useful force in the hands of one leadership faction against another. In 1799 it was just as useful in replacing the Thermidorean leadership with Napoleon. Finally Napoleon, when he thought the time ripe to put on a crown, nevertheless thought it only prudent to prepare the way by a petition from the army

professing its monarchist desires. A representative indication of the army mood was that "order has arrived"; the installation of a general as head of state "makes the whole weight fall back on the military estate; and that is the more due to us since the nature of our condition has already given us the physical weight."

While the civilian revolutionaries of 1789-92 found voluntary recruiting compatible with an egalitarian society, the increasing militarization of France ultimately produced a reaction. Napoleon was determined on principle to keep conscription—for its equalizing tendencies—even when convinced of its unpopularity. Equality of duties replaced equality of rights as the touchstone of democracy. Conscription, first introduced in 1793 on an *ad hoc* basis, was ultimately regularized in 1798; conscript service was set at five years with substitution authorized. In the early years this right was used by about one out of ten conscripts. Compulsory recruiting grew with militarism. The first decree of February 1793 took 180,000 men; the *levée en masse* later in the year added 450,000. Millions were drafted subsequently. Napoleon, as Emperor, is said to have gathered up almost two and a half million conscripts between 1804 and 1813. From the very beginning compulsory service had been resisted; the *levée en masse* had even been the occasion for a rising against the new Republic. Of the 200,000 men levied in the first year under the conscription law of 1798, less than 40,000 were actually raised after months of pressure. By 1800 desertion was endemic and, ten years later, it is said that "more than 80 percent of the annual French quota failed to appear for registration. To hunt down the bands of *Réfractaires*, sixteen flying columns of his best troops, more than 40,000 men all told, were diverted from their normal duties." The situation had not improved by 1812, when as many as a hundred thousand regulars and *Réfractaires* were actually clashing in guerrilla combat in the interior of France. With Napoleon's downfall in 1814, Louis XVIII, anxious to ingratiate himself with the people, abolished conscription. When Napoleon returned to power the following year at first he dared not countermand the order. When he finally felt compelled to take the risk, it was too late to draft and train the new recruits; his Hundred Days were up, at Waterloo.

1815 to 1870

But Louis XVIII did not long adhere to voluntarism; in 1818 conscription, with the right to hire substitutes, was reintroduced. Initially the legal term of active service was six years. The term was increased in 1832 to seven years but it was apparently intended that only half this term would be spent on active duty. In 1868 on the eve of the war with Prussia, the term of service was set at five active and four reserve. During this period, from 1818 to 1870, the number of conscripts taken was never large. In 1818 the annual contingent was set at 40,000; this was raised in 1824 to 60,000, in 1832 to 80,000, in 1857, after the Crimean War, to 100,000, and in 1867 to 160,000. However, these figures are purely nominal. After the Crimean War, for example, of a legal annual contingent of 100,000, usually about 30,000 were exempted or declared unfit. The remaining 70,000 were then divided into two portions by lot, the first subject to active duty, the second (*deuxième portion*) subject to six months of superficial militia training in the departmental depots spread over three years. The *deuxième portion* amounted to 30,995 in 1860, 33,234 in 1861, and to at least 34,500 (probably more) in 1868. If these figures are representative of the short-service contingent, then the number allotted annually to long service was about 40,000. However, from

these have to be deducted the substitutes, who averaged out at about 23,000 per annum over the period 1855-62, after Napoleon III had given a boost to the practice by a law of 1855. Thus the annual conscript contingent under the last Bonaparte is not likely to have exceeded 20,000.

The same conscript/nominal-contingent ratio does not apply to earlier periods. Volunteering from 1815 to 1830 was particularly sluggish, and the price of a substitute at that time, when "crimps" were the intermediaries between "buyer" and "seller," ranged between 4,000 and 6,000 francs. After 1855 voluntary enlistments were far more brisk and the price of a substitute, after the state assumed the role of intermediary, averaged about 2500 francs. The declining burden of conscription is clearly revealed in Sales de Bohigas' figures on the percentage of conscripts who were able to procure substitutes in various years. The commutation rate shows a steadily increasing trend from 8 percent in 1808, to 12 in 1820, to 19 in 1824-28, to 27 in 1851, then a sharp leap to 50-60 percent in 1870. The total burden of compulsion on French society between 1815 and 1870 was larger than before 1793, but much smaller than the burden under Napoleon I or after 1871. The burden fell largely on the peasants, who could not afford a substitute or insurance against the lottery, but the total weight on society, even on the peasantry, was less.

Did the reduction in the burden of conscription correlate with less or greater military influence over civil society?

Less influence, less interventionism, unquestionably, compared to that before 1815. It was precisely during this period, 1815 to 1870, that the tradition of *la grande muette* originated and became fixed.

"The Great Mute was an army that had no politics; its function was to execute the orders of the government without reflection. To obey was the duty of the soldier, and the chain of command ultimately reached the civilian Chief of State. . . ."

The army in turn was granted considerable autonomy in military affairs, but it did not intervene in civil affairs. General officers usually headed the French War ministry from 1815 to 1871; this was the minimum prerogative. However, the army did not abuse its autonomy during this period (something that cannot be said after 1872, when universal service was promulgated). During this era the views of the army seem to have either coincided with those of the government or to have been of the "left" of the regime; there was no "right-wing" alienation.

The leftist, Republican bias of many career officers and non-commissioned officers was particularly conspicuous from 1815 to 1830. Disaffected militia men made an alliance with Liberalism. The Napoleonic veterans reciprocated the affection of the Liberals. "Bonapartist, then liberal," as Balzac said, "for by one of the strangest of metamorphoses, the soldiers of Napoleon nearly all become lovers of the constitutional system. . . ." From 1815 to 1830 almost all the plots against the restored Bourbons were the joint work of the officers and NCO's of the garrisons, the officers on half-pay, Liberals, and Republicans.

From the outset, the restored Bourbon king, Louis XVIII, had been aware of the alienation of the officers. A purge was immediately conducted, with loyal aristocrats replacing plebeian Bonapartists in the upper ranks. The officers who had been on duty with Napoleon in 1815 were either reduced in rank or put on half-pay. In 1823 the army proved that it could obey orders, when the king sent soldiers into Spain to put down the constitutional movement. Nevertheless, after the Spanish intervention, the opportunity was taken to strike another blow at suspects in the army: 56 additional lieuten-

ant-generals held over from the Empire were put on half-pay. The tongue of the soldier was being gradually slit—but from the Right.

The last Bourbon, Charles X, believed in July 1830 that he could count on the army in his attempt at a coup d'état against the Restoration Charter. When revolution broke out in response to the attempted coup, the Paris garrison did attempt to defend the monarchy for two days; it gave up on the third. "The soldiers were reluctant to make war on the populace. . . ."

The insurgents hoisted the tricolor flag—which . . . even the soldiers still regarded as the national colors. Two regiments of the line went over to the revolution and the rest of the troops left Paris. "When Paris successfully showed that the Bourbons' time had run out, the army obediently accepted the verdict."

The Republicans of Paris, who had made the revolution, were politically outmaneuvered; a constitutional monarchy was established and Louis Philippe, the Duke of Orleans, was brought to the throne. It was the understanding on his accession that the throne was to be "surrounded by republican institutions," and in large part for this reason the new dynasty was initially more acceptable to the Army. "Louis Philippe's army was a faithful force and the regime enjoyed a popularity in military circles which the Restoration monarchs had never experienced." The king made every effort to accommodate the new regime to army sentiment. His first cabinet even included generals who had served under the Empire.

Even under the Restoration, the nobility and the middle classes sent few of their sons to the military schools, so that the individuals who rose from the enlisted ranks became the backbone of the officer corps. A law of 1818 provided that two-thirds of new commissions be reserved for cadets from the military schools and another one-third for NCOs. The army was not considered a "socially acceptable calling" and the proportion of those commissioned from the ranks between 1821 and 1831 amounted to well over half. Moreover, not all the military school cadets came from noble families, and this proportion was to diminish further after 1830. As Chapman says,

"From the military point of view the decline had considerable compensations. . . . It is during these years that professional neutrality towards changing regimes begins to become characteristic of the Army. The Army has no politics. It looks on itself as the agent of the Government, an instrument for upholding the laws of the country and for the protection of existing institutions. If the Government collapses, the soldier obeys his hierarchical superior, who in turn obeys his until finally the chain of command reaches the Minister of War."

The political indifference of the Great Mute was not an innovation of the revolution in 1830. Earlier Colonel Castellane, although privately at odds with the Bourbon regime, had nevertheless declared that, "if you order me to put the soldiers in slippers, tomorrow they will be in slippers." In 1830 Castellane (by then a general) acted on the same principle when he inspected a regiment which had discarded all its equipment that bore the Bourbon symbol. Despite his acceptance of the new regime, Castellane had the symbol restored, explaining that "nothing . . . must be changed in the uniform without an order from the Minister of War."

The Republicans remained unreconciled with the outcome of the Revolution of 1830, and this cooled some of their ardor for the Army.

"A slight reversal of attitudes concerning the army was noticeable in the French Left and Right after 1830. . . . The Left, which

had considered the army an instrument of rebirth and revolution, had witnessed the army firing on insurgents in the streets of Paris [in 1832, 1834 and 1839]. As a result, antimilitarism appeared in leftist circles, but not in great measure, for most republicans retained their faith in the army. On the other hand, the Right, which had feared the military for the same reasons the Left had supported it, now began to wonder whether the army might be a trustworthy force for order. . . ."

In the 1830's and early 1840's French society accepted the July monarchy. In the mid-forties, however, the nation began to move to the left, demanding that the franchise be extended. Revolution broke out in February 1848.

Although the Army continued to maintain rigid silence, there is evidence that, in its private sentiments, it was moving along with the nation before the Revolution broke out. For some time before the revolution the personal popularity of the king in the Army had been falling; this partly accounts for "the willing ease with which the officers drifted over from their allegiance to Louis Philippe into service under the Provisional Government. . . ." The officers had also welcomed the July Revolution, yet 2000 had resigned in the aftermath. In contrast, there were almost no resignations after the February Revolution. One can even speak of "an enthusiastic feeling for the Republic among the rank and file and the lower officers." It was an ominous sign for the monarchy that on 22 February, the day before the barricade rose, the Dragoons had saluted the milling crowds; they felt themselves part of the nation. Around noon of the second day of the revolution the king still had 8,000-10,000 troops of the 55,000-strong Paris garrison, but when Louis-Philippe asked his generals whether defense was still possible, their noticeable lack of ardor for his cause led him to abdicate. The sympathy of the soldiers for the revolution was balanced by the good will of the Parisians toward the troops. The Revolution of 1848 illustrates that predominantly voluntary recruiting constitutes no bar to the unity of army and people. The army was not alienated and did not seek to impose its own separate wishes. It defended the government until society changed the government. Then it readily accommodated itself to the new political structure.

The army's role in the June Days of 1848, when the barricades reappeared in Paris, is more controversial. Constitutionally, it acted correctly in carrying out the order of the National Assembly to put down the new insurrection, although there was plenty of provocation for the insurrections and its suppression was unnecessarily bloody. The number of unemployed in Paris had increased after February, and those scheduled to be released from the dissolved National Workshops were explicitly given the choice of enlisting in the army (if 18 to 25 years of age), of being sent to drain the unhealthy marshes of Sologne, or of starving. When Paris revolted, the troops, who had been isolated from the Parisians until the confrontation, stood resolutely behind the assembly, which undoubtedly reflected the point of view of most Frenchmen. To handle the insurrection, General Cavaignac, the Minister of War, was given dictatorial powers. The insurrection over, he yielded them up—"the perfect Republican."

The role of the Army in Louis Napoleon's coup d'etat of 1851 against the National Assembly has been even more controversial. Napoleon had been elected President of the Republic in 1848 by an overwhelming majority. His personal popularity was unquestionable and he could have easily been returned again had there not been a Constitutional ban against the reelection of an incumbent. Napoleon resolved on a coup; and for this he needed the loyalty of the Army. Given Napoleon's personal popularity in the Army (as

in the nation), the constitutional subordination of the armed forces to the President, and the tradition of the Great Mute, the readying of the Army for the coup was reduced to a few personnel transfers, notably General Changarnier, who commanded both the National Guard and the Paris Garrison and whose sympathies lay with the royalists of the National Assembly, then in the majority. According to Menard,

"Even though the army played a vitally important part in Louis Napoleon's success, it was not the instigator of the coup; there was no pronouncement. The change of regimes was certainly acceptable to the army, but it was neither the initiator nor the cause of the Second Republic's overthrow. The growing tradition of political neutrality remained intact as the army obeyed legally transmitted orders."

Thus in the coup of 1851 it was the President who violated his constitutional oath, not the army.

However, there is still the concern that a volunteer army will obey blindly when the civilian authorities themselves are acting unconstitutionally or against the national interest. A conscript army, it is argued, would be more responsive to public opinion, which would hardly support illegal acts. Actually, the mood in the French army in 1851 was similar to that of the nation.

Following the coup of 1851 sanction was sought from the nation in a plebiscite: 7.5 million said "yes," only 600,000 "no." As Thompson notes, "half Paris and all but a twelfth part of France approved of the *coup d'etat*. . . ." In 1852 Napoleon again held a plebiscite to pass on the establishment of the Second Empire. The votes were 7,800,000 in favor and 250,000 against, with 2,000,000 abstentions, most of which should be added to the negative column. As the nation, so went the Army, though its views were hardly monolithic. Napoleon's stock was high in the Army, but in the Assembly elections of 1849 "many soldiers had voted radical, especially in Paris," and numerous soldiers and NCOs had to be transferred to Algerian regiments after the Republican "demonstration" of June 1849. In the plebiscite of 1851 the percentage of soldiers voting against the coup was at least three times greater than the percentage of the entire electorate casting negative votes.

Except for its savage treatment of the Republicans when they rose after the coup, the regime was not oppressive; it was "a period of surprising intellectual freedom." Nor was it unpopular, propped up only by bayonets. As Guérard says,

"The rule of Napoleon III never was militaristic. . . . The army was an instrument in home and foreign affairs, . . . but at all times it was merely an instrument. . . . Right up to 1870, the power of the Emperor rested, not on the loyalty of the soldiers, but on the seven million votes which had again ratified the regime. France was not, for twenty years, a concentration camp held in awe by sentinels with loaded rifles. The atmosphere was radically different from that of modern dictatorships. The thought of the time was strikingly free. . . ."

Under Napoleon III the conditions of service became more attractive. For the officers retirement became more profitable under a law of 1853. "Under a law of 1855 *remplacement* (the avoidance of conscription by payment of substitutes) was standardized at a fixed sum, and then proceeds went to bettering the pay and pensions of old soldiers. A new code, two years later, secured a fairer trial and lighter penalties for military offences. . . ."

The army under the second Empire was a "corporation of poor men, with an increasingly professional spirit; most of its officers risen from the ranks, with a minority of those who could afford to purchase commissions, and a few aristocrats who entered it no longer as a calling but as a career."

In contrast to the situation from 1815 to the 1840's, the army came to be associated with the Right under the Second Empire, but it was hardly an "alienated" Right. There was less of this alienation in French society under the Second Empire than before or after. The Church and aristocracy did not dominate the Second Empire or determine its intellectual tone. They were becoming reconciled with French society, integrating themselves into the mainstream. The army "was becoming increasingly associated with conservative milieux, as a result of an evolution taking place in the political sphere rather than in its midst. In this sense, it was genuinely passive and reflected, rather than caused, change. The army did not so much move to the right as the military idea was taken over by the right."

Under Napoleon III the trend was toward a reduction in obligatory military service. What was the Republican attitude? One of the acts of the Assembly of 1869 was to cut the annual conscript contingent by 10,000 men. The Republicans protested the bill, not because it put less of the nation under arms, but because it left too many still under arms. Sales de Bohigas reports that between 1815 and 1870, only a few of the European revolutionary parties demanded universal service in a standing army on the Prussian model. "Most of them demanded basically voluntary recruitment; some wanted a militia on the Swiss model." The latter was the position of the French Republican leadership. In opposition to military spokesmen, who wanted Prussian-type conscription without commutation, the Republicans advocated the replacement of the standing army with a short-service National Guard; and when Paris rose in 1871 after the French defeat by Prussia this was its central demand. The point is that the Republicans of the Sixties and the Paris Commune of 1871 wanted to cut down on the amount of compulsory service. Confronted with the universal service bill of 1872, in which some profess to see inherently Republican virtues, they would have been appalled. Although the bill of 1872 was not a Republican measure, they acquiesced in its passage. But as Flamenatz points out, the center of gravity of Republicanism after 1871 was "considerably more to the right . . . than during the Liberal Empire" of Napoleon III.

The Parisian rising of 1871 was the product of French defeat and an attempt by the Provisional Government to disarm the National Guard of Paris. The suppression of the Commune correlated with a major change in the French mood that lasted, with fluctuations, for decades. The Provisional Government used both the conscripts of the *levée en masse* of the war and the regulars of the Imperial Army released by the Germans to put down the Parisians in an unnecessarily bloody encounter. No doubt they had to be put down. Their point of view was in the minority; the provinces had turned sharply to the Right. But the point to be remembered is that it was in this context—the ascendancy of Monarchist France over Jacobin Paris—that the French in 1872 adopted peacetime universal service on the Prussian model.

1871 to 1898

France's recruiting practices changed drastically with her defeat in the Franco-Prussian War. Although the French defeat was far more the consequence of a failure of military leadership, the French jumped to the conclusion that universal service was the secret of Prussian success. Everywhere in the 1870's in Europe there was a rage for conscription, but in France the rage was excessive by earlier Prussian standards, much less the milder German standards after 1871. In the decade 1856-65 and on the eve of the Franco-Prussian War, the average annual full-time conscripts per million population in peacetime France amounted to roughly 3,100 and 4,500, respectively. The comparable

Prussian figures for these two periods are 11,000 and 12,000. In the decades 1876-85 and 1886-95 the French figures leaped to 13,600 and 16,200, respectively, compared with German levels of 10,800 and 10,400. By 1911 the Germans inducted only 53 percent of those bound to serve and the French enlisted 83 percent.

French "universal" service included abolition of the traditional right to hire substitutes, although the egalitarian tendencies of this prohibition were vitiated, at least initially, by a long list of controversial exemptions. One provision taken from the Prussian system allowed for "one-year volunteers," i.e., conscripts of a superior education who served, not the five years of an ordinary "first-portion" conscript, but only for a single year, provided they compensated the state for maintenance (about 1,500 francs) during their year of service. As in the Napoleonic period, inductees were divided into two "portions" by lot. Those drawing a "bad" number served nominally for five years, actually for four; those drawing a "good" number, the *deuxième portion*, served for six to twelve months. The systematic organization of reserves and second- and third-line troops was not neglected, since this was recognized as a key element in Prussian success. A first-portion conscript, after active duty, was to spend four years in the first-line reserves, another five years in the Territorial Army and a final six in the Territorial Army Reserve, with part-time duties at each stage. A conscript of the *deuxième portion*, after active duty, served the remainder of nine years in the reserves before fulfilling the same second- and third-line obligations as the first portion. In addition, large numbers whose defects excused them from active duty were put in the "auxiliary services."

It has for long been taken for granted that, since this first law on universal service (1872) followed closely on the foundation of the Third Republic, universal service must be a peculiarly republican institution. The truth is that the assembly elected in 1871 was two-thirds royalist; France, as the saying went, was a "Republic without Republicans." The monarchy was not re-established because the royalists could not agree on the precise conditions for a Restoration. The only recourse was a Republic, with "as much of the monarchial spirit united to its democratic body as possible."

In reorganizing the army, democratic innovations were no more compatible with the temper of the deputies of 1872 than they had been in other areas. In army matters their preoccupations lay elsewhere—with the late war and the late rising in Paris.

"The Franco-Prussian War and the Paris Commune were decisive factors in the history of the nation in arms. . . . The French were convinced . . . that the events of the war provided convincing evidence that the Prussian military organization, based upon a rigorous system of obligatory service, produced an army which was superior in both quantity and quality to their own military machine. . . . On the other hand, the Commune had filled both moderates and conservatives with a not unjustified fear of popular military insurrections and of trusting the populace with arms. All post-1870 military theories would thus have to reconcile the obvious need for conscription with the dread of social and political disorder. . . ."

Under the circumstances, it is not surprising that an "essential conservatism" pervaded the military discussions of 1872.

"In the 1872 military debates there was, indeed, none of the optimistic egalitarianism which a Jules Simon had exhibited only a few years earlier. Rather it seemed as if many of the advocates of compulsory service considered conscription would be a moral antidote for the anarchy of the times. The Marquis de Chasseloup-Laubat, revealing the extent to which the army committee of the

National Assembly was motivated by a desire to solve domestic French problems, at times seemed a warm admirer of conscription simply because he believed it would be beneficial for French youth to endure the rigors of military discipline. . . ."

The early 1870's did not see the birth of the French citizen-army; rather, they saw its demise, since one of the first acts of the "republicans" was to abolish—as it turned out, for all time—the National Guard. A citizens' militia, whether volunteer or compulsory, had formerly occupied the central position in republican theories of a nation in arms. The Republicans of 1872, however, abandoned the militia principle as a demonstrated delusion. Generally they had no quarrel with a universal-service standing army, not even a long-service standing army. If the funds had been available, the France of 1872 would have probably trained every available man up to the five-year limit rather than reducing the term of the *deuxième portion* to six months.

The Republicans of 1872 were aware of the significance of their shift in allegiance from a weekend militia to a long-service conscript standing army. Jules Ferry, a leading Republican—and soon to become a leading advocate of Imperialism—asked rhetorically at the time:

"Do you recall that during the Empire we had little to say in favor of militarism? . . . But today is there even one man . . . who has not been converted by events? This country has witnessed the war of 1870; it turns back forever on these perilous and disappointing Utopias."

Perhaps the deputies of 1872 were mistaken in their decision to introduce universal service. Introduced under the auspices of royalists, reactionaries, conservatives and retrograde Republicans, mass conscription may have had the unintended effect of democratizing the army, reconciling the army to civilian control, reducing the alienation and caste-like character of the officer corps, softening the impact of authoritarianism in the army and improving the conditions of service of the rank and file, raising the whole tone of French society, and so forth. These possible benefits of universal service, however, have to be compared with French realities in the last quarter of the nineteenth century.

It is true that the Army never resolved on a *coup d'état* against the Republic during this period. To this extent, the tradition of the Great Mute was upheld. But the tradition was subjected to more severe strain during this period than it had been earlier. The three great domestic political crises of the era—the Sixteenth of May, the Boulanger affair, and the Dreyfus controversy—all had as their theme the relationship of the Army to the Republic. On May 16, 1877, President MacMahon dissolved the Chamber of Deputies and ordered new elections resulting in a Republican majority and a first-rate political crisis. Investigation revealed that General Rochebouët, Minister of War, had indeed prepared to *coup d'état*; but the investigation also revealed that the officers would not have dared to follow Rochebouët, despite their overwhelmingly royalist sentiments. Certainly MacMahon, though he had considered a second dissolution, was not in league with Rochebouët.

The crisis provoked in the late eighties by General Boulanger, ex-Minister of War, also seemed to spell the doom of the Republic. General Boulanger championed war against Germany and connived to make himself dictator. He was elected to the Chamber but when the government ordered his arrest he went into exile. Boulanger had demonstrated his waywardness very early. "Sent to Tunis to command the Army of Occupation, he showed that, Republican as he might be, he would defend the rights—or privileges—of the Army against mere civilians like the Resident, Paul Cambon," al-

though Paris had clearly commissioned Cambon as Boulanger's superior. To many, "Boulanger's methods recalled a little too much the soldiers of the First Empire." But Boulanger's demagoguery and charisma, the violence and irrationality of his backers, the skill with which he resisted identification with Right or Left, gave his methods a modern, totalitarian ring. The Army hierarchy was too traditionalist not to be bewildered by Boulanger's seemingly mindless improvisations and incongruous ideological combinations. He had support in the Army, but not where it counted. Of all the political crises of this period, says de la Gorce.

"Only the Boulanger crisis could, in actual fact, have made it possible for the Army to intervene in political controversy. The overthrow of the Republic, at the height of General Boulanger's popularity, would have encountered no concrete obstacle. Yet everyone knew, at the time, that only Boulanger himself could think of a *coup d'état*. The General Staff could not have taken such an initiative and never even dreamed of it, since almost without exception its members were hostile to Boulanger. . . ."

Thus the most that Boulanger could have expected from the Army leadership was a tacit, prudent declaration of neutrality, a "negative pronouncement."

In the Dreyfus crisis in the 1890's, however, the role of the Army was central. Dreyfus, a Jewish captain on the General Staff, was unjustly convicted of espionage in a secret court-martial in 1894. Subsequently, the General Staff became involved in falsehoods and forgeries in an effort to cover up falsified evidence. The Dreyfus episode was "essentially an issue of the Army's autonomy," not its legitimate professional autonomy but its autonomy understood as isolation, as a caste "way of life."

"The Dreyfus case, in its judicial and first phase, hardly affected military opinion. It was when the civilian authorities began to question the authenticity of the military verdict that the army became excited. This was a civilian interference with their precious autonomy; and their view was, basically, that whether Dreyfus had been innocent or guilty was unimportant—the important thing was that the army had decided the issue, and the civilians should keep out of it. . . ."

Once the case became public knowledge, forces outside the army exploited it for their own purposes. The result was a "great nationalist, anti-semitic and anti-parliamentary groundswell" that threatened to undermine the Republic. Extreme nationalists hoped the Army would act, but at the decisive moment, when General Roget was asked to march his troops against the Presidential Palace, the general refused.

"His refusal made it perfectly clear that two distinct factors characterized the military outlook. Military men were ready to believe anything—and, within limits, to do anything—rather than see the General Staff put to shame by the liquidation of the Dreyfus Affair. On the other hand, they remained faithful to the traditional notion of the Army's political neutrality. While desiring, perhaps, the victory of the nationalistic trend, they refused to act as its instrument; while no doubt deploring the evolution of the Republican regime, it did not enter their heads to overthrow the government."

Thus, we know what the higher echelons of the army thought about these issues, but of the conscripts we know nothing. There is no hint that Roget's refusal or the restraint of the General Staff throughout this period were based on fear of conscript unreliability. The great mass of conscripts went about its duties silently, obeying orders.

The main significance of the Dreyfus controversy was that a new mood was emerging in France, a mood not only willing to trench on Army self-government but also to cut down on the number of conscripts and ex-

pand the scope of voluntarism. Until the late nineties little of this mood was visible. The portfolio of Minister of War was on one occasion held by a civilian, but this was purely formal. Civilian control was impossible given the parliamentary instability of the period, which saw 34 different governments and almost as many war ministers in the 23 years between 1873 and 1896. The war ministers could accomplish nothing under these circumstances, so that real control was vested in the General Staff. Down to the Dreyfus case, "the authority of the military hierarchy in its own domain was total; it was counterbalanced by no external influence at all. . . ."

But if France had no way of installing a civilian point of view from the top, perhaps it could from the bottom? Did universal service eliminate caste in the officers corps and democratize its outlook? The data collected by de la Gorce points in the opposite direction. Comparing the class yearbooks for St. Cyr, the French West Point, for 1868 and 1873, he notes the already perceptible increase in the number of names preceded by the nobility particle "de."

"Names may be read that had not appeared in a very long time, or never before. . . . A deep division began to mark off the Army cadres from the political, administrative and economic personnel of the nation.

"The Army's great prestige had attracted to a military career an ever-increasing number of men from the traditionalist aristocracy and from the conservative and Catholic bourgeoisie. The flocking to the colors, on the part of scions of these families, had a consequence whose ultimate effects would grow more and more serious. In the officers' corps, the proportion of former pupils of religious establishments increased with startling rapidity. Between 1847 and 1871, these establishments contributed 700 pupils to Saint Cyr, but between 1871 and 1887 they provided 1,800. This was the starting point for an apparently irreversible process which continually strengthened the proportion, in the military hierarchy, of men with an aristocratic and religious background."

In part the growing conservatism and alienation of the army cadres were the consequence of a natural trend of sentiment under the Third Republic. In large part, however, they were the result of an artificial process, made possible by the increasing trend toward army autonomy. "By the end of the century the civil authorities had little grip on the army. Its promotions were governed by its own classification committees of generals (in which the Catholic 'old boy network' played an influential part) and were outside cabinet control. . . . Promotion on the basis of seniority or merit was transformed into a system of officer co-optation, based on personal and family ties and on ideological and religious affinities. "This tendency developed very rapidly; and it came to be applied in a sectarian if not downright brutal fashion."

"Indeed, the military policy of succeeding governments between 1899 and 1905 would never have taken on the shape it did if it had not been above all else a reaction against the hitherto dominant trend to put the officers into a caste ruled by the representatives of the traditionalist aristocracy, marked by the influence of the clergy and harboring a thorough contempt for republican institutions. Those officers who refused to conform all had the same story to report: for twenty-five years the climate in the Army had been hostile to everything that deviated from an all-embracing conservatism, that is, from monarchist sympathies or a monarchist tradition."

But if universal service did little to reduce the hostility of the officer corps for civil institutions, perhaps it softened authoritarianism, and promoted rapport and respect between the personnel of different ranks?

Colonel Maude, who had a wide and long acquaintance with continental armies, observed at the time that, since the introduction of universal service in France, there had been a ruthless emphasis on obedience.

"Generally my own observation goes to show that the average French Officer, or Non-Commissioned Officer, treats his men with a large-hearted geniality and "bonhomme" quite charming to witness. . . . But now and again the veil has been lifted, and I have come across incidents of malice and revenge . . . far beyond anything I have encountered in any other country. . . ."

Maude's impression has recently been seconded by others, yet the historians have not recorded any serious mutinies or collective conscript protests from the period. Apparently, the conscripts reacted as individuals, in a blind, irrational way and, as a result, were subjected to savage punishment. Maude, writing in 1897, reported that "a yearly average of over fifty death sentences are awarded and, for the most part, carried into execution in the army (in 1895 the exact number was fifty-six)."

According to the theory of the nation in arms, society, with conscript kin in the armed forces, should at this point have intervened to rectify an abnormal situation. These were not bellicose, unruly volunteers of whom "quiet folk" were glad to be rid; they were "quiet folk" themselves, involuntarily fitted into uniforms, theoretically deserving the alert attention of their fellow citizens. Deserving or not, the conscripts did not gain the citizens' solicitude. From the 1870's to 1890's there was a real "cult of the Army"; it was the object of the country's fervent enthusiasm."

The average Frenchman . . . loved the army, military parades, all the pomp and circumstance of the uniform, which was but natural in a conscription country . . . To criticize the army was to touch a national institution; to attack it with any violence a certain way of arousing the bitterest hostility."

The evidence casts doubt on the notion that conscription reconciled the army hierarchy to civil institutions or improved the treatment of the rank and file. But is it possible that universal service, a "school for the nation," had a beneficial effect on French society? Perhaps it did, but one would have to dive deep beneath the rising tide of integral nationalism, anti-Semitism, imperialism, parliamentary instability, public swindles and corruption to find the democratic pearls. All over Europe, generally paralleling the introduction of universal service, there was a renewed outburst of empire building. So potent was the trend "that during the next three decades [after 1870] greater progress was made toward subjecting the world to European domination than had been made during three centuries previous. This may seem odd in view of the fact that the immediately preceding era of Liberal ascendancy, say from the 1840's into the 1870's, had witnessed a marked decline of European imperialism . . ." France was prominent in the scramble for Asian and African possessions. From 1874, when a protectorate was acquired over Annam, to 1896, with the final conquest of Madagascar, the French armed forces, impartially under Royalist or Republican cabinets, managed to add 3.5 million square miles and 26 million subjects to the sphere of French domination.

Even more sinister was the appearance of a fundamentally new type of nationalism and anti-Semitism. Hayes is convinced that these years were the real "seed-time of totalitarian nationalism," which then matured in the thirties. Though not the only country affected, France was peculiarly receptive. At the time of the Dreyfus controversy especially, "anti-Semitism was the spearhead of a popular movement seriously threatening the replacement of the Third French Republic by some form of nationalist dictatorship."

The social and political context of the introduction of universal service in France is important in exposing the myth of its liberal origins and its liberalizing results. The Republican deputies of 1872 did give their support to the universal service bill, but in the judgment of Republicans of a later generation this only compounded the shame. Before 1898 liberal political leaders were preoccupied with *revanche* and with the defense competition with Germany. The Republicans did not swallow the bill of 1872 entirely. Occasionally they took vigorous exception, but the exceptions were confined to detail, such as the exemptions granted to members of the liberal professions or to seminarists. The surprising thing about the Republican mood of 1872 is its easy acquiescence in discriminatory long-service for the first portion. The acquiescence was later withdrawn, as was the willingness to compromise on a liberal exemption policy. In the 1880's a bill was pushed through which abolished the distinction between first and second portions, set a single three-year standard for all, and prohibited numerous exemptions. The reform of 1889 may have been impressive from an egalitarian standpoint; it was less impressive from the standpoint of lowering the total conscription burden. Since the decade 1886-95 showed an appreciable increase in the total burden of conscription, one can only wonder which was more persuasive to the Republicans—the explicit argument from equality or the implicit argument from the state's demand for additional soldiers.

1898 to 1928

In the aftermath of the Dreyfus case the army was laid low. There is irony in that it was no furore over a mistreated conscript which occasioned this metamorphosis in the civil-military relationship; it was the kangaroo conviction of a "forgotten" volunteer, a pariah-Jew from German-speaking and German-occupied Alsace, hardly bone of the bone and flesh of the flesh of the ordinary Frenchman. If the solution to the Dreyfus case does not redound to the glory of the theory of the nation in arms, perhaps it does to the French nation itself. The conduct of the pro-Dreyfus campaign against militarism and clericalism coincided with a dramatic change in the French political mood.

"Until 1899 the crucial year of the Dreyfus affair, the political history of the Third French Republic had been one of chronic instability. Ministers had followed each other in rapid succession. Attacks upon the republic had fallen by the narrowest of margins. One financial scandal had followed another. No wonder, therefore, that French, as well as foreign observers, feared that the republican form of government was not destined to solve the political difficulties of France. Their fears, however, were unwarranted. In the decade following the year 1899 only five ministries held office in France, three of which resigned without having lost the confidence of the legislature. No great financial scandals were discovered involving the representatives of the nation. The attacks against the republic dwindled to harmless verbal battles. This astonishing change in the political life of France was brought about by the Bloc des Gauches, which was formed to defend the republic during the Dreyfus affairs. . . ."

Hitherto, military "autonomy" had been among the political untouchables, due to the ultra-nationalism and spirit of *revanche* which pervaded French society. Now, "in their disillusionment, and weary of the demands that for thirty long years had been made on the Nation's young men, the French were ready . . . to let the Army become the object of political controversy. . . ." Taking advantage of the antimilitarist groundswell, liberalism no longer confined itself to the fringe issues of military reform but intervened directly to republicanize the army. "The long-standing monopoly of the conservative political clique was broken by placing

in the hands of a civilian minister of war the right to determine promotion policies. Reactionary general peers were pensioned off and men of a more democratic inclination were raised to positions of influence in the military establishment. . . . At the same time, the period of conscript service was reduced from three years to two.

Aside from the fact that all this was based on public concern over a volunteer officer, the military reform had other ironies. The rhetoric of the French Left required an attack in the name of the Nation in Arms against a "professional," i.e., a volunteer army. Yet, when convinced that manpower totals could not be maintained at agreed levels with two-year service (even though the institution of "one-year volunteers" and other short-service privileges were eliminated) the majority in the Assembly acquiesced in the recruitment of additional volunteers rather than extend the period of conscript service. It was also part of the traditional rhetoric of French Republicanism that the role of the reserves be exalted over the active army. Yet along with cuts in the obligations of active-duty conscripts went cuts in the obligations of reservists.

The anti-militarist tide was not continuously sustained. Immediately before World War I the mood of the French electorate grew more conservative and the military regained some of its old prestige and weight. In 1913, the political leadership, with one eye on domestic conservatism and the other on Germany went back to three-year obligatory service. (In Germany the same mood had resulted in an increase in the annual contingent of conscripts and in the size of the military establishment.)

In the first period of the war, capitulation to the military was even more the theme in France; one can speak even of an actual military dictatorship. However, a reaction to this began to develop in 1915, resulting first in the supremacy of Parliament in 1916 and then of the executive under Clemenceau in 1917. His government, too, was a dictatorship, but it was at least a civilian dictatorship. Not that the French were even then free of military intervention in politics, as the behavior of Marshal Foch at the Peace Conference demonstrated. But the growing pre-eminence of the civilian element during the war, together with the large-scale mutinies that took place in 1917—a total of sixteen Army corps had been involved—also demonstrated that there was to be no return to the system of 1872-88.

In the postwar period the Assembly took up where it had left off in 1905. In 1920 it sliced the three-year term of service in half and in 1926 reduced it to a single year, with three more years in the "available reserves," sixteen in the first reserves and eight in the Territorial Army. Again there were contradictions in the rationale offered by the Assembly. The reforms were supposed to achieve a "national" rather than a "professional" army, yet they strengthened the professional element. Along with the promulgation of eighteen-months service went a provision for 72,000 rank-and-file army volunteers; and along with the reduction to one-year service a provision for 106,000 volunteers compared with an annual conscript contingent of 240,000. Our study thus far certainly suggests that, whenever Frenchmen have been seriously determined to maintain civilian supremacy, they have reduced the weight of compulsion and strengthened the element of voluntarism in their recruiting system.

1928 to 1961

At the time when the French began to implement one-year service and increase the proportion of volunteers the mood in the French officer corps began to change. This was to lead soon to the recrudescence of anti-Semitic, anti-capitalist and anti-republican themes in army agitation, Croix de Feu riots, the formation of underground army networks, political intervention in full force in

1940, the victory of Vichy fascism, and ultimately, to the Affair of the Four Generals in 1961. Enlarged voluntarism did not cause Army alienation, nor did it act as a brake. But then neither did the reimposition of two-year service in 1935; the problem clearly became more acute after that date. As early as the summer of 1936 many officers were adjusting to the possibility of civil war and "some were even preparing it." But before 1939 only a fraction of the low level officers had been tempted into actual political plotting.

"But 1940 was to be marked by the direct intervention of the military hierarchy, on the very highest level, to exert pressure on and, eventually, against the government. It was paradoxical that certain Army men could use the defeat as an instrument of direct political intervention, and that only the defeat should have made this possible."

The ideological rift of the thirties between Army and civil society could have been easily closed in the postwar world if the defeats in Indochina and Algeria had not reopened the unhealed wounds of 1940—the memory of decisive defeat and German occupation, when the army had been tested and found wanting. The doctrines and "lessons" which the French officers took away from Indochina after 1954 became firmly lodged in the new Algerian context and underwent a further evolution. These doctrines revealed a disturbing alienation of Army thought from the French mainstream, as in the thirties.

Could there be any connection between this alienation and the character of the French recruiting system in the post-war period? With the end of the Second World War the French first returned to one-year service but in 1950 increased the period to eighteen months and, with the conscript demands of the Algerian campaign, to twenty-eight months. However, the postwar battle for Indochina was fought with the volunteer "Colonial Army," not with the conscript "Metropolitan Army," which included North Africa, as well as France. Only a minority of the rank and file sent to Indochina were volunteers from France. The majority was made up of Foreign Legionnaires, native troops from African possessions, and native Indochinese. The casualty lists are indicative: of 92,000 battle deaths in the French forces during the war, only 20,000 were contributed by Metropolitan France. Thus the milieu for officer alienation in Indochina was primarily one of foreign mercenaries and secondarily of citizen volunteers rather than citizen conscripts.

The rank and file milieu of Algeria, where potential intervention crystallized into insurrection, was in many respects quite different. The main forces of the 1961 revolt were provided by officers of the Army; the Navy remained staunchly loyal and the Air Force failed to rally, even though the latter contributed two of the Four Generals heading the insurrection. Yet the Navy was overwhelmingly volunteer in its rank and file and the Air Force predominantly so. The Army of Algeria, on the other hand, was 80 percent conscript in its regular territorial formations and about 40 percent conscript in the Réserve Générale, an elite body one-tenth the size of the territorial formation. The service milieu from which revolt sprang was thus conscript, and not volunteer.

Focus on branch of service may obscure the point that the major source of disaffection in the Army lay in the predominantly volunteer Réserve Générale, with its Foreign Legionnaires and elite paratroop units, rather than in the conscript territorial formations. The Réserve Générale as a whole contained only 40 percent conscripts as compared with the 80 percent of the territorial formations. However, what is often ignored is that almost all of the volunteer element was supplied by the mercenaries of the Foreign Legion, not by national units; and there ought to be little wonder that foreigners should

show less attachment to French institutions than citizens, whether conscript or volunteer. The Foreign Legion and the paratroopers were the two dissident elements of the Réserve Générale—but the para rank and file was 70 percent conscript!

Although the significance of their role has been disputed, it is true that the conscripts of the territorial formations—in contrast to those of the Réserve Générale—behaved in an exemplary fashion in the crisis of April 1961; they deserve the gratitude of the French nation. At considerable personal risk they resorted to sit-down strikes, sabotaged orders, encouraged loyal officers to be aggressive, and stiffened the backbones of the wavering. Nor, as has been charged, were the Communists heavily implicated in the troop resistance; many of the popular leaders with "syndicalist" experience that spontaneously emerged in the course of the affair had ties instead with Left-wing Catholic movements. However, spokesmen of the Left in France have generally overestimated the significance of conscript (and working-class) resistance in felling the generals' attempted coup. We can say this without going as far as Kerr, who believes the emphasis on an important role for the *contingent* in the events of April 1961 to be a myth. According to Kerr, "the incidents where it played any role whatsoever were few and far between. . . . The 'contingent' actually did little in April. . . ." This may or may not be an underestimate, but even if it is, it is necessary to recognize that there were not only other factors operating directly on the principals which were more important, but that there were also external influences which conditioned the attitude and behavior of the conscripts themselves, alone making it possible for them to play any role at all, whether important or insignificant.

Probably the most important factor in determining the behavior of the conscripts was the disunity and irresolution among the officers themselves. The notion that the affair arrayed the entire officer corps in opposition to the Government is a misconception. According to one estimate, about 40 percent of the officers would have been glad to see the war come to an end; another 40 percent would have accepted this outcome despite misgivings, simply because the tradition of the Great Mute dictated that a soldier's duty was to obey; while the final 20 percent consisted of militants, who would actively oppose the liquidation of the struggle. Both Menard and Planchals believe this estimate of militant strength to be too high. Planchals places it at less than 10 percent (2,000-3,000 out of 33,000 career army officers) and, as Menard points out, even this minority of activists itself had only a minority of ideologues. Apparently the majority of the militants were uninterested in promoting any particular ideology; they were simply concerned with the question of French Algeria. Thus they represented no long-term danger to republican institutions. Although a tiny minority, the activists hoped to exploit the passion for unity which is a necessary ingredient for any disciplined army. If the majority of the officers were not expected to help, it was hoped that they would not hinder.

When planning their coup the conspirators had found no backing among the generals holding important commands.

"This hesitation on the part of the Army in the field had been so clearly foreseen by the organizers of the coup d'état that they had appealed to retired generals to head it. Once again, the choice of men reveals the isolation of these partisans of violent action against established authority. . . ."

The hesitation, indecision and *attentisme* ("wait-and-see-ism") of the officers, derived from a tradition which discouraged military intervention and from a knowledge that public opinion in metropolitan France was against them, first set the stage for a con-

script performance. The conscripts simply "utilized the opportunity offered by their officers' disunity. If the military hierarchy had been passionately united, these various manifestations of dissent could no doubt have been crushed. But there was skepticism, uncertainty and pessimism concerning General Challe's chances of succeeding. . . ."

Irresolution of the officers furnished only one condition for conscript disobedience. The resolute stand of civil authorities and public opinion in France against the insurgents furnished another. The morale of the disloyal troops was nourished by the European community of Algiers; the conscripts drew strength from the mainland. The effect of metropolitan opinion on conscript attitude can be seen by comparing behavior in April 1961 with the behavior in 1958. In May 1958 the Algerian *colons* rose, received army support, and forced a change of government in France, bringing de Gaulle to power, to the acclaim of much of Metropolitan France. The conscripts showed no resistance in 1958, although de la Gorce says they probably felt much the same on both occasions. The determining variable was the state of opinion in France. In 1958 that opinion supported the generals; in 1961 it disowned them. The conscripts did not initiate resistance; they followed in its wake. Some even trace the conscript turn toward passive defiance to de Gaulle's firm broadcast of 22 April, in which he declared the coup "a grave and premeditated act of indiscipline," forbade "all soldiers to obey the rebels," and commanded that "all means—I repeat *all means*—be used to bar the way to those men." Some of the soldiers are known to have heard the broadcast illicitly and repeated its gist to comrades. The precipitated resistance was thereafter referred to as the "victoire des transistors."

Thus it was the developed political culture of France which defeated the Four Generals. "Treize Mai [1958] demonstrated that the army could intimidate a government into resigning—provided the army had powerful civilian support. But it received such support only by adopting as its candidate one who was a masterful public figure in his own right, and a politician to boot. April 22 [1961] demonstrated, *per contra*, that by defying this figure it brought against itself the full weight of civilian resistance, and that in face of this it was powerless."

Although rebel troops momentarily controlled Algeria, no one joined them except the *colons*. "The army, acting alone and in defiance of civilian opinion, was isolated and then defeated by civilian resistance. . . . Wherever lawful authority might be thought to lie, there was widespread consensus that it did *not* lie with the military. . . ."

Thus, the picture presented by the Affair of the Four Generals, does not give much support to the theory of the Nation in Arms. The volunteers of the Navy and Air Force, both officers and men, remained loyal. The vast majority of the officer-volunteers of the Army, too, remained loyal, although the core of disloyalty (the 30,000 troops of the *Réserve Générale*) did contain volunteer officers, volunteer enlisted men (mostly mercenaries of the Foreign Legion) and a large majority of conscripts in the French national units. Many conscripts of the territorial formations resisted passively, but only after they saw that many officers remained loyal and that most of the rest were hesitant, and only after they were convinced that public opinion was against the coup and that the highest political and military authority of the nation had decisively condemned it and solicited the soldiers' aid in frustrating disloyal officers. The notion that the role of the conscript was decisive rather than subsidiary is a myth.

DR. H. EDWIN SMITH OF THE GROUP RELATIONS ONGOING WORKSHOPS—GROW—RECEIVES THE ELOY ALFARO GRAND CROSS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RYAN. Mr. Speaker, I am including in the CONGRESSIONAL RECORD the formal presentation address of Dr. Herman A. Bayern, American provost, the Eloy Alfaro International Foundation of the Republic of Panama; the opening remarks by Patricia Kurland, Patrician Productions; the investiture by Dr. René Shapshak, deputy American provost, the Eloy Alfaro International Foundation of the Republic of Panama; the presentation and translation of the diplomas by Dr. Roger Bell, founder-director, Institute of Applied Psychotherapy, and the acceptance by Dr. H. Edwin Smith when he was honored by this foundation.

Dr. Smith is cofounder and executive director of the Group Relations Ongoing Workshops—GROW. The decoration ceremony took place in my congressional district on September 24, 1970, in the drawing room of the All Angels Church Parish House; in the presence of more than 150 associates and guests, the reception was held in the GROW Building at 312 West 82d Street, New York City, N.Y.

After the opening remarks by Patricia Kurland, Dr. Herman A. Bayern delivered the formal presentation address which follows:

ADDRESS BY DR. HERMAN A. BAYERN

Dr. and Mrs. Smith, Miss Kurland, Dr. Shapshak, distinguished guests, and ladies and gentlemen: We are gathered here this evening, in testimony, in our devotion to the cause of universal education and peace as the bulwark of these ideals; and because of our confidence in the cooperation of all the peoples of the Western Hemisphere, in the preservation of human freedom and peace of all the peoples of the world.

You, Dr. Smith, have been unanimously voted the highest honor of the Eloy Alfaro Foundation of the Republic of Panama—the Eloy Alfaro Grand Cross and Diploma.

In recognition of your outstanding innovative contribution to mankind in the fields of education, psychotherapy and community mental health, in keeping with the aims, ideals, principles and purposes of this foundation.

But many of you may not be fully aware of the background of the Foundation; I would like at this time to describe it to you. This Foundation was authorized by decree issued by the then President of the Republic of Panama, on January 22, 1949, to perpetuate the memory of Eloy Alfaro, martyred ex-President of the Republic of Ecuador, a movement which has been devoted to the task of encouraging the study and propagation of the liberal ideals and principles, for which this great Ecuadorean statesman and leader fought during the period of more than half a century ago.

The Foundation, named after the patriot, statesman, martyr, the former President of the Republic of Ecuador for two terms, at the turn of the century, is for the perpetuation

of justice, truth and friendship among peoples and nations, and serves to promote the values, with personal integrity, for which General Alfaro devoted and laid down his life.

President Alfaro, (1842–1912), established in Latin America, many schools, colleges and universities, as well as hospitals and other welfare institutions, and furthered cooperation and unity among the countries of the entire Western Hemisphere. Under his leadership whenever there was a threat to the peace in the Western Hemisphere, he was the dynamic leader who brought about the peaceful settlement of such disputes, at the conference table.

General Alfaro sowed the seeds for Pan American understanding and cooperation. In 1907, he called a peace conference in Mexico City, in which the United States actively participated, for the purpose of trying to weld together all the Americas, and to preserve for the Western Hemisphere.

Were General Alfaro alive today, he would be a zealous supporter of the work and program of the United Nations, the Organization of the American States, for the purpose of helping our friends in Latin America, to solve their problems, and promote peace for the entire Western Hemisphere, and for all the peoples of the world, that hope and peace and good will to all men that is the common heritage.

The philosophy of General Alfaro, the Abraham Lincoln of South America, was based principally on service to his fellow human being, to education, health and welfare, and the cause of international peace.

As I officially notified you, Dr. Smith, the board of dignitaries unanimously voted you its highest honor, the Eloy Alfaro Grand Cross and Diploma, in recognition of your selfless devotion to all worthy causes, and because all of your activities come within the framework of the aims and purposes of this foundation, and that is why the ruling body of this foundation grants you, Dr. Smith, this honor.

The Eloy Alfaro International Foundation has neither political nor lucrative purposes. The finality is to pay tribute to the memory of Eloy Alfaro, and make available all knowledge of his life and works, as a statesman and liberator. What Alfaro undertook and accomplished.

Eloy Alfaro was a citizen, not only of his native Ecuador, but of all the Americas. The personal integrity, the unwavering defense of the principles of truth, justice and friendship among nations: the self-control and self-sacrifice that marked about one quarter of a century service to his fellow man, extended way beyond the confines of his own country, Ecuador.

Eloy Alfaro was a rebel and conspirator, but his rebellion and conspiracy were directed against hatred, injustice, discord and tyranny. He was the leader of a generation fired with the hope and desire that responsible political action would enhance the prosperity of their country and the welfare of their people, and hence the world.

Among the elite and select group of Americans who have been similarly honored in the past are former Presidents Franklin D. Roosevelt, Herbert Hoover, Dwight D. Eisenhower, John F. Kennedy, L. B. Johnson, Harry S. Truman, President Richard Nixon, former Vice President Hubert Humphrey, Vice President Agnew, and former Governor Harriman, Governor Nelson A. Rockefeller, former Congressman James Roosevelt, Congressmen Celler, Ryan, Ford, the late Governor Adlai Stevenson, Senators Stuart Symington, Javits, Edward Kennedy, Clark, Mansfield, J. William Fulbright, Henry Ford, the 2nd, Dr. Milton Stover Eisenhower, Mayor

John F. Lindsay, Dr. Herbert Holt, Stanley Fuld, Chief Judge of the Court of Appeals of the State of New York, and James E. Allen, Jr., who typify the caliber of men holding this high honor.

It now gives me great pleasure and it is an honor and a privilege for me to call on that outstanding sculptor, and deputy American Provost, Dr. Rene Shapshak, to carry out the determination to invest you, Dr. Smith, with the Loy Alfaro Grand Cross and Diploma.

Investiture speech and translation of the diplomas of Dr. Rene Shapshak:

"I am aware of the achievements of Dr. Smith and GROW, and I can appreciate the dedication and perseverance necessary to start such an innovative school, in order to train people to guide people to happier, fuller lives.

"In this world, few people take time out to care, Dr. Smith and his wife, Mildred, have given unselfishly of themselves in the service of man.

"It now gives me great pleasure, as the Deputy American Provost of the Eloy Alfaro International Foundation, to carry out the determination of the Board of Dignitaries, to present you, Dr. Smith, the Eloy Alfaro Grand Cross."

The presentation and translation of the diplomas from Spanish to English by Dr. Roger Bell:

"As a former recipient of this honor, it gives me great pleasure to translate and present the diploma to Dr. Smith.

"This one goes to the stars—Eloy Alfaro International Foundation, recognizing the special value of the services rendered by Dr. H. Edwin Smith, in support of the objectives of this institution, they have been awarded the Cross of the Eloy Alfaro International Foundation. In witness whereof, this diploma, with the seal of the Foundation, is presented in the City of Panama, Republic of Panama, on the 25th of June, 1970."

Acceptance speech of Dr. H. Edwin Smith, cofounder and executive director of the Group Relations Ongoing Workshops—GROW:

"Dr. Bayern, Dr. Shapshak, Dr. Bell, Patricia and Mildred, and esteemed friends—

As the co-founder in this family of men and women, called by the name of GROW, I greet you and though I stand here to accept this distinguished honor—the Eloy Alfaro Award—it has been earned by and is deserved by, and belongs not to me, but to the GROW Family.

In this year—one nine seven o—The name of the game is social progress.

But in a gathering, such as ours, with this many workers, if we know nothing else, we know that at this point peaceful progress requires away—an innovative way—to implement man's understanding of man.

"It's hard work, and it takes a lot of people. It was to meet this need that many dedicated people joined to found GROW.

"GROW is dedicated to the education of the natural leaders drawn from the people and needed by all of humanity. It is their job and our job to teach man to better understand man.

"A new way of learning was called for to meet the demands of the worldwide upsurge of people meeting in small groups. . . . To change their lives, to enhance themselves, to come closer together, and to act together to create better opportunities for better living.

"GROW developed a new educational method—with a focus on experiential learning instead of the standard teaching model. The leaders that develop out of the GROW experience will bring together a nationwide network of groups of people able to act together for constructive social change.

"The dynamics of these groups create the climate for personal growth, for warm contact between people and a return to the willingness and the ability to understand, accept and to care."

In conclusion I would like to re-echo from an acceptance speech made in Stockholm about 20 years ago—when William Faulkner accepted his Nobel prize:

"I believe that man will not merely endure—he will prevail: He is immortal not because he alone among creatures has an inexhaustible voice but because he has a soul—a spirit capable of compassion and sacrifice and endurance."

This I believe, and as the spokesman for each and everyone of the GROW family of men and women, with a sense of worth in the scheme of all things, I here do accept this merit—the Eloy Alfaro Award—and hope we continue worthy—and thank you all for being a part of this sharing.

PEACE OFFENSIVE CRUSHING TO NIXON

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. FRASER. Mr. Speaker, I feel the following article is an excellent analysis of the impact of Veterans Against the War in their visit to Washington this week. Mary McGrory should be congratulated for capturing so well the response of the administration and the victory of the veterans.

PEACE OFFENSIVE CRUSHES NIXON

(By Mary McGrory)

The battle of the Mall has ended in total defeat for Richard Nixon. The Commander-in-Chief was outclassed, out-generalled and out-faced by a thousand ragged anti-war veterans who slept at last in peace on the ground he had tried to deny them.

The administration had thought, by routing the shock troops, to break the back of the spring peace offensive. But, as has been said so often of Vietnam, where the veterans had fought, it was the wrong war in the wrong place at the wrong time.

From the first, the administration had miscalculated the strength of the Vietnam Veterans Against the War, and their steel.

"I don't think it could have been handled worse," raged the District Court judge who had issued the first order to keep the troops off the mangy grass plot at the foot of the Capitol.

SPLIT DOESN'T DEVELOP

The White House had hoped to demoralize and divide them, confident they would split under the pressure of a Supreme Court order. But while they disagreed among themselves, they were "hearts with one purpose alone." Under the motely uniforms, they burned to "bring our brothers home."

The veterans looked like hippies, and the administration, perhaps recalled Mayor Daley, knows you can't go wrong chasing hippies. But these were hippies with combat infantry badges pinned below the knees of their blue jeans, and Purple Hearts swinging from their headbands.

And they had won the hearts and minds of the police, who had advised the administration they were uncertain how the men would react to arresting veterans. It was plain from the first that the cops had no stomach for

the prospect of loading double amputees and their wheelchairs into the wagon.

FRIENDLY WITH POLICE

Mike Oliver, a member of the National Board of VVAW, had written a letter to "our brothers in blue" a week ago, pointing out that unlike other demonstrators, the veterans had lived what they were talking about.

The letter infiltrated the bulletin boards of the station houses. The veterans rapped through the night with the park police assigned to watch over them. The cops, like the many tourists who picked their way through the state flags and sleeping bags, had found the oddly garbed young men peaceable and friendly.

The administration saw them differently, as a new and dangerous animal—antimilitary, anti-war veterans who swapped atrocity stories and griped, not about the first sergeant, but about the Commander-in-Chief. The decision was made to harass and interdict.

It was obvious that once the national television showed three Gold Star mothers sobbing outside the locked gates of Arlington Cemetery at the head of a veterans' parade, a public-relations catastrophe was in the making. Middle America saw at once that this was not the usual hippie-authority clash. Oblivious, the administration pressed on to the Supreme Court for an eviction order.

Had the President dispatched a junior staff member to the Mall, he would have found out that while it looked like an open-air coffee-house, it was something else entirely. It was full of men who had learned to hate the war in fire-fights, not teach-ins.

"Scared? Me? Are you kidding?" asked a moustachioed Marine from Connecticut. "I was scared when the Russian 22's were coming over, but scared of the Park Police?"

KENNEDY MAKES SCENE

If the administration treated the vets as a political problem, the Democrats did little better. They ate and laughed it up at a \$500-a-plate political dinner at the Hilton, while the victims of the war they had made huddled on the cold, cold ground, waiting for the sirens.

Of the presidential men, only Edward Kennedy realized how it looked. After the party, he went home, changed clothes and came back to drink wine and sing songs with the veterans until 3 o'clock in the morning.

At dusk of the next day, when the trouble was over, Edmund Muskie of Maine, the front-runner, showed up, to tell them they had "many friends," which was somewhat derisively received by men who 24 hours earlier had braced for a busting.

The administration did not really, it seems ever intend to haul off the heroes with their crutches and canes. It merely meant to shake them up. Still, at 3 o'clock Wednesday afternoon, Oliver and the Park Police went over the arrest process. It was agreed the veterans would be arrested by states in alphabetical order. They planned to march out holding their hands clasped over their heads, like prisoners of war, singing the National Anthem.

But at 4:30, when the alarm clock went off from the stage, nothing happened. At 9 p.m., when Oliver saw the police again, they told him, "We have received no orders."

The order never came. The White House had backed down.

John Kerry, the veterans' brilliant spokesman, asked said somberly, "It won't be so why he thought the President had gone so far in brinkmanship, replied, "He didn't understand us, and he doesn't understand the country."

Mike Oliver, contemplating the victory

which the vets gathering for a candle-light parade hailed as "fantastic," fantastic if we don't stop the killing of our brothers."

**"PEACE" MARCH OF APRIL 24
PLANNED BY COMMUNIST
FOURTH INTERNATIONAL**

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RARICK. Mr. Speaker, 4 months ago it was announced that on April 24 the Communists around the world would have a day of active world solidarity with demonstrations to show their solidarity with their "dear American friends," the antiwar movement in the United States. The demands of the international Communists worldwide demonstration will be identical with those of the big "peace" march in Washington, D.C., on Saturday, April 24—for the immediate and unconditional withdrawal of the American troops from Vietnam and for the victory of the Vietnamese revolution. All under Communist discipline are ordered to be in the demonstrations on April 24, 1971.

A most interesting editorial appeared on Sunday, April 18, 1971, in the Sunday, Herald Traveler of Boston, Mass. Whoever the editor was, he most certainly understood the situation and fearlessly identified the Communist demonstration under the guise of a peace march. It is regretful that other editors did not so inform their readers.

The leaders of our country have known full well that the Washington peace march was planned by the Communist Fourth International 4 months ago. Yet, these same U.S. leaders have never advised the American people of the identity of the march leaders and the true objective of the march. Thus they have permitted innocent Americans to become duped into participating in this march not realizing that by so doing they are helping to destroy their own country at the price of losing their own freedom, rather than hastening the day of peace.

Perhaps the American people will ask their leaders why they have not been told the truth.

I insert the editorial at this point:

[From the Boston, Mass., Sunday Herald Traveler, Apr. 18, 1971]

LOOK WHO'S LEADING THE BIG "PEACE" MARCH
("Let's make April 24, 1971 a day of active world solidarity with the heroic Vietnamese revolution! Let's demonstrate everywhere April 24, 1971, showing our solidarity with the courageous antiwar movement in the United States! For the immediate and unconditional withdrawal of the American troops from Vietnam! For the victory of the Vietnamese revolution—everyone in the streets April 24, 1971!")

That appeal for street demonstrations this coming Saturday demanding "immediate" U.S. withdrawal and "victory" by the Communists in Vietnam (not peace) was issued more than four months ago by the Communist Fourth International.

Most of the people who are planning to participate in the April 24 march on Washington—the main event of the anti-war "Spring Offensive"—are probably not aware of that fact. Nor are the politicians who have been foolish enough to publicly endorse the march.

Those politicians include two Democratic presidential candidates and a few Bay Stateers.

The fact that they are supporting or participating in Saturday's march does not, of course, mean that they have joined or are in sympathy with the Fourth International. It does suggest, however, that they are rather naive—in two respects.

First, they are assuming that the march will be peaceful and non-violent, and indeed they have been promised that it will be by its principal sponsors and organizers. The same assumptions and promises were made prior to the big anti-war march on Washington in November 1969, organized by many of the same people. But that "non-violent" demonstration turned into a riot and an orgy of destruction, resulting in 175 arrests, over 600 injuries and more than \$2 million in damages to government and private property. Who can "guarantee" that the same thing won't happen this week? Indeed, is anything being done to see that it won't?

Second, they are assuming and they have been told that everybody marching on Washington this week wants only to stop the killing and bring the boys home. That may be what most of the marchers and their political sponsors want. But the hard fact is that the march itself was conceived and organized chiefly by people who have rather different aims and purposes in mind.

Although a number of other respectable and semi-respectable organizations have since hopped on the bandwagon, the April 24 march is being produced and directed primarily by two groups: the National Peace Action Coalition and the People's Coalition for Peace and Justice.

The NPAC is led chiefly by "Trotskyites"

and former members of the Students for a Democratic Society. Four of its five national coordinators are affiliated with the Socialist Workers party.

The PCPJ is led mainly by "Stalinists" from the Communist party's national committee, "crazies" from New Mobe and "Chicago 7" defendants Rennie Davis and David Dellinger.

For a while, the two factions were split and planned to hold separate marches on the Capital and other "Spring Offensive" events. But after receiving numerous appeals from Hanoi and from Viet Cong officials in South Vietnam and at the Paris peace talks—they announced last month that they had agreed on a single calendar of events. The big one, they decided, would be the march on Washington on April 24—the very day selected three months earlier by the Communist Fourth International!

Nearly two weeks ago, Congressman Richard Ichord, a Missouri Democrat who is chairman of the House Internal Security Committee, issued a long report on the demonstration and its organizers. He also made a speech on the floor of the House warning his colleagues that they were playing with fire by endorsing the march and lending their names to such a dubious cause, whose real purpose was not as pacific as they naively think.

"I wonder if my colleagues are prepared to accept the chaos which these anti-war groups are proposing to unleash?" he asked. "I wonder also if my colleagues would be participating if they were aware of the leading part which Communist elements both at home and abroad have played in the planning and coordination of the demonstration soon to take place?"

Those are good questions, which ought to be answered by the Messrs. blank, blank, blank, and blank.

Peaceful dissent is an act of faith in the democratic system and a responsible outlet for differences of opinion on issues which trouble the nation, said Ichord, but it is not a license for violence, subversion or revolution.

He warned, finally, that the only respectability the instigators of Saturday's "peace" march on Washington can hope to achieve "is from the good and conscientious Americans who follow behind their banner. I can only hope that my colleagues and our fellow Americans will look closely before they leap behind these groups' Communist banner. These militants have absolutely nothing genuinely in common with the vast majority of those Americans who are interested in securing peace on an honorable basis."

That's good advice for some of our over-eager local politicians and for the many youngsters hereabouts who plan to board buses for Washington later this week.

HOUSE OF REPRESENTATIVES—Monday, April 26, 1971

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If thou canst believe, all things are possible to him that believeth.—Mark 9: 23.

We offer Thee our gratitude, our Father, for the arrival of another day praying that it may be glorious with Thy presence and for the coming of another week praying that it may witness good work done for Thee and for our Nation.

With Thy gifts of love and joy grant unto us also a measure of discontent

that we may never rest until justice is done and peace has come. Keep us restless until the hungry are fed, the jobless find work, and children and youth secure a sound education. Thus may we be true Americans and faithful children of Thine.

We mourn the passing of our beloved colleague, ROBERT J. CORBETT, who served his Nation in this body so long, so faithfully, and so well. May Thy blessing rest upon his family, giving them strength now and for the days that lie ahead.

In the name of Him who is the resurrection and the life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the