298. Also, Legislature of the territory of Guam, relative to inclusion of certain employees of the government of Guam under the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BEGICH:

H.R. 12468. A bill for the relief of Sara Oberti Zumaran; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 12469. A bill for the relief of Dr. Vivencio P. Baltan; to the Committee on the Judiciary.

H.R. 12470. A bill for the relief of Froilan Abellera; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 12471. A bill for the relief of Ignacio A. Mateo; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 12472. A bill for the relief of Edvard DeNeergaard; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 12473. A bill for the relief of Trinidad Trevino-Perez; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 12474. A bill for the relief of Anil Khosla; to the Committee on the Judiciary.

H.R. 12475. A bill for the relief of Sonja M. Gozum; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 12476. A bill for the relief of certain members of the civilian guard force of the 6487th Air Base Squadron, Wheeler Air Force Base, Hawaii; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

173. By the SPEAKER: Petition of the Board of Supervisors, City and County of San Francisco, Calif., relative to the imposition of national building codes as a condition for approval of funding by the Department of Housing and Urban Development; to the Committee on Banking and Currency.

174. Also petition of Chief Spencer Beckman, et al., Beaver Clan of the Onondagas, Iroquois Confederacy, Nedrow, NY., relative to an allegedly illegal contract; to the Committee on Interior and Insular Affairs.

175. Also, petition of Mrs. Pearlie Sharp, Dallas, Tex., relative to candy containing alcohol; to the Committee on Interstate and Foreign Commerce.

176. Also, petition of Robert Alexander, Lexington, Va., relative to redress of grievances; to the Committee on the Judiciary.

177. Also, petition of the Board of Commissioners, Asotin County, Wash., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

178. Also, petition of the Board of Commissioners, Pierce County, Wash., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

179. Also, petition of the City Council, Stanwood, Wash., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

PUBLIC EDUCATION FINANCIAL CRISIS

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HANSEN of Idaho. Mr. Speaker, the present financial crisis of the Nation's public schools is one of the most serious problems confronting us today. The nationwide taxpayers' rebellion against increases in the property tax, which is the mainstay for financing our schools, and recent State court and Federal court decisions which have held that existing school financing systems violate the equal protection clause of the 14th amendment, compel us to acquaint ourselves with the full dimensions of this crisis.

The House Republican Task Force on Education and Training has recently focused its attention on this complex dilemma and during the coming months we plan to continue our examination of the school finance situation and various proposals for Federal action. Today, I would like to insert some of the materials we have compiled, which I believe may be of interest to my colleagues.

Members of the House Republican Task Force on Education and Training are: ORVAL HANSEN, of Idaho, chairman; CLARENCE BROWN, of Ohio; JOHN DELLENBACK, of Oregon; BILL FRENZEL, of Minnesota; JAMES HASTINGS, of New York; MARGARET HECKLER, of Massachusetts; JACK KEMP, of New York; ROBERT MICHEL, of Illinois; JOHN MYERS, of Indiana; WALTER POWELL, of Ohio; ALBERT QUIE, of Minnesota; EARL RUTH, of North Carolina; WILLIAM STEIGER, of Wisconsin; and WILLIAM WHITEHURST, of Virginia.

The materials follow:

PROPERTY TAX: A STRAINED BASE OF SUPPORT

Although charged with providing education, the States down through the years have delegated much of their responsibility to local governments and have authorized them to levy property taxes to support education. In many places, particularly central cities, that tax base now is overburdened and cannot adequately support education in addition to providing sufficient funds for other local services. And the differences in educational quality are so flagrant they are under attack.[1]

The major advantages of the property tax, namely, that (1) it is fairly stable, (2) property is not easily moved to avoid taxation, and (3) benefits are most directly received by residents of the taxing district are far outweighed by its disadvantages: (1) it is, by and large, a tax on housing, (2) it tends to discourage rehabilitation of deteriorating housing, (3) it affects decisions by businesses and industry to locations and plant sites, (4) it favors businesses with a low ratio of property to sales, (5) varying assessment practices tend to make it unequal for taxpayers, (6) property ownership is not closely correlated with either income or net wealth, (7) the amount extracted by a property tax often depends upon the aggressiveness of the local assessor and treasurer and (8) in regards to revenue, property tax is not highly elastic, (9) revenues from property tax often have little correlation to school finance needs.

Local governments presently raise most of their own revenues—seven of every eight dollars—from the property tax, and school districts receive about 98 percent of their local tax revenue from taxes on property. During the past fifteen years the amount of general revenue derived from State and local sources has nearly quadrupled, the amount of revenue from property taxes tripled, but property taxes as a share of State and local revenues has decreased by eight percent. And the share of every local property tax dollar claimed by education has grown from about one-third in 1942 to more than one-half in 1969, leaving cities and counties an ever smaller share to use for other local services.[2]

[1] Who Should Pay For Public Schools?" Report of The Conference On State Financing of Public Schools, Advisory Commission On Intergovernmental Relations, October, 1971, 16.

[2] *Ibid.*, 2.

PROPERTY TAXES: SHARE OF STATE AND LOCAL REVENUES

[In billions]

State and local	1956	1965	1971
Total general revenue	$34.7	$74.0	$141.0
Revenues from property tax	11.7	22.6	36.5
Percent tax/revenues	34.0	31.0	26.0

Irrespective of the source of funds, current trends indicate that responsibility for operating schools will continue to reside at the local level. But public reaction to the property tax and the general resistance to locally levied income and sales taxes suggest that the relative amount of financial support provided by the local school district will not increase significantly.

The extent of taxpayers' rebellion to bond issue renewals and approvals—the mainstay for financing schools' capital needs—has been increasing steadily over the past five years. And bigger bond issues have fared worst of all. Only 1 of 4 bond issues was rejected in 1965, but in 1970 the number had climbed to nearly 1 of 2.

BOND ISSUES

	1965	1966	1967	1968	1969	1970
Total submitted	2,041	1,745	1,625	1,750	1,341	1,216
Total rejected	516	480	543	567	579	569
Percent rejected	25	28	33	32	43	47

DISPARITIES IN TAX DISTRIBUTION

Disparities in tax assessments and distributions occur virtually everywhere in the United States. Only in Hawaii where the State directly administers education are school funds raised through State-wide taxes.

The table below shows the wide disparity in the amounts spent per pupil by school districts in each state and the percent of difference between the highest and lowest amounts spent per pupil within the state, The difference in the amount spent by the highest spending school district in the highest and lowest ranked states (Wyoming and Alabama) is $13,973; between the second highest and lowest ranked states (Texas and Alabama) the difference is much smaller, but still a sizeable $4,724.[3]

[3] U.S. News & World Report, November 8, 1971, 49.

THE "EDUCATION GAP" THAT'S UNDER GROWING ATTACK

	Spending per pupil		Excess of high over low district (percent)
	High	Low	
Alabama	$581	$344	68
Alaska	1,810	480	277
Arizona	2,223	436	410
Arkansas	664	343	94
California	2,414	569	324
Colorado	2,801	444	531
Connecticut	1,311	499	163
Delaware	1,081	633	71
Florida	1,036	593	75
Georgia	736	365	102
Hawaii	984	984	
Idaho	7,763	474	272
Illinois	2,295	391	487
Indiana	965	447	116
Iowa	1,167	592	97
Kansas	1,831	454	303
Kentucky	885	358	147
Louisiana	892	499	79
Maine	1,555	229	579
Maryland	1,037	635	63
Massachusetts	1,281	515	149
Michigan	1,364	491	178
Minnesota	903	370	144
Mississippi	825	283	192
Missouri	1,699	213	698
Montana	1,716	539	218
Nebraska	1,175	623	89
Nevada	1,679	746	125
New Hampshire	1,191	311	284
New Jersey	1,485	400	271
New Mexico	1,183	477	148
New York	1,889	669	182
North Carolina	733	467	57
North Dakota	1,623	686	138
Ohio	1,685	413	308
Oklahoma	2,566	342	650
Oregon	1,439	399	261
Pennsylvania	1,401	484	190
Rhode Island	1,206	531	127
South Carolina	610	397	54
South Dakota	1,741	350	397
Tennessee	766	315	143
Texas	5,334	264	1,920
Utah	1,515	533	184
Vermont	1,517	357	325
Virginia	1,126	441	155
Washington	3,406	434	685
West Virginia	722	502	43
Wisconsin	1,532	344	316
Wyoming	14,554	618	2,255

Note: Spending is for 1969–70 school year. A study by the President's Commission on School Finance shows wide disparity in the amounts spent per pupil by school districts in each State. A look at the highest and lowest-spending districts, State by State.

Furthermore, big city school districts within many of these states are handicapped in the financing of education by the "municipal overburden" which afflicts nearly every major American center city.

In a major city, cost of police and fire protection, streets, public health and other services may eat up as much as two-thirds of all local tax revenues, leaving only one-third for education. Many suburban districts, with lighter demands for such services, can put two-thirds of their property tax revenues into schools. Because of this municipal overburden, a small suburban district and a large city district may have the same amount of taxable property value behind each student, but the city district would not be able to spend nearly as much per pupil for education. Yet the central city districts where municipal overburden is most acute have the greatest concentrations of disadvantaged children who are the most expensive to educate.[4]

TEACHERS' SALARIES

A large part of current expenditures for public elementary and secondary schools is for salaries of instructional staff (amounting to 61% in 1967–68). Total expenditures for these salaries (in 1969–70 dollars) increased from $9.7 billion in 1959–60 to $20.1 billion in 1969–70, and they are expected to be $26.9 billion in 1970–80. These increases are due to larger numbers of instructional staff and to higher average annual salaries.

The average salary paid to instructional staff (including principals, supervisors, teachers, librarians and related instructional workers) gained $642, or 7.1%, from $9,047 in 1969–70 to $9,689 in 1970–71. By 1979–80 it is expected to be $11,097 (in 1969–70 dollars).[5]

The following table ranks ten of the states according to the average annual salary paid to their instructional staff.

AVERAGE SALARIES INSTRUCTIONAL STAFF 1970–71

State	Amount	Percent change, 1961–71
5 highest:		
Alaska	$14,025	100.4
New York	12,000	76.5
California	11,650	65.8
District of Columbia	11,289	69.8
Michigan	10,875	77.6
5 lowest:		
South Dakota	7,500	94.8
Idaho	7,393	62.9
North Dakota	7,200	75.6
South Carolina	7,150	90.1
Arkansas	6,841	101.3
U.S. average	9,689	77.8

Alaska ranks first with an average salary of $14,025, while Arkansas ranks last with $6,841—a difference of $7,159.

Average instructional staff salaries were 2.514 times per-capita personal income from 1961–62 to 1965–66. This ratio has declined since then, averaging 2.437 from 1966–67 to 1970–71. This is some indication that the teachers' economic position relative to the rest of the economy has slipped in recent years despite the record of annual increases. The trend is as follows:

Year	Per capita income	Average instructional staff salaries	Ratio of salaries to income
1961–62	$2,264	$5,700	2.518
1962–63	2,368	5,921	2.500
1963–64	2,455	6,240	2.542
1964–65	2,586	6,465	2.500
1965–66	2,765	6,935	2.508
1966–67	2,980	7,129	2.392
1967–68	3,162	7,709	2.438
1968–69	3,421	8,272	2.418
1969–70	3,680	9,047	2.458
1970–71	3,910	9,689	2.478

Although classroom teachers' salaries increased $630, or 7.3% from $8,635 in 1969–70 to $9,265 in 1970–71, regional differences in teachers' salaries are acute. The dollar difference between the average salaries of classroom teachers in the Southeast at $7,835 and in the Far West at $10,633 was $2,798. However, when salaries for 1964–65 and 1970–71 are compared, slight improvement is noted in the salaries in the Southeast and the Plains states relative to the U.S. average, whereas the relative position of the Rocky Mountain and Southwest regions has worsened.[6]

AVERAGE SALARIES PAID TO ELEMENTARY AND SECONDARY SCHOOL CLASSROOM TEACHERS, BY GEOGRAPHIC REGION, 1964–65 AND 1970–71

Region	Average annual salary	
	1964–65	1970–71
United States	$6,195	$9,265
New England	6,583	9,315
Mideast	6,928	10,317
Southeast	5,039	7,835
Great Lakes	6,417	9,765
Plains	5,662	8,530
Southwest	5,580	8,270
Rocky Mountain	5,864	8,078
Far West [1]	7,462	10,633

[1] Not including Alaska and Hawaii.

[4] ACIR, 2.

[5] "Financial Status of The Public Schools", Committee on Educational Finance, NEA, 1971, 15.

[6] *Ibid.*

ACCOUNTABILITY

Prominent attention has been focused recently on the accountability of financial resources and its role in making formal education a more effective tool in the service of society and its children.

In his message on Educational Reform sent to Congress in March 1970, President Nixon supported the concept of accountability in the operation of the nation's public schools. He stated: "School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable . . . We have, as a nation, too long avoided thinking of the productivity of schools."[6]

Accountability is primarily an economic concept concerned with input-output relationships and their efficiency.

Until recently almost everyone engaged in education measured the quality of schools by class size (i.e., teacher-pupil ratio); qualification of teachers (i.e., type of degree, years of experience, salary); number of books in the library; age, size and equipment of the building; and many other types of non-economic measurements. However, the question being asked today "What are we getting in return for the dollars we are spending on education? demands both a more precise and meaningful answer.[7]

Regretfully, at present we can only begin to provide that answer. Although several analytical tools used in economics—namely, systems analysis, planning programming-budgeting, and economies of scale—have been applied to education to help answer questions concerning accountability, as yet there is not overall acceptance of or satisfaction with these analyses by educators and laymen alike. In addition, relevant data used in these analyses is not available in many local school districts, even if their application to operations of the public schools was agreed upon.

STATES PERSPECTIVE ON SCHOOL FINANCE

Since it was long ago determined that education should be a state function and a state responsibility, and that local school districts have no inherent power to levy taxes, the National Education Finance Project * examined variations in fiscal capacity and effort among the states.

The NEFP utilized two methods to make the measurements:

1. the states were compared on economic indicators such as measure of income per capita or per household to determine relative ability of the state to raise revenues for school purposes;

2. the states were compared on the basis of available tax bases and the amounts of revenue these bases would produce if they were subjected to various rates of taxation.

But, according to the NEFP researchers, personal income per capita is not wholly satisfactory for purposes of camparison inasmuch as it ignores the fact that taxpayers must buy the necessities of life and must also pay substantial federal income taxes.

In its studies, the NEFP developed a net personal income formula by making two deductions from total personal income: (1) $750 for each person for food, clothing, and shelter, and (2) the amount of personal income paid as tax to the federal government. The resulting figure was the net personal income and a better measure for determining the amount of income available to a state in its tax program.

Hence, on a national basis, the net personal income amounts to 69.55% of personal

[7] "A Concept of Accountability In Education," Roger Freeman, The University Bookman. Summer, 1971, Vol. XI, No. 4, 77.

* The NEFP is a 4-year, $2 million cooperative research project funded by the U.S. Office of Education in 1968 to study the public school financial crisis.

income, but among the states it ranges from a high of 74.68% to a low of 58.94%. These figures are illuminated in the following chart:

Rank	State	Net personal per capita, 1969
1	Alaska	$3,369
5	California	3,096
10	Delaware	2,781
15	Ohio	2,633
20	Minnesota	2,538
25	Wyoming	2,338
30	Vermont	2,239
35	Oklahoma	2,056
40	New Mexico	1,909
45	Louisiana	1,784
50	Mississippi	1,292

Obviously, some states, because of more industry, business and resources of one kind or another, have a greater potential for raising revenues because of the higher individual incomes of their residents.

The next important factor, according to the studies of the NEFP, is the amount of effort a state puts into the business of supporting state and local government, including the schools, in relation to its potential fiscal capacity.

Since about one-third of the state and local taxes go to support elementary and secondary education, a state with a relatively large potential for raising revenue, i.e., high per capita income, may not have to make the same effort to support its schools as states with a low revenue potential.

If state revenue is largely based on net personal income, two reasonable indices of state effort to support education are:

1. the percentage of net personal income devoted to elementary-secondary schools,

2. the percentage of the tax revenue of the state and local governments that goes to education.

Once again, there are wide-ranging differences with the citizens of some states providing a larger percentage of their net personal incomes to elementary-secondary education than those of other states. Some examples:

Rank	State	Personal income[1]
1	New Mexico	8.9
5	Mississippi	7.84
10	Minnesota	7.36
15	New York	6.99
20	Colorado/Wisconsin	6.61
25	Michigan	6.44
30	Alaska	6.21
35	North Carolina	5.89
40	Oklahoma	5.66
45	Illinois	5.39
50	Nebraska	5.00

[1] Elementary-secondary education as percent of net personal income, 1969.

There are similar variations in the amounts states and local governments allocate to elementary and secondary schools out of their revenues. On a percentage basis, a dozen states show differences ranging from a top allocation of almost 40% to a low of little more than 25%; again, the following table will assist:

Rank	State	Education [1]
1	Utah	39.73
5	Pennsylvania	38.87
10	Illinois	37.38
15	Virginia	36.30
20	Maine	35.65
25	North Carolina	33.99
30	Texas	32.57
35	Idaho/Georgia	32.11
40	California	30.48
45	Hawaii	29.18
50	Wyoming	25.51

[1] Percent of State and local tax revenue allocated to elementary secondary education, 1969.

So these and other more comprehensive studies show that there are substantial variations in the fiscal capacity of the states to raise revenue whether one uses one measure, e.g., per-capita income, or composite techniques as outlined by researchers of NEFP.

The major conclusion to be remembered is that the differences in state educational expenditures are explained largely by variations in their fiscal ability. Since states are not able to alter their fiscal ability in any substantial amount, the researchers for the NEFP conclude that "it would appear that only the federal government is in a position to eliminate the fiscal variations among the states insofar as education is concerned."

Further, variations among districts within a state are greater than the differences among the states in their support of education. Studies that have been examined by the NEFP demonstrate wide-ranging differences in the fiscal capacities of local governments.

For example, a study of 215 standard metropolitan statistical areas, as defined by the U.S. Census Bureau, showed the revenue capacities for local government varying from a high of $343 per capita to a low of less than $100 per capita.

But what are the avenues of change open to a state? What can it do to offset the inequities in fiscal capacity which exist among the school districts?

First, it could eliminate the local district's authority to levy regressive property taxes, providing the district instead with the entire cost of its program from state and federal sources which are derived principally from income and consumer taxes.

Secondly, if it chooses to retain the existing system it can, as most states do at the present time, reduce inequities in fiscal capacity by providing more state funds per pupil to the districts of less wealth than to the districts of greater wealth; or it could entirely eliminate inequities by distributing whatever amounts of state school aid are required to eliminate the differences in local wealth per pupil.

Thirdly, it can reorganize local districts to increase their efficiency and reduce variations in wealth.

Finally, it could provide for the extra costs of special education programs and the specialized services needed by some pupils and schools.

In the continuing search for effective equalization plans, the National Education Finance Project suggests several guideposts:

1) Full state funding is the surest way to achieve complete equalization. But if local school districts are to retain taxing authority, then equalization begins only as the level of state involvement rises above the local effort. No equalization is possible if state dollars are simply matched with local funds on a dollar to dollar basis.

2) When state funds are allocated as uniform flat grants on a per teacher or per pupil basis without taking into consideration necessary variations in units costs and in local taxpaying ability, very little equalization is achieved.

3) As the state takes into account variations in unit costs, the possibility of equalization through the flat grant method improves somewhat.

4) Most "equalization plans" are designed to assure each school district an agreed upon foundation level of financing per pupil. There are various kinds of plans which provide more equalization than the flat grant type of aid. Under these plans, state funds are allocated to the districts to fill the gap between locally raised dollars and the support the state deems necessary for each pupil.

5) Even the "equalization plans" may be inequitable if a high degree of local leeway is allowed above the state foundation financing level. In short, equal education can be provided by the school districts only if they have a high degree of equality in financial support. The only way this can be achieved is through a state tax structure and allocation plan which provides each district equal access to fiscal resources.

A brief look at the situation in Michigan will serve as an example of the dilemma in the states.

When the 1970–71 school year drew to a close, the school financing picture in Michigan was a bleak one. There have been a large number of teacher strikes every year. Many schools were going on half-day sessions because of lack of funds. Close to 100 school districts—one-sixth of the total number of school districts in Michigan—were deficit spending. Programs in the Michigan schools were substantially reduced.

In a special message to the Michigan legislature, Governor Millikin outlined his concern about the school crisis. Among the deficiencies he noted were a wide disparity in resources for education in the various districts, ranging from about $500 to $1200 per pupil, too much reliance on the property tax to finance school operating costs, and lack of adequate measurement of the effectiveness of present educational systems and methods.

To improve educational resources in Michigan, Governor Milliken proposed that the State a) do away with the property tax for general school operating purposes and b) distribute financial support per pupil in an equitable manner.

The property tax for education operations was averaging 25.7 mills statewide. The Governor called for a constitutional amendment to eliminate the levy which would provide property tax relief of $1.118 billion—$618 million of it on individual property and $500 million for business. To make up the needed revenue, he proposed an increase in the personal income tax of 2.3 percentage points and the adoption of a 2 percent value-added tax, the latter to raise additional revenue from business while keeping the corporate income tax rate low enough to protect Michigan's competitive position with other states. The Michigan proposal to replace the school property tax with a personal income tax increase and a new value-added tax would leave intact the property tax for local government services.

Similarly, in Minnesota, Governor Anderson recommended in his 1971 Budget Message to the Minnesota Legislature a shift away from heavy reliance on the property tax for schools and a new formula for determining State aid.

This concerted response by the states to adjust both to the internal pressures of equalization formulas and the external prod by the judiciary in decisions like the Serrano case in California was actually presaged in a farsighted report by the Advisory Commission on Intergovernmental Relations in April 1969.

After thoroughly reviewing the current crisis, the Commission observed that the States should become the prime financial source for education.

They also commented that with steadily rising educational costs at the local level and only moderate increases in State education aid relative to those local costs, school needs are absorbing more and more of property tax revenues—the claims of education now account for more than half of the local property tax dollar, up from one-third in 1942.

In capsule form, the Commission's recommendations were:

1. In order to create a financial environment more conducive to attainment of equality of educational opportunity and to remove the massive and growing pressure of the school tax on owners of local property the Commission recommends that each State adopt as a basis objective of its long-range State-local fiscal policy the assumption by the State of substantially all fiscal responsibility for financing local schools with opportunity for financial enrichment at the

local level and assurance of retention of appropriate local policymaking authority.

2. In States that have not assumed substantially full responsibility for financing education, the Commission recommends that they construct and fund a school equalization program so as to extend additional financial assistance to those school districts handicapped in raising sufficient property tax revenue due to the extraordinary revenue demands made on the local tax base by city and county jurisdictions.

3. The Commission recommends that in enacting or modifying functional grant-in-aid legislation, States include not only fiscal standards such as those establishing accounting, auditing and financial reporting procedures; but also, to the maximum extent practicable, performance standards such as minimum service levels, client eligibility, and where appropriate, guidelines for citizen participation such as the holding of public hearings.

Mr. Speaker, the California Supreme Court's action in Serrano against Priest has, since August 1971 become a milestone decision in the annals of school finance. Thanks to my colleague from California, the Honorable VICTOR VEYSEY, the text of the Serrano decision has already been printed in the CONGRESSIONAL RECORD, volume 117, part 25, page 33220. Since that decision, a great deal has been written on its significance and meaning. One erroneous interpretation is that it means that property tax can no longer be used to finance education. Another mistaken interpretation is that it means that local and State governments must spend equal amounts on every student—"one student, one dollar" in the same vein as "one man, one vote." Because some confusion exists as to what the Serrano decision and two subsequent decisions in Texas and Minnesota do mean, I would like to insert the texts of the Texas and Minnesota decisions, as well as several articles and excerpts from "Private Wealth and Public Education," by John E. Coons, William H. Clune III, and Stephen D. Sugarman:

[From State Headlines, Council of State Governments, Jan. 3, 1972]

Texas' system of public school financing was declared unconstitutional and ordered to be revamped within two years. A three-judge federal panel ruled December 23 in *Rodriguez* v. *Edgar* that because educational expenditures are made a function of local wealth, the financing system discriminates against children in poorer districts in violation of the Fourteenth Amendment. Local districts fund about 40 percent of educational costs in Texas, relying heavily on property taxes. The State pays 49 percent and the federal government the rest. The State based its defense on an earlier federal court decision, confirmed by the U.S. Supreme Court, which held the Fourteenth Amendment did not apply to school financing (*McInnis* v. *Ogilvie*, 394 U.S. 322). Texas may appeal the December ruling directly to the U.S. Supreme Court and is expected to do so. . . .

The text of the Texas decision follows:

[U.S. District Court, Western District of Texas, San Antonio Division, Civil Action No. 63-175-SA]

DEMETRIO P. RODRIGUEZ, ET AL. v. SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, ET AL.

Before Goldberg, Circuit Judge; Spears, Chief District Judge; and Roberts, District Judge.

Per Curiam: Pursuant to Rule 23, Federal Rules of Civil Procedure, plaintiffs bring this action on behalf of Mexican American school children and their parents who live in the Edgewood Independent School District, and on behalf of all other children throughout Texas who live in school districts with low property valuations. Jurisdiction of this matter is proper under 28 U.S.C. §§ 1331, 1343. This Court finds merit in plaintiffs' claim that the current method of state financing for public elementary and second ary education deprives their class of equal protection of the laws under the Fourteenth Amendment to the United States Constitution.[1]

Edgewood and six other school districts lie wholly or partly within the city of San Antonio, Texas. Five additional districts are located within rural Bexar County. All of these districts and their counterparts throughout the State are dependent upon federal, state, and local sources of financing. Since the federal government contributes only about ten percent of the overall public school expenditures, most revenue is derived from local sources and from two state programs—the Available School Fund and the Minimum Foundation Program. In accordance with the Texas Constitution, the $296 million in the Available School Fund for the 1970–1971 school year was allocated on a per capita basis determined by the average daily attendance within a district for the prior school year.

Costing in excess of one billion dollars for the 1970–1971 school year, the Minimum Foundation Program provides grants for the costs of salaries, school maintenance and transportation. Eighty percent of the cost of this program is financed from general State revenue with the remainder apportioned to the school districts in "the Local Fund Assignment." Tex. Educ. Code Ann. arts. 16.71–16.73 (1969). Although generally measuring the variations in taxpaying ability, the Economic Index employed by the State to determine each district's share of "the Local Fund Assignment" (Tex. Educ. Code Ann. arts. 16.74–16.78) has come under increasing criticism.[2]

To provide their share of the Minimum Foundation Program, to satisfy bonded indebtedness for capital expenditures, and to finance all expenditure above the state minimum, local school districts are empowered within statutory or constitutional limits to levy and collect ad valorem property taxes. Tex. Const. art. 7, §§ 3, 3a; Tex. Educ. Code Ann. art. 20.01, et seq. Since additional tax levies must be approved by a majority of the property-taxpaying voters within the individual district, these statutory and constitutional provisions require as a practical matter that all tax revenues be expended solely within the district in which they are collected.

Within this ad valorem taxation system lies the defect which plaintiffs challenge. This system assumes that the value of property within the various districts will be sufficiently equal to sustain comparable expenditures from one district to another. It makes education a function of the local property tax base. The adverse effects of this erroneous assumption have been vividly demonstrated at trial through the testimony and exhibits adduced by plaintiffs. In this connection, a survey of 110 school districts[3] throughout Texas demonstrated that while the ten districts with a market value of taxable property per pupil above $100,000 enjoyed an equalized tax rate per $100 of only thirty-one cents, the poorest four districts, with less than $10,000 in property per pupil, were burdened with a rate of seventy cents. Nevertheless, the low rate of the rich districts yielded $585 per pupil, while the high rate of the poor districts yielded only $60 per pupil. As might be expected, those districts most rich in property also have the highest median family income and the lowest percentage of minority pupils, while the poor property districts are poor in income and predominately minority in composition.[4]

Data for 1967–1968 show that the seven San Antonio school districts follow the statewide pattern. Market value of property per student varied from a low of $5,429 in Edgewood, to a high of $45,095 in Alamo Heights. Accordingly, taxes as a percent of the property's market value were the highest in Edgewood and the lowest in Alamo Heights. Despite its high rate Edgewood produced a meager twenty-one dollars per pupil from local ad valorem taxes, while the lower rate of Alamo Heights provided $307 per pupil.

Nor does State financial assistance serve to equalize these great disparities. Funds provided from the combined local-state system of financing in 1967–1968 ranged from $231 per pupil in Edgewood to $543 per pupil in Alamo Heights. There was expert testimony to the effect that the current system tends to subsidize the rich at the expense of the poor, rather than the other way around. Any mild equalizing effects that state aid may have do not benefit the poorest districts.

For poor school districts educational financing in Texas is, thus, a tax more, spend less system. The constitutional and statutory framework employed by the State in providing education draws distinction between groups of citizens depending upon the wealth of the district in which they live. Defendants urge this Court to find that there is a reasonable or rational relationship between these distinctions or classifications and a legitimate state purpose. This rational basis test is normally applied by the courts in reviewing state commercial or economic regulation. *See, e.g., McGowan v. Maryland*, 366 U.S. 420 (1961); *Williamson v. Lee Optical of Oklahoma*, 348 U.S. 483 (1955). More than mere rationality is required, however, to maintain a state classification which affects a "fundamental interest", or which is based upon wealth. Here both factors are involved.

These two characteristics of state classification, in the financing of public education, were recognized in *Hargrave v. McKinney*, 413 F. 2d 320 324 (5th Cir. 1969), *on remand, Hargrave v. Kirk*, 313 F. Supp. 944 (M.D. Fla. 1970); vacated on other grounds sub nom., *Askew v. Hargrave*, 401 U.S. 476 (1971). Among the authorities relied upon to support the *Hargrave* conclusion "that lines drawn on wealth are suspect" is *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 668 (1965).[5] In striking down a poll tax requirement because of the possible effect upon indigent voting, the Supreme Court concluded that "(l)ines drawn on the basis of wealth or property, like those of race . . . are traditionally disfavored. . . . To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor." Likewise *McDonald v. Bd. of Elections Comm'rs of Chicago*, 394 U.S. 802, 807 (1969), noted that "a careful examination on our part is especially warranted where lines are drawn on the basis of wealth . . . which would independently render a classification highly suspect and thereby demand a more exacting judicial scrutiny."

Further justification for the very demanding test which this Court applies to defendants' classification is the very great significance of education to the individual. The crucial nature of education for the citizenry lies at the heart of almost twenty years of school desegregation litigation. The oft repeated declaration of *Brown v. Bd. of Education*, 347 U.S. 483, 493 (1954), continues to ring true:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foun-

Footnotes at end of article.

dation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

Because of the grave significance of education both to the individual and to our society, the defendants must demonstrate a compelling state interest that is promoted by the current classifications created under the financing scheme.

Defendants insist that the Court is bound by the opinions in *McInnis v. Shapiro*, 293 F. Supp. 327 (N.D. Ill. 1968), aff'd mem, sub nom., 394 U.S. 322 (1969); and *Burrus v. Wilkerson*, 310 F. Supp. 572 (W.D. Va. 1969), aff'd mem. sub nom, 397 U.S. 44 (1970). However, we disagree.

The development of judicially manageable standards is imperative when reviewing the complexities of a state educational financing scheme. Plaintiffs in *McInnis* sought to require that educational expenditures in Illinois be made solely on the basis of the "pupils' educational needs." Defining and applying the nebulous concept "educational needs" would have involved the court in the type of endless research and evaluation for which the judiciary is ill-suited.[6] Accordingly, the court refused the claim that the equal protection clause of the Fourteenth Amendment demands such an unworkable standard. The subsequent affirmance, without opinion, by the Supreme Court would not, in our opinion, bar consideration of plaintiffs' claim that lines in Texas have been drawn on the basis of wealth. The same situation prevails with respect to *Burrus* where the Court, in referring to the "varying needs" of the students, found the circumstances "scarcely distinguishable" from *McInnis*.

In the instant case plantiffs have not advocated that educational expenditures be equal for each child.[7] Rather, they have recommended the application of the principle of "fiscal neutrality." Briefly summarized, this standard requires that the quality of public education may not be a function of wealth, other than the wealth of the state as a whole. Unlike the measure offered in *McInnis*, this proposal does not involve the Court in the intricacies of affirmatively requiring that expenditures be made in a certain manner or amount. On the contrary, the state may adopt the financial scheme desired so long as the variations in wealth among the governmentally chosen units do not affect spending for the education of any child.

Considered against this principle of "fiscal neutrality", defendants' arguments for the present system are rendered insubstantial. Not only are defendants unable to demonstrate compelling state interests for their classifications based upon wealth, they fail even to establish a reasonable basis for these classifications. They urge the advantages of the present system in granting decision-making power to individual districts, and in permitting local parents to determine how much they desire to spend on their children's schooling. However, they lose sight of the fact that the state has, in truth and in fact, limited the choice of financing by guaranteeing that "some districts will spend low (with high taxes) while others will spend high (with low taxes)."[8] Hence, the present system does not serve to promote one of the very interests which defendants assert.

Indicative of the character of defendants' other arguments is the statement that plaintiffs are calling for "socialized education". Education like the postal service has been socialized, or publicly financed and operated almost from its origin. The type of socialized education, not the question of its existence, is the only matter currently in dispute. One final contention of the defendants however calls for further analysis. In essence they argue that the state may discriminate as it desires so long as federal financing equalizes the differences.

Initially, the Court notes that plaintiffs have successfully controverted the contention that federal funds do in fact compensate for state discrimination.[9] More importantly, defendants have not adequately explained why the acts of other governmental units should excuse them from the discriminatory consequences of state law. *Hobson v. Hansen, supra*, 269 F. Supp. at 496, countered defendants' view by finding that the federal aid to education statutes[10] ". . . are manifestly intended to provide extraordinary services at the slum schools, not merely to compensate for inequalities produced by local school boards in favor of their middle-income schools. Thus, they cannot be regarded as curing any inequalities for which the Board is otherwise responsible."

Since they were designed primarily to meet special needs in disadvantaged schools, these funds cannot be employed as a substitute for state aid without violating the Congressional will. Further support for this view is offered by a series of decisions prohibiting deductions from state aid for districts receiving "impacted areas" aid.[11] Performance of its constitutional obligations must be judged by the state's own behavior, not by the actions of the federal government.

While defendants are correct in their suggestion that this Court cannot act as a "super-legislature", the judiciary can always determine that an act of the legislature is violative of the Constitution. Having determined that the current system of financing public education in Texas discriminates on the basis of wealth by permitting citizens of affluent districts to provide a higher quality education for their children, while paying lower taxes, this Court concludes, as a matter of law, that the plaintiffs have been denied equal protection of the laws under the Fourteenth Amendment to the United States Constitution by the operation of Article 7, § 3 of the Texas Constitution and the sections of the Education Code relating to the financing of education, including the Minimum Foundation Program.

Now it is incumbent upon the defendants and the Texas Legislature to determine what new form of financing should be utilized to support public education.[12] The selection may be made from a wide variety of financing plans so long as the program adopted does not make the quality of public education a function of wealth other than the wealth of the state as a whole.

Accordingly, it is ordered that:

(1) The defendants and each of them be preliminarily and permanently restrained and enjoined from giving any force and effect to said Article 7, § 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation School Program Act (Ch. 16), and that defendants, the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school system, including, without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

(2) The mandate in this cause shall be stayed, and this Court shall retain jurisdiction in this action for a period of two years in order to afford the defendants and the Legislature an opportunity to take all steps reasonably feasible to make the school system comply with the applicable law; and without limiting the generality of the foregoing, to reallocate the school funds, and to otherwise restructure the taxing and financing system so that the educational opportunities afforded the children attending Edgewood Independent School District, and the other children of the State of Texas, are not made a function of wealth, other than the wealth of the State as a whole, as required by the equal protection clause of the Fourteenth Amendment to the United States Constitution. In the event the legislature fails to act within the time stated, the Court is authorized to and will take such further steps as may be necessary to implement both the purpose and the spirit of this order. See *Swann v. Adams*, 263 F. Supp. 225 (S.D. Fla. 1967); *Klahr v. Goddard*, 254 F. Supp. 997 (D. Ariz. 1966). Needless to say, the Court hopes that this latter action will be unnecessary.

Dated December 23, 1971.

FOOTNOTES

[1] See Serrano V. Priest, 5 Cal. 3d. 584, ——— P. 2d ——— (1971); and Van Dusartz v. Hatfield, ——— F. Supp. ——— (D. Minn. 1971). Serrano convincingly analyzes discussions regarding the suspect nature of classification based on wealth, and Van Dusartz points out that in this type case "the variations in wealth are state created. This is not the simple instance in which the poor man is injured by his lack of funds. Here the poverty is that of a governmental unit that the state itself has defined and commissioned."

[2] See the Challenge and the Chance, Rpt. of the Governor's Comm. on Public School Education 58–68 (1968). The accuracy of the Economic Index is the subject of separate litigation in Fort Worth Ind. School Dist. v. J. W. Edgar, (N.D. Tex., Fort Worth Div.).

[3] The total number of districts in the state is approximately 1200.

[4] Plaintiffs' Exhibit VIII shows 1960 median family income of $5,900 in the top ten districts and $3,325 in the bottom four. The rich districts had eight per cent minority pupils while the poor districts were seventy-nine percent minority.

[5] In addition, the court relied upon Douglas v. California, 372 U.S. 353 (1963), and Griffin v. Illinois, 351 U.S. 12 (1956), which are decisions invalidating state laws that discriminated against criminal defendants because of their poverty.

[6] Difficulties in defining the term are discussed at note 4, 293 F. Supp. 329.

[7] Indeed, it is difficult to see how the defendants reach a contrary conclusion since even the McInnis plaintiffs did not request precisely equal expenditures per child.

[8] As the Court said in Van Dusartz v. Hatfield, supra, note 1: "By its own acts, the State has indicated that it is not primarily interested in local choice in school matters. In fact, rather than reposing in each school district the economic power to fix its own level of per pupil expenditure, the State has so arranged to structure as to guarantee that some districts will spend low (with high taxes) while others will spend high (with low taxes). To promote such an erratic dispersal of privilege and burden on a theory of local control of spending would be quite impossible."

[9] Plaintiffs' Exhibit 8, Table X, indicates that while Edgewood receives the highest federal revenues per pupil of any district in San Antonio, $108, and Alamo Heights, the lowest, $36, the former still has the lowest combined local-state-federal revenues per pupil, $356, and the later the highest, $594.

[10] The statutes involved were the Economic Opportunity Act, 42 U.S.C. §§ 2781–2791 (1964); the Elementary and Secondary Education Act, 20 U.S.C. § § 241a–411 (1970 Supp.), and federally impacted areas aid, 20 U.S.C. §§ 236–244 (1964), *as amended*. (1970 Supp.).

[11] These cases have held that the statute clearly provides that the aid is intended as special assistance to local educational agencies, and that to permit a reduction in state aid would violate the Congressional intent. Douglas Ind. School Dist. No. 3 v. Jorgenson, 293 F. Supp. 849 (D. S.D. 1968); Hergenreter v. Hayden, 295 F. Supp. 251 (D. Kan. 1968); Shepheard v. Godwin, 280 F. Supp. 869 (E.D. Va. 1968); Carlsbad Union School Dist. v. Rafferty, 300 F. Supp. 434 (S.D. Cal. 1969), *aff'd*, 429 F. 2d 337 (9th Cir. 1970), and Triplett v. Tiemann, 302 F. Supp. 1244 (D. Neb. 1969). After these actions arose, the statute was amended to prohibit aid to schools in any state which has "taken into consideration payments under this subchapter in determining the eligibility of any local educational agency in that State for State aid . . . ." 20 U.S.C. §§ 240 (d) (2) (1969).

[12] On October 15, 1969 this Court indicated its awareness of the fact that the Legislature of Texas, on its own initiative, had authorized the appointment of a committee to study the public school system of Texas and to recommend "a specific formula or formulae to establish a fair and equitable basis for the division of the financial responsibility between the State and the various school districts of Texas". It was then felt that ample time remained for the committee to "explore all facets and all possibilities in relation to the problem area", in order for appropriate legislation to be enacted not later than the adjournment of the 62nd Legislature, and since the legislature appeared ready to grapple with the problems involved, the trial of this cause was held in abeyance pending further developments. Unfortunately, however, no action was taken during the 62nd Session which has adjourned. Hopefully, the Governor will see fit to submit this matter to one or more special sessions so that members of the legislature can give these complex and complicated problems their undivided attention.

MEMORANDUM AND ORDER

[U.S. District Court, District of Minnesota, Third Division, No. 3-71 Civ. 243]

(Donald Van Dusartz and Audrey Van Dusartz, individually and on behalf of all others similarly situated; et al., Plaintiffs v. Rolland F. Hatfield, Auditor of the State of Minnesota, et al., Defendants.)

Roger S. Haydock, Delores C. Orey, Michael A. Wolff, John E. Brauch, Legal Assistance of Ramsey County, St. Paul, Minn., attorneys for plaintiffs. John E. Coons, Berkeley, California, of counsel. John Mason, Solicitor General, and Douglas Skor, Special Assistant Attorney General, State Capitol, St. Paul, Minn., attorneys for defendants.

This is one of three actions brought by various parties to challenge the constitutional validity of Minnesota's system of financing public elementary and secondary education. The companion cases are Minnesota Federation of Teachers, et al., vs. Hatfield, et al., 4-71 Civ. 458, and Minnesota Real Estate Taxpayers Association, et al., vs. State of Minnesota, et al., 3-71 Civ. 233.

Plaintiffs in the above-entitled action base their claims solely on the alleged denial of equal protection of the laws to a class of plaintiff school children they purport to represent. Jurisdiction of this court is invoked pursuant to 28 U.S.C. 1343 (3) and (4) because plaintiffs' cause of action arises under the Civil Rights Act, 42 U.S.C. § 1983.

Defendants have moved to dismiss in all three cases on the grounds that the complaints fail to state a claim upon which relief can be granted and that the cases are moot.

Since the above-entitled case appears to be on solid jurisdictional grounds as to the plaintiff pupils and does not raise pendent claims under the laws or Constitution of Minnesota, this Court chooses to analyze the narrow claims presented here in light of the recent California Supreme Court decision in *Serrano* v. *Priest*, 5 Cal. 3d 584, ——— P. 2d ——— (1971). Although separate orders will be entered denying defendants' motions to dismiss in the other two cases, the Court chooses to postpone any ruling on the other complex issues presented by those complaints.

The primary purpose here is to test the plaintiff children's cause of action, and to examine the substantive issues raised by their complaint. With proper deference to the Legislature, it is appropriate to consider the correctness of the *Serrano* rule and to examine the applicability of the equal protection clause to the instant case.

The issue posed by the children, here as in *Serrano* v. *Priest* . . . is whether pupils in publicly financed elementary and secondary schools enjoy a right under the equal protection guarantee of the 14th Amendment to have the level of spending for their education unaffected by variations in the taxable wealth of their school district or their parents. This Court concludes that such a right indeed exists and that the principle announced in *Serrano* v. *Priest* is correct. Plainly put, the rule is that the level of spending for a child's education may not be a function of wealth other than the wealth of the state as a whole. For convenience we shall refer to this as the principle of "fiscal neutrality," a reference previously adopted in *Serrano*.[1]

This Court will treat defendants' motion to dismiss as a motion for summary judgment in which, for the purposes here, plaintiffs' allegations of fact must be taken as true. These allegations will be supplemented by judicial notice of facts appearing in official public records and reports which have been stipulated to by the parties herein. The State has argued that the expiration of M.S.A. § 124.211 as rendered the complaint moot. If in fact the existing vacuum in "equalizing" state aids were to continue, the influence of district wealth variations would be even more extensive and invidious than what we are about to describe. In fact, the opposite is true; it has seriously aggravated the injury. In fairness to the State it shall be assumed—contrary to fact—that there presently continues in existence a system of subventions similar to the recently expired system.

The recently expired Minnesota system appears structurally indistinguishable in its basic parts from the California system described in the *Serrano* opinion, *supra* at 591-595. The Minnesota pupils—like those in *Serrano*—allege that the number of dollars per pupil spent in their school districts is a function of the amount of taxable wealth per pupil located within the boundaries of those districts and thus subject to the local educational levy. See M.S.A. Chapter 124. School districts in Minnesota differ in taxable wealth per pupil. Indeed, some districts have almost no taxable wealth while others range up to and even above 30,000 dollars per pupil. The plaintiff children reside in relatively poor districts.[2]

The State has assisted the poorer districts with "equalizing" aid but in a manner which offsets only a portion of the influence of district wealth variations.[3] To be specific, in 1970-71 if a school district's tax rate were at least 20 mills, it was guaranteed a total of $404 spendable dollars by the State. Thus, if the local levy of 20 mills raised only $200 (in a district with $10,000 assessed valuation per pupil) the State supplemented this with a subvention of $204 per pupil. If the district was sufficiently wealthy that a 20-mill levy raised more than the $404 guarantee, it retained the excess collection and now has it available for expenditure. There appear to be a number of districts in this enviable position.

In addition the State has guaranteed to *every* district a minimum state subvention of $141 per pupil. Thus a rich district which raised $450 at the 20-mil rate may spend $591 per pupil. What is important about this flat grant is that it is useful only to the richer districts. Even if it were abolished, those districts poor in taxable wealth would receive no less than they now do, because the $141 is counted as part of the equalizing aid. As in our previous example, a poor district raising only $200 with the 20-mill local rate would receive its $204 from the state in "equalizing" money even if the $141 guaranteed minimum did not exist. Thus this latter guarantee acts in effect as a unique bonus solely for the benefit of rich districts.

Finally, insofar as districts exceed the 20-mill local tax rate (apparently all poor districts do) they are essentially on their own. For every additional mill on its local property a district with $20,000 valuation per pupil adds another $20 per child in spending; a district with $5,000 valuation per pupil adds only $5 in spending. Put another way, above 20 mills there is a high correlation per pupil wealth and the amount available to spend for education for the same mill rate.

To sum up the basic structure, the rich districts may and do enjoy both lower tax rates and higher spending. A district with $20,000 assesed valuation per pupil and a 40 mill tax rate on local property would be able to spend $941 per pupil; to match that level of spending the district with $5,000 taxable wealth per pupil would have to tax itself at more than three times that rate, or 127.4 mills.

There are apparently many minor refinements and subventions, none of which alter this essential pattern.[4] The overall conclusion is inescapable. The level of spending for publicly financed education in Minnesota is profundly affected by the wealth of each school district. Children living in districts poorer than the richest are proportionately disadvantaged. It is this class which pupil plaintiffs claim to represent.

It may be true, of course, that not every difference in spending level is traceable into a difference in effectiveness of education. We must recognize that there has been disagreement among scholars over the degree to which money counts.[5] For present purposes, however, it is sufficient that the relation between cost and quality of education has been alleged. In any event, the Legislature would seem to have foreclosed this issue to the State by establishing a system encouraging variation in spending; it would be high irony for the State to argue that large portions of the educational budget authorized by law in effect are thrown away. The courts that have considered the issue are in agreement.[6]

Furthermore, this Court notes the affidavit of Van D. Mueller, attached to plaintiffs' brief in that it gives an indication of the correlation between spending per pupil and the quality of education. The statements made in the affidavit must, under the law, be taken as true for the purpose of determining whether plaintiffs have spelled out a cause of action. Mueller flatly states:

"The districts having the lowest per-pupil expenditure, which are generally the poorest districts in terms of assessed valuation per-pupil unit, offer an education that is inferior to the districts having the highest per-pupil expenditures."

While the correlation between expenditure per pupil and the quality of education may be open to argument, the Court must assume here that it is high. To do otherwise would be to hold that in those wealthy districts where the per pupil expenditure is higher than some real or imaginary norm, the school boards are merely wasting the taxpayers' money. The Court is not willing to so hold, absent some strong evidence. Even those who staunchly advocate that the disparities here complained of are the result of local control and that such control and

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Footnotes at end of article.

taxation with the resulting inequality should be maintained would not be willing to concede that such local autonomy results in waste or inefficiency.

The disparities demonstrated by the California court in *Serrano* stood out in bold relief, while the figures supplied by the Minnesota Department of Education tend to show a lack of such great disparities. Nevertheless, this Court must accept at face value the affidavit of Mueller which states that if the statistics for Minnesota are arranged in the same manner as in California, that is, dividing elementary and secondary school figures, the disparities are "very comparable". Thus, there is little or no difference between the factual allegations in this case and those in *Serrano*.

II

The United States Supreme Court has employed two distinct approaches to claims asserted under the equal protection clause of the 14th Amendment. See, e.g., *Shapiro* v. *Thompson*, 394 U.S. 618 (1969) and *McGowan* v. *Maryland*, 366 U.S. 420 (1961). These approaches involve substantially different degrees of deference for state legislation depending upon its subject matter and character. Most regulation by the states of most kinds of interests is judged merely by the rationality of the relation between the state's objective and the means of regulation (the statutory or administrative classifications) chosen. The Court does not ordinarily undertake to evaluate purposes and effects as such. This test of the relation of means to ends might plausibly be applied to the Minnesota system here attached. If the State's objective is a "general and uniform system" of education, as Article VIII. Sections 1 and 2 of the Minnesota Constitution declare, it might be wondered whether the means chosen are rationally adapted to that goal.

However, this issue is not reached because, in the present case, the stricter test of equal protection is clearly more appropriate. This approach requiring close scrutiny of the state law by the Court is triggered whenever either a "fundamental interest" is at stake or the state has employed a "suspect classification." Here both such factors are involved and mutually reinforce the pupil plaintiffs' attack upon the system.

First, as to the specially protected interest: Where the onus of a legislative classification falls upon an interest which is classified as "fundamental", the State bears the burden of demonstrating a compelling interest of its own which is served by the challenged legislation and which cannot be satisfied by any other convenient legal structure.[7] That approach fits this case because the interest at stake is education. The Serrano opinion, *supra* at 604–610, has correctly inferred from relevant expressions of the United States Supreme Court and from the nature of education itself that this interest is truly fundamental in the constitutional sense.

It is unnecessary to repeat the persuasive analysis of the California court on this point, but it is worth observing that education in this respect is to be sharply distinguished from most other benefits and services provided by government.[8] It is not the "importance" of an assessed interest which alone renders it specially protected. One can concede the significance of welfare payments to an indigent and yet accept the result in *Dandridge v. Williams*, where the Court did not face a suspect classification.[9] Education has a unique impact on the mind, personality, and future role of the individual child. It is basic to the functioning of a free society and thereby evokes special judicial solicitude.[10]

Now we consider the relevance of the legislative classification. As noted above, the pupils' objection to the financing system is augmented by the nature of the classifying fact—district wealth—by which the distribution of education is affected and, in significant degree, determined. In a number of decisions over the last fifteen years the United States Supreme Court has made it plain that classification based upon wealth are suspect. These decisions, convincingly analyzed in *Serrano*,[11] are well known and need no comment here. What is important to note is that the objection to classification by wealth is in this case aggravated by the fact that the variations in wealth are State created. This is not the simple instance in which a poor man is injured by his lack of funds. Here the poverty is that of a governmental unit that the State itself has defined and commissioned. The heaviest burdens of this system surely fall *de facto* upon those poor families residing in poor districts who cannot escape to private schools, but this effect only magnifies the odiousness of the explicit discrimination by the law itself against all children living in relatively poor districts.

This does not suggest that by itself discrimination by wealth is necessarily decisive. No court has so held. However, when the wealth classification affects the distribution of public education, the constitutional significance is cumulative.[12]

It cannot be argued that a quality education endows its recipient with a distinct economic advantage over his less educated brethren. By these standards the inexorable effect of educational financial system such as here maintained puts the state in the position of making the rich richer and the poor poorer. If added to this problem in the problem that the parents of children who live in poor districts have also a lower income than the parents in wealthier districts, then the disparity may be even more severe than that alleged by plaintiffs.

III

A state, of course, could have a powerful and legitimate interest in maintaining the strength of local government by preserving local choice in school spending. If that interest were "compelling"—and sufficiently so—and if because of some extremely important state need, it were necessary that only wealthy children be given quality education and that poor children be denied such, then the present financing structure might be justified. See *Shapiro* v. *Thompson*, 394 U.S. 618 (1969). Whether this interest of the State is constitutionally compelling, however, need not be decided for two reasons. By its own acts, the State has indicated that it is not primarily interested in local choice in school matters. In fact, rather than reposing in each school district the economic power to fix its own level of per pupil expenditure, the State has so arranged the structure as to guarantee that some districts will spend low (with high taxes) while others will spend high (with low taxes). To promote such an erratic dispersal of privilege and burden on a theory of local control of spending would be quite impossible.[13]

The second reason for ignoring the question of whether the State's interest is compelling is that, under the constitutional standard here adopted, if the state chooses to emphasize local control, it remains free to do so to whatever degree it wishes. In fact, it is the singular virtue of the *Serrano* principle that the State remains free to pursue all imaginable interests except that of distributing education according to wealth. The State makes the argument that what plaintiffs seek here is uniformity of expenditure for each pupil in Minnesota. Neither this case nor *Serrano* requires absolute uniformity of school expenditures. On the contrary, the fiscal neutrality principle not only removes discrimination by wealth but also allows free play to local effort and choice and openly permits the State to adopt one of many optional school funding systems which do not violate the equal protection clause.[14]

IV

The State argues that the issues here posed have been foreclosed by *McInnis v. Shapiro*, 293 F. Supp. 327 (N.D. Ill. 1968), aff'd *sub nom McInnis v. Oqlivio*, 394 U.S. 322 (1969), and *Burress v. Wilkerson*, 310 F. Supp. 572 (W.D.Va. 1969) aff'd *nom.* 397 U.S. 74 (1970). It is true that the present complaint—like the two decisions noted—contained references to a duty of the State to respond to individual "needs" of pupils. It appears that plaintiffs herein have now abandoned this aspect of their claim. In any event such a claim is in fact foreclosed by *McInnis* and *Burress, supra*. These two decisions, however, do not speak to the issue here considered—whether there is a right to more fiscal neutrality. As the *Serrano* decision makes clear, the Supreme Court left that issue open. See *Askew v. Hargrave*, 401 U.S. 476 (1971). The reasoning of the California court on this point is completely persuasive and this Court adopts it as its own. *Serrano v. Priest, supra* at 615–618.

V

Therefore, this Court concludes that the allegations of the plaintiff children's complaint state a cause of action and [that a system of public school financing which makes spending per pupil a function of the school district's wealth violates the equal protection guarantee of the 14th Amendment to the Constitution of the United States.] In accordance with the foregoing memorandum.

It is ordered that the motions of defendants to dismiss the action are denied.

The Court will retain jurisdiction of the case but will defer further action until after the current Minnesota Legislative session.

MILES W. LORD,
U.S. District Judge.

Dated: October 12, 1971.

FOOTNOTES

[1] The analysis here generally parallels that appearing in J. Coons W. Clunc, and S. Sugarman, *Private Wealth and Public Education* (Cambridge, Harvard University Press, 1970), hereinafter cited as *Private Wealth and Education*.

[2] The rule adopted here and in *Serrano* does not depend upon the personal wealth of the pupils or their parents. It is sufficient that the plaintiffs be members of the larger class of pupils injured, which class is defined as the pupil population of relatively poor school districts. *Serrano v. Priest*, 5 Cal. 3d at 601, — P. 2d at —. Whether "relative" poverty includes *every* district poorer than that one district richest in assessed valuation per pupil need not now be determined, nor would this appear to have great practical significance in the application of the general principle.

[3] The examples that follow in the text are all hypothetical applications of M.S.A. S. 124.211.

[4] Defendants' contention that other categories of state aids substantially increase the revenue of many schools may raise a question of fact, i.e. whether dependence on local school district wealth is overcome by these other aids. However, for purpose of this motion, we must accept as true plaintiffs' allegation of wealth dependence.

[5] The competing views are summed up in *Serrano v. Priest*, 5 Cal. 3d at col.—p. 2d at— (f.n. 16). It is noteworthy that, while Prof. James Coleman's earlier work is sometimes interpreted to question the cost-quality relation, his *foreword* to *Private Wealth and Public Education* suggests that spending differences are a significant factor in education.

[6] The cases are collected in the Serrano opinion at f.n. 16, 5 Cal. 3d at col.—p. 2d at —.

[7] *Shapiro v. Thompson*, 394 U.S. 618 (1969). See also *Griffin v. Illinois*, 351 U.S. 12 (1956); *Douglas v. California*, 372 U.S. 353 (1963); *Harper v. Virginia Board of Elections*, 383 U.S.

66s (1966); *Kramer v. Union Free School District No. 15*, 395 U.S. 621 (1969). The fundamental interest cases and the rationale of the correlative "compelling interest" test are considered at length in the *Serrano* opinion, 5 Cal. 3d at 604–611, —p. 2d at — — —.

[8] And this, incidentally, does not constitute an opening wedge for eventual fiscal neutrality in all government services through the medium of the 14th Amendment, *Serrano v. Priest*, 5 Cal. 3d at 613–614; Coones, Clune, and Sugarman, *Private Wealth and Public Education*, 414–419 (1970).

[9] 397 U.S. 471 (1970). See also *James v. Valtierra*, 402 U.S. 137 (1971). (The interest in housing). In another respect Valtierra actually supports the "fundamentality" of the interest in education. The Court there emphasized the special importance of the democratic process exemplified in local plebiscites. That perspective here assists pupil plaintiffs who ask no more than equal capacity for local voters to raise school money in tax referenda, thus making the democratic process all the more effective.

[10] Even the majority opinion in *Dandridge* seems to intimate this by its citation of the decision in *Shelton v. Tucker*, 364 U.S. 479 (1960) as the exemplar of the Court's commitment to a special view of equal protection in those areas where "freedom guaranteed by the Bill of Rights" may be affected. 397 U.S. 484. In *Shelton*, Mr. Justice Stewart for the majority had declared that "The vigilance protection of constitutional freedom is nowhere more vital than in the community of American Schools", 364 U.S. at 487.

[11] 5 Cal. 3d at 597–604. Elaborate analyses of these cases appear in Note, "Developments in the Law—Equal Protection", 82 *Harv. L. Rev.* 1065 (1969); Michelman, *"On Protecting the Poor Through the Fourteenth Amendment"*, 83 *Harv. L. Rev.* 7 (1969); *Private Wealth and Public Education*, 359–387.

[12] As with the conjunction of poverty and the voting interest in *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966), or poverty and the interest in access to appellate review as in *Griffin v. Illinois*, 351 U.S. 12 (1956).

[13] The *Serrano* opinion states the idea:

"We need not decide whether such decentralized financial decision-making is a compelling state interest, since under the present financing system, such fiscal free will is a cruel illusion for the poor school districts . . . Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option . . ." 5 Cal. 3d at 611.

[14] This Court in no way suggests to the Minnesota Legislature that it adopt any one particular financing system. Rather, this memorandum only recognizes a constitutional standard through which the Legislature may direct and measure its efforts. For an explication of some of the numerous school financing systems available which meet the equal protection standard, see Guthrie, Kleindorfer, Levin and Stout, *Schools and Inequality* (1971); Coons, Clune, and Sugarman, *Private Wealth and Public Education* (1970), and "Educational Opportunity: A Workable Constitutional Test for State Financial Structures," 57 Cal. L. Rev. 305 (1969).

[From the New York Times, Jan. 6, 1972]

MICHIGAN COURT TO REVIEW PROPERTY TAX FOR SCHOOLS

LANSING, MICH., January 5.—The Michigan Supreme Court announced today that it had agreed to review the constitutionality of Michigan's property tax as a basic source of revenue for public schools support.

The court said it would honor Gov. William G. Milliken's request, filed a month earlier, that it take over a suit initiated in Ingham County Circuit Court.

Governor Milliken and Attorney General Frank J. Kelley filed a suit on Oct. 15, 1971, against three suburban Detroit school districts to force a court review of the kind that led a California state court and a Federal court in Texas to throw out property taxes for schools in those states.

[From the Sunday Star, Jan. 9, 1972]

PRINCIPLES OF THE AMERICAN DREAM

(By Phyllis Myers)

Already, certain groups speak to each other easily about "pre-Serrano" and "post-Serrano." Their numbers are not large, but they are persistent and able people who are used to striking, sometimes successfully, often not, at the roots of the privilege and discrimination that have tangled the egalitarian principles of the American dream.

Pre-Serrano and post-Serrano span at least a decade, five years back and five years into the future. The midpoint is Aug. 30, 1971, when the California Supreme Court handed down its long-awaited Serrano v. Priest decision. By a 6–1 majority, the court felled the system of financing public schools in California—a system that, in its heavy dependence on the property tax and hence the vagaries of local wealth, California shares with most states in the union.

"This funding scheme," said the court, "invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors."

Already, legal activity has stepped up markedly: Similar suits have succeeded in Minnesota and San Antonio, Tex., and more than 20 new suits have been filed. Farsighted educators and lawyers are already thinking beyond the courts about long-range strategies—over five years or longer—aimed at delivering the implicit promise of Serrano by giving legal, political, and fiscal substance to the elusive concept of equality of educational opportunity.

Attorney Sarah C. Carey of the Lawyers' Committee for Civil Rights Under Law recently outlined in Capitol Hill testimony a heady list of reform possibilities opened up by Serrano. They included overall property tax reform, the redrawing of school districts to encourage socioeconomic and racial integration, massive extra resources to poor students, extensive research into effective education, and the ending of intradistrict discrimination against the poor within cities as well as federal intervention to end disparities among states.

Just a few months into the post-Serrano period, however, the mood has changed from elation to extreme caution. For while Serrano may hold out the promise of the resurrection of American education, it also holds out the possibility of equity without fairness. Because of erroneous ideas about the nature of the urban crisis, it is even conceivable that Serrano could lead backwards for city schools, whose desperate plight spurred all the activity to begin with. Arthur Levin of the Potomac Institute recently warned a group of lawyers pressing Serrano-type suits to be careful lest we "snatch defeat from the jaws of victory," ending up "worse off in the end than if we hadn't won the case."

UNUSUAL CONFERENCE

To understand how this could be, one must go back to the pre-Serrano period which, in a real sense, began in 1967, when the principal of an elementary school in East Los Angeles called in John Anthony Serrano for an unusual conference. His two boys were, according to IQ tests, unusually bright and school-ready. The school, in a poor, largely Chicano neighborhood beset by the usual array of urban ills, just couldn't give them the kind of education they deserved.

Serrano was not surprised, either about his children or the school. As the numbers of poor and minority children increased in a school, he knew, there were fewer regular teachers, textbooks, and equipment—and bigger classes.

Articulate and aware, Serrano was already moving among activist types who were trying to change things. At a cocktail party, he met Derek Bell, an attorney then heading the Western Center for Law and Poverty, funded by OEO, and through him, lawyers like Sidney Wolinsky and Harold Horowitz, who were looking into what they believed were unconstitutional inequities in municipal services. These and other meetings finally resulted in a suit, filed in August 1968, on behalf of Serrano and a large group of other dissatisfied parents and children, which moved their gripes about the local school up to the Los Angeles school board and to the state and "the system"—the treasurer, the controller, the tax collector, and the superintendent of schools.

The suit threw a number of arguments before the judge. As a "direct result" of the financing scheme based on varying wealth, the state was failing to meet minimum California and federal constitutional requirements. It was providing substantially inferior educational opportunities to many children, especially black, Spanish-surnamed, and other minority children. Quality of education was a function of wealth and geographical accident. The system failed to take account of varying needs and abilities. School districts were not reasonable units for allocating funds. And so on.

The Serrano suit was turned down twice by lower courts, as other similarly inspired suits floundered in a dozen states. A big blow was the McGinnis vs. Ogilvie case in Illinois, which sought a redistribution of resources based on educational need without suggesting how that need could be determined. The judges agreed that there were inequities, but said these were problems for the legislature, not the judiciary.

The decision of the California Supreme Court to review the Serrano case came as a surprise. No one was particularly optimistic, although the court was already known as a pacesetter for its liberal decisions. By this time, the lawyers had learned a great deal about what courts would buy and wouldn't buy, and had done extensive legal and political spadework.

This paid off now, as a number of "friends of the court" submitted briefs to the California Supreme Court. Among these was one prepared by Berkeley law professor John E. Coons and attorney Stephen Sugarman and supported by the National Committee for Support of the Public Schools and the National Urban Coalition. The brief mirrored theories Coons and Sugarman, along with William H. Clune III, had already extensively developed in their book, "Private Wealth and Public Education." This new assault on the system, much leaner and more judicially manageable, left behind race, geography, and need and focused simply on fiscal equity.

Education, the brief asserted, is a "fundamental interest"—a disarmingly simple phrase to the nonlawyer but one that moves public education to the "inner circle" of the equal protection clause of the Constitution, alongside voting and travel, and puts the burden on the state to show that there is a "compelling reason" for the present system.

The brief moved logically from precedent to precedent with pointed examples of the "bizarre maldistribution of resources" in the system. Beverly Hills had $50,885 behind each student and Baldwin Park only $3,697. Beverly Hills spent $1,232 per student and Baldwin Park only $577—yet Baldwin Park's tax rate was over twice as high as that of Beverly Hills.

State aid, which was supposed to be "equalizing" in favor of the poorer districts, actually operated in favor of districts such as Beverly Hills, "one of the very few governmental devices explicitly favoring the rich." The facts were not new, but they were packaged in a more logical and legally compelling rationale than ever before.

NIXON "SHOCKED"

The court bit the hook and, basing its favorable decision heavily on the Coons-Sugarman brief, found that there was no constitutional justification for an educational system whose quality varied with local wealth.

Suddenly, the neglected and lackluster field of school finance took on unexpected excitement. The jubilation among civil rights and urban groups was echoed in unusual quarters. President Nixon said he was "shocked" by the inequities. Office of Education commissioner Sidney Marland hailed the decision as a "fundamental breakthrough." Fortune and the Wall Street Journal added their plaudits.

Even people in Beverly Hills thought it was a good idea, for hadn't they always thought education was important? Then they realized that Serrano had found the villain and it was them. Someone said it would cost about $5 billion to bring all the districts in California up to Beverly Hills' standard of educational living.

As the euphoria was replaced by thoughts about what to do next, Serrano became a springboard for everyone's pet solution to the education problem. The Advisory Commission on Intergovernmental Relations hoped Serrano would strengthen the states' role in the federal partnership and lead to a total state assumption of education costs. Certain economists were pleased that their favorite whipping boy, the regressive property tax, had been dealt a major blow.

Ralph Nader used Serrano to press instead for reforms that would increase the property tax's equity and yield. Some people wanted "upward leveling" to get more districts to spend more; others wanted "downward leveling" to stop some districts from spending too much. Some wanted to preserve local options, others to kill them. Many taxpayers just thought the whole thing would lower their tax bill. But most of those who were early supporters of the lawsuits seemed to think that Serrano would funnel more funds into the increasing number of bankrupt city schools.

Writing in the New York Times, Coons said, "The decision has been grossly misconstrued and its scope widely exaggerated." Serrano "would forbid the linking of affluence and spending, but that is all it would do. It would not proscribe the use of a real property tax; nor would it require . . . the legislature to impose uniform spending statewide."

Its message is essentially negative: It says the state cannot base differential spending on wealth differences. But it is back in the halls of the state legislatures, which bear the responsibility for the present disarray in the first place, where a political solution must be hammered out.

What Serrano means is probably best understood by looking at Coons' own solution, which is now receiving a good bit of attention in California. "Power-equalization," as he calls it, flows out of the arguments developed in Serrano, and is aimed at giving districts the equal capacity to raise money. It would entail a schedule of minimum and maximum tax rates linked to different spending levels. These would be triggered as each school district elected its own tax level.

A community might opt for the minimum tax rate of, say, $1, which would entitle it to, say, $900 per pupil. If it generated more than it could spend with this rate, the district would spend the excess on the "state kitty." Districts that couldn't raise the minimum with the same tax rate would dip into the kitty to make up the difference. Districts could tax themselves more and spend more, but only according to the specified schedule of statewide tax rates and spending levels.

Fair? Well, it depends on how you look at it. In its simplest form, such a solution in California would result in a $5-per-pupil loss in Los Angeles, virtually no dollar change in Oakland, and a substantial loss in San Francisco. All big cities in California are above the median in taxable real property wealth behind each pupil and thus could lose money or stay about the same on a straight equalization basis.

At a recent conference called by the Lawyer's Committee to align a national strategy vis-a-vis Serrano, Robert J. Goettals of the Syracuse University Research Corporation reported similar findings in New York State. In a study for the Fleischmann Commission, a state legislative study group which has been subjecting the public educational system to intensive analysis, SURC has learned that virtually every sizable city in New York State falls above the state-wide median in wealth as measured by property value per student in average daily attendance, a commonly used measure. Poorer communities in New York State are not necessarily taxing themselves at a heavier rate than wealthier communities, reported Goettals.

Said economist Charles Benson, the Fleischmann Commission's director and a Berkeley professor who is considered the "academic dean" behind the school finance movement: "We must make distinctions among cities. Some are disadvantaged. Others are resting on their oars."

What Goettals and Benson were saying clearly worried many of the lawyers and others who had pushed Serrano and Serrano-type school finance reform suits. Like many, they had taken it as basic urban dogma that any realignment designed to overcome inequities in the distribution of taxable wealth would automatically favor the cities. After all, weren't city tax roles in a disastrous decline?

When one moves up to the state level for equalization purposes, however, and all communities—the less affluent suburbs and rural districts as well—are factored in, a different gestalt comes together. Said Goettals: "The really poor areas (in terms of taxable wealth) we found in New York State are along the St. Lawrence River, in upstate New York."

Robert Reischauer, a Brookings Institution property tax expert, believes that "excess wailing over the plight of cities" has obscured our understanding of the nature of their problem. "It is untested hypothesis that central cities are poor. Relative to new growth, of course, cities are declining. But in very few cities is absolute wealth declining. It is probably going up slightly in most cities." He adds: "Cities have real problems, but maybe it's not their fiscal base, but their excessive needs."

TOO VAGUE

It is need, of course, which the Illinois judges found too vague for judicial intervention in the McGinnis case, but which now must be factored back into legislative proposals for new aid equations.

The problem is that no one really knows what would make either opportunity or achievement "equal" in an urban school—or indeed, how much payoff such an effort directed within school walls can accomplish anyway. The pall left by the so-called 1965 Coleman study, which concluded that nothing the schools did made a significant difference in student achievement, save what he brought from his family upbringing and whom he met in schools, still confounds all discussions about dollars and equality. This is the reason need was dropped from lawsuits, although many of the lawyers involved, sensing the dangers in the concept of fiscal equity, still wish it hadn't been.

There are special things that make urban education more expensive, like higher salaries for teachers, higher land and construction costs, higher vandalism and insurance costs, increased funds for devising new programs to teach disadvantaged minority children, and so on. According to Norman Drachler, former school superintendent in Detroit, equal dollars buy halt as much in city schools as they do elsewhere.

Municipal overburden—the extra services such as police, hospitals, lighting, recreation, and transportation that cities must support out of local taxes—is getting particular attention these days. It offers a sizable, readily quantifiable urban excess-cost factor. A study of Detroit and its 19 suburbs showed that when all calls on local property taxes are taken into consideration, Detroit has the highest local tax rate; Detroit's tax rate for schools, alone, however, is at the bottom of the list. In Baltimore, one-third of the total local budget goes for schools, while Baltimore County can devote 56 percent of its local budget to schools. In Boston, schools get 23 percent of the total local budget, while in the neighboring suburb of Lexington, the figure is 81 percent.

Remedies that take these things into account are by no means inconsistent with the Serrano argument, neither are they required. Both Coons and Sugarman point out that Serrano leaves legislatures free to gear extra dollars to special need or to pay for regional cost differences, either as separate aid packages or as weights in "power-equalization formulas."

They even have a scheme that marries power-equalization to vouchers, equalizing the power of families rather than that of districts to buy equal education. But, says Sugarman, "I would be the first to agree that while it is quite easy to suggest that wealth should be eliminated as a basis for supporting schools, as a practical matter determining precisely what equal effort really is very complex indeed."

Just how difficult this job can be is apparent from the SURC study prepared for the Fleischmann Commission. When Joel Berke, the study's co-director, juggled different alternative aid formulas by computer simulation to test their impact in New York State—that is which districts win and which lose—many of the possible solutions left New York City and other cities with a substantial drop in aid. None worked across the board for, say, all rural areas or all small cities or all large cities. It took about 25 simulations to get a formula, which he based on low achievement levels, where enough cities gain, along with some poorer suburbs and rural areas, so that the whole effort was worthwhile and seemed politically feasible.

MUCH TO GAIN

But even if cities don't get any immediate dollar payoff in that short run, they have much to gain, Sugarman insists. If Los Angeles loses $5 per pupil, and Beverly Hills loses $400, has Los Angeles really lost? Isn't the problem of the cities really the fact that they are surrounded by some wealthy suburbs that compete for their better teachers and students? he asks. If rich suburbs can be denied their preferential place, won't Los Angeles be better off?

Although Los Angeles has yet to be heard from, the school board of San Francisco—the richest urban school district, where wealth behind each pupil is almost as high as in Beverly Hills—surprisingly did file a brief supporting the Serrano suit. It was signed by every school official from the city.

Not a little of the credit for this goes to attorney Ephraim Margolin, who agrees that "if what we get out of Serrano is a totally unsophisticated statewide distribution, every city will lose." But though the city seems rich, says Margolin, it is "suffocating in its present condition. The situation is so terrible we had little to lose. We in the cities are paying a terrible premium for the present system, which enshrines the move to the suburbs."

He admits that he gets criticized by those who doubt that even under the gun of Serrano the state legislature will be any more friendly to San Francisco than before, and adds: "I am not willing to accept this argument, although it could possibly be true."

As the data come through, it may well turn out that cities can find new allies, among the rural districts and poorer suburbs, in sufficient strength to ram down some of the gates of privilege. Berke warns that any strategy that only favors the poor in cities just cannot pick up enough strength to push it over the top in state legislatures.

It is clear that those whose concerns are particularly the siphoning of money into desperate city schools had better do a good bit of homework or they could find themselves stuffing cookies into someone else's container. Warns Sarah Carey: "State legislatures don't move often. When they do, unless we are careful, we can be locked into a formula we don't like for over a decade."

BIGGER PIE

Despite these worries, the momentum for reform is in full swing. The President's Commission on School Finance will be reporting next March after a two-year study of the fiscal problems of public and nonpublic schools. The National Educational Finance Project, sponsored by the Office of Education, has just released the results of its lengthy statistical survey. Tax studies are under way in over 20 states.

With this kind of documentation of the fiscal crunch, the general feeling is that cities must end up better off than they were before, if only because long-obscured inequities will be more starkly revealed and the pie may get bigger. Already there is renewed talk about additional federal money keyed to intrastate taxation and spending reforms, possibly including the straightening out of inequities within city districts and those between states.

The legislature is already at work on remedies in California, although at this writing the state has not yet decided whether it will appeal to the U.S. Supreme Court. The possibility of a long wait for a final decision has prompted the California Supreme Court to warn citizens to go on paying taxes until a new system is worked out.

Meanwhile, John Anthony Serrano, whose dissatisfactions with the neighborhood school have taken on proportions he never envisioned, has solved his personal dilemma in a familiar way. Serrano, now a psychiatric social worker and no longer poor, has moved to Whittier City outside of Los Angeles.

Serrano does not share the doubts of Coleman, et al., about whether good schools make a difference. He rates Whittier City's schools much higher than the ones his children used to go to—in teachers, buildings, class size, and materials—and is convinced that they are giving his children a better start in life.

INTRODUCTION: VALUES IN COLLISION

(Coons, John E., William H. Clune III, Stephen D. Sugarman, *Private Wealth and Public Education*, Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1970.)

Soloviev, The Meaning of Love: "In theory . . . every sane man admits a perfect equality between himself and others; but in practice, in his feelings and dealings, he is ever affirming the immeasurable difference, the fundamental dissimilarity between himself and them."

This book is about equality of educational opportunity. Nearly every American—and we include ourselves—endorses it, often with fine unconcern for the serious difficulties of definition. For sheer ambiguity each of its terms would be hard to improve upon: equality and opportunity alike elude description. Taken together they cloak the most diverse and conflicting philosophies. There is here even a suggestion of contradiction; perhaps equality and opportunity can coexist, but theirs is a mixed marriage that requires accommodation.

Despite such reservations, there will be much use of these terms, especially equality, in ensuing chapters. This could be misleading. The frequent use of "equal," "equality," "equalizing," and the like may give the impression of an underlying design more egalitarian than is intended. Our central motif emphasizes opportunity as much as equality, for there is a subtle harmony between those egalitarian and individualistic values that simultaneously inform our "free-enterprise democracy."

But this places us slightly ahead of our story, and indeed it is a story much more than it is a philosophy. It has its heroes and villains, and, as we come upon the scene, the villains are in the ascendancy. The states are dispensing public education according to the wealth of school districts. Children who live in poor districts—children rich and poor, white and black alike—are being injured. This story, which anyone can understand, is an existing condition that needs an alternative more than it needs philosophy. We would like to frame a different plot for the tale and render it less a tragedy.

The new theme is a simple formula with modest aspirations—one designed to reach the specific evil in the system and no more: The quality of public education may not be a function of wealth other than the wealth of the state as a whole. It will be evident from this precept that we do not aim to effect equality of educational opportunity in all its possible senses. But to lapse briefly into philosophy, it should be asked, why do we care at all? Whence the sense of injustice? What is intelligible and sound in "equality of educational opportunity," first, that makes it worth seeking at all, and second, that is offended by the specific existing systems that dispense public education by wealth?

ON HAVING THE SAME POOR ALWAYS WITH US: MOBILITY, EQUALITY, AND EDUCATION

There is an enduring tension of purposes in American public education that is nicely syncretized and obscured in "equality of educational opportunity." Notions of equality, in the senses both of uniformity of schools and of their products, must compete for allegiance with the often contrasting values of individualism and social mobility. All these views must be harmonized; thus, to the extent that equality might imply sameness, our ethos rejects it. To be sure, our consciences may be troubled by permanent inequalities (for example, in the sense of inherited burdens from poverty or race); but the remedy sought is never that of regimented uniformity. Our folklore easily abides the descent of the rich man's son to poverty so long as his grandson may rescend. The Negro's continuing poverty might be tolerable if we could be persuaded that he deserves it. The crucial value to be preserved is the opportunity to succeed, not the uniformity of success. It is the philosophy of contest—free enterprise in the broadest sense. This is not to be construed as an exclusive emphasis on business success, on competition for money or on enterprise in its narrow sense. It is rather a label for the maximizing of individual choice, of flexibility in life roles, of alternatives for participation in the social system.

But, however, broadly the prize is defined, the newborn are incompetent to seek it, and they remain dependent until pushed from the nest into the struggle for place. The mere lapse of time hardly prepares them for entry into the competitive world; when they do enter the contest, they must be reasonably fit, considering their natural limitations. In short, the sine qua non of a fair contest system—of equality of opportunity—is equality of training. And that training is what public education is primarily about. There are, we hope, loftier views of education that coexist, but in a competitive democracy those views represent dependent goals that can be realized only upon a foundation of training for basic competence in the market.

Such a view tolerates gross differences in outcome, if the contest is fair. Native ability and effort must in this view account for relative success, and the marketplace serves as the impartial judge. But because the market can distinguish only competence it cannot decide if the contest itself is just; it neither knows nor cares how competence was achieved. If Stephen cannot read, the market will not ask whether his father could read or whether Stephen had a father. The search for excellence is ruthlessly impartial, but the opportunity to train for excellence may be less so.

Here from the viewpoint of equality we find the soft spot in the system: in practice, the market effectively sustains a competence which is inherited or may even be nourished by governmental privilege but which in either case is unmerited. For many of us competence effectively is "inherited" because our society, organized in large part about the family, stimulates the transference of advantages and disadvantages from parent to child. Democracy can stand certain kinds and amounts of this; there are enormous gains from moderate dynastic stimuli such as the laws of inheritance and wills. Unmerited success can be viewed in such cases as the end product of a fair contest, a legitimate reason for trying to get ahead in the first place. What democracy cannot tolerate is an aristocracy padded and protected by the state itself from competition from below, while an underclass coexists that is largely excluded from hope of success. Members of the new generation of contestants must not be bound by the state to the failure or success of their ancestors, for this is the hallmark of an unfair contest.

Insofar as public education seeks in theory to counter this "inherited incompetence" it is informed by more than egalitarian values. It strives to make room for the deserving children of the poor and the foolish not merely in the middle but at the top. Social mobility as a value plays a potent role here and public education must be seen in its special relation to the underclasses to whom it is the strongest hope for rising in the social scale. The public school was designed to permit the poor to compete; it was explicitly a response to their fate in a pay-as-you-go educational system. The intended relation of the public school to the problem of permanent social inequality is vivid in this excerpt from an address by Thaddeus Stevens to the Pennsylvania legislature, in which he pleaded for the continued existence of the school law:

This law is often objected to, because its benefits are shared by the children of the profligate spendthrift equally with those of the most industrious and economical habits. It ought to be remembered, that the benefit is bestowed, not on the erring parents, but the innocent children. Carry out this objection and you punish children for the crimes or misfortunes of their parents. You virtually establish castes and grades founded on no merit of the particular generation, but on the demerits of their ancestors; an aristocracy of the most odious and insolent kind—the aristocracy of wealth and power.[1]

Stevens and other nineteenth-century reformers saw the tension in the social order between equality and opportunity.[2]

They saw in "free-enterprise democracy" the potential contradiction between preferment for the excellent and control by the majority.[3] These men were not levelers. They accepted the tension and contradiction, but they did so on condition: equality of opportunity through education. Dewey later put it this way:

"Obviously a society to which stratification into seperate classes would be fatal, must see to it that intellectual opportunities are accessible to all on equable and easy terms. A society marked off into classes need be specially attentive only to the education of its ruling elements. A society which is mo-

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Footnotes at end of article.

bile, which is full of channels for the distribution of a change occurring anywhere, must see to it that its members are educated to personal initiative and adaptability. Otherwise, they will be overwhelmed by the changes in which they are caught and whose significance and connections they do not perceive. The result will be a confusion in which a few will appropriate to themselves the results of the blind and externally directed activities of others." [4]

To the extent that public education is designed for mobility, the present fiscal discriminations are especially absurd and aggravating. The existing systems represent the very worst basis upon which to distribute public education, if our hope is to increase the mobility of the poor. At least this is true to the degree that poor people live in poor districts.

Obviously nonmonetary factors endemic to poor men and poor districts also have an enormous impact on how well prepared for life a child will be upon completion of his formal education. These factors will remain even after the economic unfairness in the education system is eliminated. Poverty is not eradicated by ending its effect upon the quality of public education a child receives, and its influence will continue to be significant in his life inside and outside of the classroom. The poor will not be saved by equality of opportunity in education; they merely cannot be saved without it.

There is, however, an important difference between discrimination in public education and most of those other social ills we tend to associate with poverty. Crime, slum housing, illness, and bad nutrition are not the anticipated consequence of government planning. Discrimination in education, on the other hand, is precisely the anticipated consequence of the legislated structure of public education. Far from striving to overcome poverty's effects upon education, the state, in structuring the system, has taken that poverty itself as the measure of quality in education. Such a system bears the appearance of calculated unfairness.

EQUALITY AND THE NONPOOR

It would be wrong to suppose that social mobility is the only value competing with equality in public education or to suppose that public education is designed for the poor alone. This is so clear as to need no argument—at least not from those hundred millions of Americans who are not poor but who have used the public schools. It would be tiresome to try to list every purpose of such persons in choosing public education. They are as numerous as the reasons for choosing to be educated at all plus some others peculiar to the American middle class. We might encapsulate them in the general idea that such children, like all others, must be prepared to function in a competitive society. Perhaps the additional value that this suggests may simply be labeled "preparedness." [5]

What, then, is the objection, if any, of the nonpoor to the present systems of distribution of public education? For those nonpoor (or, for that matter, those poor) who live in school districts which are themselves wealthy there is no objection whatsoever; they enjoy the privileges of the system, and their children are in general the best prepared. But for the nonpoor living in a poor district the objection is much the same as that of the poor man. To the extent that quality of public education affects preparedness, each is injured by the system. The complaint of the nonpoor student is less poignant, for he can escape to private schools, protect his mobility, and achieve his other purposes. Nevertheless, quite aside from objecting to the double cost of private education, he may ask the more fundamental question, by what rationale does the state dispense education in such a manner? For him the ultimate value question can be put this way: To what extent may the state be arbitrary in its provisions of public education, and is a wealth-determined system of distribution anything but arbitrary? [6]

With respect to the nonpoor another point should be borne in mind. When persons are distinguished from one another by their relative wealth, irrelevancy is risked, for the subject then has become not school children, but their parents. Children in a true sense are all poor. It is difficult to preceive how children residing in poor districts, either of poor or nonpoor families, deserve less in terms of public education. If government is to educate at all, these children should be as prepared to participate and compete in our society as their peers, rich and poor, who live in wealthy neighborhoods.

If we believe all this, why have we so narrowed our focus? Why, for example, have we left our private schools, and why is the proposition we promote so conservative? If equality of opportunity in education is desirable, why not strike at anything whatsoever that impedes it? The answer is not that we have no constitutional handle upon private education—though we don't—or that we do not approve compensatory education, which we do. Rather it is twofold; first, to us the state's moral and legal imperative extends no further than those inequalities created by government itself. Discrimination by the state is our sole object; this excludes the duty to ameliorate cultural or natural disadvantages. It is important to cast this in terms of absence of the state's *duty:* we do not suggest that the state is forbidden to compensate for such disadvantages.

Yet, if the standard were put in terms of a duty to establish pure equality of schooling, we would be forced either to forbid compensatory education or else to define equality in a most peculiar fashion. Thus we have chosen to employ a negative proposition which reaches the important state-created discrimination (that by wealth) but leaves the way open for rational dispensation of resources according to educational need, if that appears desirable to the legislatures of the states. Let us add that this is not merely a device. We accept in most respects the statement of relevant principles delineated by Hayek:

A hundred years ago, at the height of the classical liberal movement, the demand was generally expressed by the phrase *la carrière ouverte aux talents.* It was a demand that all man-made obstacles to the rise of some should be removed, that all privileges of individuals should be abolished, and that what the state contributed to the chance of improving one's conditions should be the same for all. That so long as people are different and grow up in different families this could not assure an equal start was fairly generally accepted. It was understood that the duty of government was not to ensure that everybody had the same prospect of reaching a given position but merely to make available to all on equal terms those facilities which in their nature depended on government action. That the results were bound to be different, not only because the individuals were different, but also because only a small part of the relevant circumstances depended on government action, was taken for granted.

This conception that all should be allowed to try has been largely replaced by the altogether different conception that all must be assured an equal start and the same prospects. This means little less than that the government, instead of providing the same circumstances for all, should aim at controlling all conditions relevant to a particular individual's prospects and so adjust them to his capacities as to assure him of the same prospects as everybody else. Such deliberate adaptation of opportunities to individual aims and capacities would, of course, be the opposite of freedom. [7]

Our proposition, of course, is more limited than Hayek's statement insofar as we would forbid only such state discrimination as depends upon wealth. The rationale for this limitation is simply the lawyer's fetish for sticking to the facts of his case; when the state begins to discriminate by the color of one's hair, it will be time to consider broadening the principle.) Further, unlike Hayek, we would confine the prohibition to education (a limitation which requires the more elaborate explanation offered in Part III). We are more "liberal" than Hayek, however, in the sense that we would permit and promote, though not require, prudent expenditure according to such criteria as need or gifts.

Equality of opportunity represents the defining rhetoric of American free-enterprise democracy; the public school is charged with its realization. This renders the distribution of quality of public education according to wealth an incongruity in need either of powerful justification or speedy elimination. That is the bedrock judgment in this book, and we believe that it is supported by an American consensus.

MEASURING OPPORTUNITY

The analysis now is threatened by an ambiguity that is inevitable in any discussion of equality of educational opportunity: the confusion between two competing measures of excellence in education. This is an issue we have already settled by implication, but one we had best make clear before proceeding further. One measure of education focuses upon the *child* and the effects of education upon him. How is he actually changing as a consequence of the process? How is he being prepared for the contest? The other measure focuses upon the school and, thus, the objective characteristics of the education process. We might call one the *child concept* and the other the *school concept* of opportunity. When measuring opportunity, the question may be either: (1) are children graduated from schools A and B equally prepared for life, or (2) are schools A and B providing equal programs of instruction? Another simple way to phrase the problem is this: Are schools to be equal or are they to be equalizers? The distinction corresponds to that between state-created inequalities (unequal schools) and inequalities generated by other sources (unequal children).

Neither view of opportunity can be entirely rejected; both influence policy and will continue to do so. The "child concept," however, involves implications that, at the extreme, approach the whimsical. Setting aside all questions of the proper measure of a child's general competence for life and even allowing for all the "natural" inequalities of intelligence and physique, it remains grossly improbable that public education can compensate for cultural deprivation. In order for the schools to produce children equipped equally except for their natural differences it would be necessary for them to overcome the congeries of forces operating outside the classroom which contribute to the inequality. The school would have to reverse the whole pattern of social stratification and in so doing perform tasks such as improving family life, housing, and protection from crime. It is quite clear that the remedy of formal education is simply not directly relevant to many of these needs, or, if relevant, not adequate.

Yet we have already said and we now reaffirm that, as a matter of policy, the state may choose unequal schools to compensate to the extent possible for environmental burdens; there is nothing in democratic theory to impede this and everything to applaud it, so long as the resources for compensation are reasonably allocated. (If experience shows that it takes $25,000 a year for 10 years to raise an intelligence quotient from 70 to 80, priorities must be carefully evaluated, espe-

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cially when that $25,000 must be drawn from other educational or social uses.) Others would argue that, rather than providing in-school compensation, the money would be better spent in special programs outside the system of formal education. A few perhaps would raise this to an imperative and state that compensatory education is antidemocratic in its violation of formal equality.

While we are much concerned with sound educational policy, we are first concerned with what the state must do or not do under the organic law of our society. As a constitutional standard, the child concept is excessively vague. It is difficult to imagine the most sympathetic court deciding that unequal education is required, if only because the standards of appropriate inequality under a child performance concept are almost totally subjective and incommunicable.

On the other hand, the concept of school equality is objective and could pass muster for clarity in a constitutional contest. It is not entirely quixotic to suppose a duty that the state refrain from operating educational systems that guarantee inferior schools to identifiable classes of persons. We have chosen to formulate that duty in terms of forbidding the state to dispense education by wealth. That standard is as objective as one reasonably can wish; indeed it is measurable in terms of dollars. However, it is not precisely equivalent to "school equality," for it would permit differences in quality springing from sources other than wealth.

SUBSIDIARITY AND EDUCATION

The competing values of equality and mobility have found dynamic balance through their absorption into the complex concept of equal opportunity; and that concept in turn has become the theoretical cornerstone of a democratic educational system. It follows that the imposition of inferior schools upon the residents of poor districts simply because of their district's poverty is offensive to American values. But it is clear that this does not imply the impropriety of every variation in quality within a state. We have already suggested that children with certain needs or certain abilities might well be preferred by the state, as they sometimes are, in its distribution of resources. Equality of opportunity cannot be insulated completely from competition with other values.

Historically, its most constant competition—its nemesis, in fact—has been that slightly eccentric emphasis upon local government which is the scandal of foreign visitors and the pride of the pioneer. There is no adequate name for it. "Federalism" is a label for what is merely one domestic example of the principle; the terms "provincialism" and "localism" both overemphasize the whimsical aspects of the matter and conjure the image of a town meeting featuring spittoons and grass-chewing farmers. There is nothing simpleminded or bizarre about the principle that government should ordinarily leave decision-making and administration to the smallest unit of society competent to handle them. Neither Congress nor the city council should decide when a man's children shall go to bed. On the whole, indeed, we leave decision-making to the individual. Even the family's recognized sector of power over its minor children stands as an exception to the rule, and the rule is self-determination of the individual.

This preference for low level decision-making has furnished the common coin of political discourse in America since 1789. It speaks with many voices on many levels but, for present purposes, its most important application lies in the petty federalisms of local government. The parceling out of the state's powers to its created subentities has provided the incubator for a cultural localism reminiscent of the respect accorded the federal system itself. The citizen who is jealous of state prerogatives under the Constitution is likely also to cherish the "prerogatives" of school district 52 over and against the state. The attitude is not only understandable but, within limits, laudable. It is usually supported upon the rationale noted above: local people should support and run their own schools.

This principle is as old as Aristotle. Like his scholastic successors, we shall give it the ungainly label *subsidiarity*. It is not a word found in Webster's *Unabridged*, but it should be. There is need for it.[8] Subsidiarity embodied in local control of taxation is the apparent stake in the coming struggle for fiscal equity. Our conviction that equality and subsidiarity are compatible values will require elaborate defense and demonstration, a task that will consume a fair portion of this book.

Of all the decisions that have to be made about education, perhaps the most significant is the level of effort that will be made for its financial support. And when we talk about public education, that decision is one about taxation. The decision can be made at a number of levels. Public education is presently financed by taxes set and levied in large part at the school district level; that is, decisions are delegated to and made by units smaller than, and included in, the states whose reserved powers include that to maintain public schools.

To have significant choice at the local level, more is necessary than mere local collection and local expenditure of money, for under such a system all decisions concerning the level and type of tax and expenditures could be made centrally. Subsidiarity means more: it implies at least the power of localities to decide (a) how much education they desire (perhaps within minimums and maximums set by the state) and (b) how much they are willing to spend to reach their goals. It is this outlook toward public education which permits some localities to spend more than others; it is a source of one kind of inequality.

Let us assume for the moment that this kind of inequality is undesirable. To offset the bad effect the special advantages of local decision-making will have to be identified and weighed against equality. Many of the advantages are obvious,[9] starting with sheer satisfaction with schools: a variety of local decisions means that the personal choices of more people are likely to be reflected in the schools. Further, a degree of freedom is gained for the dissatisfied constituents in one school district who at least can move to another; under a system of statewide decisionmaking there is only one choice. Perhaps the point seems elementary, but in our experience persons seeking better schools through centralized "equality" often overlook the fact that the achievement of such an equality guarantees not better but only similar schools.

The educational needs of children differ widely, and various educational services require differential efforts from district to district. It is plausible that persons on the local scene are in general better able to evaluate what must be spent and what measures are required to achieve an acceptable education in their district. At least, there exists no body of experience demonstrating the superiority of the insights of state-level administrators. Furthermore, one district may simply be more efficient than another: it should be allowed to enjoy the benefits of good husbandry, but its neighbor, on the other hand, should not be constrained to poorer schools by a rigid standard of equality. In general, the combination of better information and stronger motivation of those who are affected by decisions assures a better fit of local services to local needs. Virtually any criterion of "equality" dictated from above (equal dollars per pupil, for example) would have to be grossly general and necessarily gloss over one or all of these dimensions.

A similar advantage of local choice lies in the possible desirability of some "inequality" of schools. Schools, after all, are not an end in themselves; much of their purpose is fixed by the general goals of society. When the state permits variation in local commitment to schools, by minimum and maximum tax rates, the local community has discretion to adjust the blend of its total services, educational and otherwise, so as to achieve better these broader goals. Thus $50,000 extra in social services may be more effective in achieving the broader goals of "education" in a general sense than $50,000 in schools. It is also possible that the extra $50,000 is better kept in the taxpayers' pockets; clearly at some point the marginal utility to the community in question of extra money in schools must be too small to justify another dollar.[10] Similar considerations may apply to the diverse needs of subcultures within the general society. Computers and closed circuit television imparting knowledge of calculus and oriental languages will best meet the needs of one district. Montessori and vocational schools another.

There are other, more diffuse advantages of subsidiarity. While it is possible for a community under a local option system to undervalue education, it is also possible—even likely—that the plurality of independent and self-interested decision-makers will stimulate competition, thus constantly increasing the total commitment of the state to education. Further, local freedom may well mean local creativeness. As with the "grand experiment" of federalism, this may mean more trial and error than experiment, but even this is, for us, preferable to bland monotony. Looking at the same argument from the lower level, subsidiarity in education forms (literally) a school for democracy, providing experience in government for the maximum number of people; also, the persons really affected in the constituency are infinitely more likely to come into face-to-face contact with local decision-makers than with centrally located ones. It means, too, an additional political option for the citizen. His participation in local decisions never forecloses his involvement at state levels. To complete the sketch, it can be said that there are also real advantages in amateurism. Educational administration is not noticeably overpopulated with philosopher kings. Even if it were, education is too important to be left to professionals whose plenary control under a centralized system would be difficult to avoid.

In recent years, the historic subsidiarity of state systems of education has come under attack for at least two good reasons. One is the difficulty of lessening racial segregation in our great city school systems in the absence of an interdistrict authority that can order the use of facilities in accessible suburbs. This is not our subject (though we may observe that special-purpose interdistrict authorities are not necessarily inconsistent with a general district system). The other reason for the attack on subsidiarity is its apparent incompatibility with equality of opportunity in the fiscal sense. The poor districts have begun to awaken to the fact that the autonomous district system has something to do with the financial inferiority of their schools. But even while subsidiarity has been under this attack from fanciers of uniform solutions, it has ironically been given a new lease on life by some of its most prominent victims. Black community groups have begun to press, sometimes with success, for something resembling the very "autonomy" which heretofore has crippled the poor district." These groups appear willing to risk equality of opportunity for the sake of greater local control; and a risk it is, for they are not typically wealthy communities and are dependent upon continued outside toleration and support. The stage seems set for a curious struggle for a community "freedom" that in fact can only remain

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an intolerable bondage to the financing authority until community solvency accompanies community autonomy. No way yet has been perceived to harmonize subsidiarity and equal opportunity; there is still a real possibility that centralization and uniformity of fiscal policy will be seen as the only "solution." We think a policy answer can be suggested that will save both values. That answer has the further virtue of being complicated and expensive and is, consequently, an ideal reform.

Preliminarily, however, there are two elementary points to be clarified. First, it must be apparent by now that we have focused upon the state instead of the federal government as the primary source for reform in public education. This is not because federal power is irrelevant; it is simply that the constitutional responsibility we seek to establish is more easily fastened upon the state and, also, that we think the proper federal role is ancillary and remedial in character, even if it is crucial and extensive. That role will be elaborated in Part II, but it should be stated here that the federal role cannot begin to make sense until the states put their own houses in order. It is clear from the data in Appendix A that the states, because of their varying wealth, stand to one another much as school district do within states; but it will only be when the states have ceased to discriminate by wealth *inside* the state that the federal government can begin intelligibly to ameliorate the effects of differences in wealth among them.

The other point to be clarified is the wider implication of subsidiarity. Examples given of its application thus far have all involved school districts and their powers and duties; but there is nothing to prevent extension of our analysis to the level of the family. It is quite possible to argue that the locus of decision about the financing of public education could and therefore should fall on the family, and we will eventually outline a system harmonizing equality and subsidiarity at the family level.

JUGGLING THE VALUES

To understand the apparent conflict between equality of opportunity and subsidiarity, something must be said of the form and effects of a district system of education. Some kind of local support necessarily is involved in the application of subsidiarity to school finance. When it is said that communities must evaluate how much education is worth to them, financial sacrifice is implied. If all the money earmarked by the state for education comes from outside the district just for the asking, local choice is effectively removed. Voters in general would elect the best education available. If subsidiarity is to make any sense, the acquisition of more education must cost the district, just as all other market choices cost, and there should be fewer dollars left for other things.

Allocating wealth among needs, the purchaser (the district) is guided by the totality of everything that is needed and that can be afforded. In the abstract, except for the inequality proceeding from free choice, there is nothing in this kind of local tax support that must produce inequality—a fact which helps explain why the practical effects of existing systems are widely misunderstood. If all districts were equally wealthy in proportion to the amount of education to be provided, inequalities of expenditure might be tolerable. But wealth is not evenly distributed. Indeed, distribution is very uneven, with some districts rich and others poor. The resulting inequities are the source, stimulus, and subject of this book.

The consequence of uneven distribution of wealth is wide variation in the sacrifice necessary to produce the same amount of money. As a result, the multitude of decisions that are made by districts regarding commitment to education is everywhere weighted by wealth. In order for a poor district to procure a school as good as its thrice rich neighbor it must be willing to tax three times as hard; even then it may well be prevented from doing so by state-mandated tax maximums. But in either case it is ordinarily left behind in the race for superior schools, for, clearly, the rich district can always stay ahead if it decides to.

Of course, this systematic hobbling of poor districts in the race for good schools is precisely the condition that conflicts with basic democratic values. The public school system has taken on the evils of the private school system it replaced. In a race for better schools that is fueled by the kudos and hard cash offered by colleges to the best educated students and then reintensified by comparisons of college entrance test scores, the poor districts are doomed to failure by their poverty.

It is group poverty produced by distinctive residential and wealth patterns which is determinative rather than individual poverty, but for most children the outcome is the same. To the extent that extra dollars can purchase educational resources, the people in richer districts can afford to keep their children ahead of those in poorer ones. Often poorer districts tax themselves at higher rates than richer districts, only to garner significantly lower yields. The difference in ability to pay is thus taken out on the children in quality of schools, as well as out of the depleted tax base of the district. Subsidiarity under such circumstances is not only unserviceable; it is hard to see how it can be invoked as a supporting value in the first place, if one of its presuppositions is the uniform—or at least general—competence of the decision-making unit to perform the particular function. We have ceased to depend upon the family alone to teach the child precisely because of the gross differences in educative capacity among families. Our society has decided that the value of educational "home rule" is outweighed by the homes' differential ability to perform the task, and public education has come to replace the family with larger economic and administrative units. But if for variations in family ability we have substituted a similar crazy quilt of district abilities, it is hard to see that we have satisfied the assumption underlying the preference for subsidiarity.

It is of absolutely vital importance to understand that *between the values of equality and subsidiarity, as we have defined them, there is no direct conflict such that choice of one implies abandonment of the other.* Recall that the standard for equality of educational opportunity was framed in the negative. That proposition is satisfied when decisions regarding commitment to education are free of local wealth determinants: to make them so, in the purchase of education it should "hurt" as much for a poor district to raise an extra dollar as a rich one, but it should hurt no more. The mechanism by which proportionality of sacrifice can be obtained will be explored briefly at the end of this chapter and in detail in Part II. To prepare for its explanation a brief section on terminology is in order.

BASIC FACTORS IN SCHOOL DISTRICT FINANCE

The discussion of equality and subsidiarity has thus far proceeded on an abstract level. As the focus shifts increasingly to the existential, it will be necessary to discuss at some length the process of purchasing education in order to render intelligible the reforms that can assure the harmonizing of equality and subsidiarity. The reality of school financing is sufficiently complex and difficult to describe that we must set out some of the major potential sources of misunderstanding and indicate some of the assumptions we will be making later. Though most clarification will be reserved for Chapter 1, three points should be stated here.

First, equality of school districts has no meaning unless we can state the amount of education that must be accomplished in the district ("educational task"); the existence of an equal number of identical school buildings and teachers in every district in the state would obviously leave districts with more students relatively pressed. Equality must be measured according to some unit of educational task; for the moment, and throughout, unless otherwise specified, the task unit we will employ is the individual student. If we say that school districts are spending the same amount on education, we mean that they are spending the same amount per student.

Second, there are technical and, within limits, arbitrary decisions to be made by the state. What is "education" and what is not? In some districts, unrelated community services may be appended to the school; financing of these would not have to be free from local wealth determinants to satisfy our principle. The distinction between current and capital expenditures might be more troublesome. Educational quality is often measured simply by current expenditures because it is thought that these have the most direct impact on the true quality of the school;[12] also, there are formidable problems which inhere in the accounting of capital expenditures. Nevertheless, many modern proposals for reform include capital expenditures.[13] In general these conundrums are no problem for us. We are less interested in the specific substance of education than in its distribution; all we assume (unless otherwise indicated) is that, whatever standards the state is using, they are the same for each district.

Third, there is another basic limitation to the debate. We are interested in the problem of interdistrict discrimination, not in the duty of the school district to distribute its resources to its own constituents according to some standard of rationality or justice. Others have treated of the latter issue,[14] and more surely will follow. The issue for us is not whether a specific school fails to meet some criterion or other, but whether the children of school district 124 are being cheated because of something about the district taken as a whole in comparison to other districts. Thus, ironically, the question of an "equal school" does not concern us except as one potential side effect of reform of the state structure; the actual quality of the individual child's education is technically irrelevant, and the existing wrong he suffers is perceived, for our purposes, solely in the state's treatment of the child's district. To invert the irony, the child may in fact receive a splendid education and yet be cheated by discrimination against his district. We deal, then, in collectives. Further, and crucially, by accepting local decision-making we permit differences in per pupil expenditures from district to district. Again, our formula for equality of opportunity is satisfied by the insulation of quality from the influence of wealth, other than the total wealth of the state. All that need be done to purify the district system is to bestow equal power upon the districts to generate dollars—though, of course, many other solutions also would be consistent with the principle.

THE COST-QUALITY QUESTION

If we are to speak of equality, we must first reckon with quality. There must be some standard for judging whether education is better in one district than in another. We have already distinguished two basic views of equal opportunity—the objective school concept and the subjective child-performance concept—and the difference is relevant here. Having chosen the objective standard, the measure of quality becomes not what is achieved but what is available. This way of stating the issue very nearly dictates the

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answer. What is available becomes whatever goods and services are purchased by school districts to perform their task of education. Quality is the sum of district expenditures per pupil; quality is money.

This approach may appear excessively formal, but it has significant advantages. Its employment reduces the problem of quality to manageable simplicity. Money is the only measure applicable to every element in the educational process—salaries, plant, equipment, and so on: all educational goods and services are objects of purchase. Consider the alternative measures necessary to cope with fifty state systems, each of whose districts exercises a wide administrative discretion in spending. Should the question be whether two hours of folk singing equal one of history? Or whether four teachers with B.A.'s equal three with M.A.'s? We have no stomach for such an imbroglio. Ultimately we will need a standard appropriate to the rigors of judicial proof, and the only convincingly quantifiable item in the spectrum is money available for the general task of education in each district.

The statutes creating district authority to tax and spend are the legal embodiment of the principle that money is quality in education. The power to raise dollars by taxation is the very source of education as far as the state is concerned. By regulating the rates of taxation, typically from a minimum to a maximum, the state is in effect stating that dollars count (at least within this range) and that the district has some freedom to choose better or worse education. If dollars are not assumed to buy education, whence the justification for the tax?

The formal dollar standard for measuring quality would suffice as a basis for our central theme, that wealth must not determine the quality of public education; indeed, it is an integral part of that theme. Suppose, however, it could be shown that those objects which education is designed to promote—knowledge, skills, personal development—would be served equally by forbidding the operation of all schools, public and private. If in fact dollars for schools have no positive effect upon those objects, this book is largely a sterile exercise and all the excitement over the school finance question is a mere distraction. Indeed, something more than merely "some positive effect" would be needed to justify the costs borne by the taxpayer in the name of education. Legislators have assumed, the courts have assumed, society has assumed that spending for education in fact purchases some effect worth having and that more spending will purchase more of that effect. Historically, educators, with near unanimity, have asserted a powerful cost-quality relation in education.[15] Suburban "light house" districts have built their reputations (and their swimming pools) on that foundation. Paul Mort, a leader in this field for forty years, suggested that the cost-quality relation may even be an accelerating one—that the last dollar spent in the district of highest expenditure may be the most productive of all expenditures.[16]

Of course, all of this could be sheer fantasy fired by the self-interest of educators, and America may have wasted all or a fair share of the hundreds of billions it has poured into schools; such heretical notions have received a certain ambiguous support in recent years. This has been the unlikely fallout from massive efforts of social science to explore the effects of racial segregation. The Coleman Report on equality of educational opportunity ironically has been the source of certain of these doubts.[17] Our sole concern with this very complex document centers in its hesitant suggestion that, for certain classes of students, per-pupil expenditures show little relation to achievement if social background and attitudes of individual students and their classmates are held constant.[18] This "conclusion" has been used as ammunition in the sometimes nasty debate over the relation between the goals of racial integration and compensatory education. Some integrationists (not Coleman) seem to adopt the position that the poor—at least the black poor—are incapable of academic improvement except in integrated schools. We find this particular use of the Report difficult to understand and risky in its implications; even the authors themselves hedged the conclusion in several respects, and the Report's authority on the point is uncertain. Bowles and Levin recently have argued that the research design employed by Coleman was "biased in a direction that would dampen the importance of school characteristics. . . ."[19] The Report, for example, was not designed to take into account such arguably cognate factors as class size; further, it used only gross district expenditure figures although individual schools within districts vary widely in per-pupil cost. Nevertheless, even utilizing data in the Report itself, Bowles and Levin found that "some school inputs appear to have significant effects on achievement."[20] Teacher salaries are probably the most significant factor:

"The same teacher characteristics that account [in the Report] for significant variations in achievement relate directly to instructional expenditures. In a multiple regression analysis using the survey data, teachers' characteristics explain about three-quarters of the variance in teachers' salaries.

"The implication of this evidence is that higher expenditure on teachers' salaries does indeed lead to higher achievement levels among students."[21]

A more recent study by Thomas Ribich has attempted to evaluate the cost-benefit relation in those few "compensatory" programs who have collected data in anything approaching a systematic fashion.[22] Ribich's painstaking analyses suggest, if anything, a variety of sometimes conflicting relationships between cost and purely economic benefits from added dollar increments. His analysis seems to show, as one would expect, that a good deal depends on what kind of education, for whom, at what level, with how many extra dollars added to what base, and so on. The relationships that did appear were relatively mild.

Ribich concludes, and we repeat, that all efforts at measuring expenditure efficiency risk the objection that there is no agreement on just what effects schools are intended to have. If one is concerned only with reading scores or I.Q.'s, one kind of conclusion may be drawn; but there are countless ways to state the benefits of education.[23] Ribich's analysis was set largely in terms of fighting poverty: that is, of calculating economic benefits only, and not of assessing quality in the sense of the child's personal development or of the total increase of his opportunities for a useful and happy life as a consequence of his education. Nonetheless, Ribich concludes candidly that, even within the limited compass of his study: "It is at best questionable . . . whether these first-round projects are truly representative of what large scale, broadly based programs can do to fight poverty."[24]

There are similar studies suggesting stronger positive consequences from dollar increments, and there are others suggesting only trivial consequences,[25] but the basic lesson to be drawn from the experts at this point is the current inadequacy of social science to delineate with any clarity the relation between cost and quality. We are unwilling to postpone reform while we await the hoped-for refinements in methodology which will settle the issue. We regard the fierce resistance by rich districts to reform as adequate testimonial to the relevance of money. Whatever it is that money may be thought to contribute to the education of children, that commodity is something highly prized by those who enjoy the greatest measure of it. If money is inadequate to improve education, the residents of poor districts should at least have an equal opportunity to be disappointed by its failure.

Of course one might assert that, though money may be a good measure of quality, this could hold true for rich districts only. Such a notion might require us to assume falsely that nonpoor families seldom inhabit poor districts or that children of the rich are homogeneous; nevertheless, let us suppose for the moment that such is the case. According to the thesis, these children of poor districts (especially those of rural and urban lower class minority families) can absorb only the most rudimentary and (hence?) inexpensive instruction because of environmental or genetic misfortune: the three R's are hard enough to get across without trying anything tougher. Rich children, on the other hand, prepared and motivated, are capable of soaking up the most esoteric offering. Hence it is proper to prefer them in spending. The gross condescension of this argument should be enough to condemn it, but it is regrettably persistent in important private circles. The simple factual responses to it are two. It may be true that, on the average, the educational needs of various groups differ, so that instruction effective for one group would be wasted on another,[26] but it is not necessarily true that costs will differ in a uniform manner between the different kinds of instruction required by each group. Part of this ambiguity arises from differing goals, vocational versus college preparatory for example, and part from differing techniques to reach the same goals. Even the relation between cost and the level of education is quite ambiguous. For all we know, it may be more expensive to teach monkeys to do somersaults than to teach human children to read; nothing in the sheer academic level of the educational job reveals anything about its cost. Historically, in fact, vocational training has been among the most costly. In any event, even assuming that you "get less for your money" with poor children, this doesn't mean such children haven't the right to equal schools. We concede that equal opportunity across the board will not produce equality in a performance sense; still, one doesn't force a losing baseball team to play with seven men.

But there is an even more fundamental difficulty with the uneducable poor argument which renders some of the above needlessly elaborate. Would it not be miraculously coincidental if capacity to use money efficiently were distributed precisely as is school district wealth? Does it seem likely that a system with its historical roots in fiscal considerations would "happen" also to take on a structure related to educational need? The obvious answer to these questions indicates something very fundamental about the uneducable poor argument: it is a rationalization. There is no "educability" standard to debate, there is only a rich-poor standard.

False Issues Concerning Money and Quality. The cost-quality question is occasionally obscured by two arguments that are essentially irrelevant. The first is that schools cannot cure society's ills even with fiscal equity (or, that equal schools will not result in equality of opportunity) and that, therefore, reform elsewhere is more appropriate. We concede the premise, but the conclusion is a non sequitur. Fiscal reform in education concededly is not the sufficient condition of a utopian tomorrow, it is only one of many steps necessary if we expect to realize the societal goals we preach. But it is a step, and the objection is not germane. The children of poor districts have a right to equality of treatment, notwithstanding the impotence of schools to solve all their problems.

The second objection, somewhat closer to the mark, insists that administrative reforms

Footnotes at end of article.

must accompany fiscal reform if money is to achieve maximum effect.[27] More money, it is said, will not increase quality so long as and to the extent that the structure of the educational bureaucracy frustrates its efficient application to needs. For example, even if it were assumed that poor urban districts could afford salaries and class sizes equal to suburban districts, equality would not be guaranteed; slums are dangerous, slum children are hard to teach, and few teachers would wish to live within easy commuting distance. Yet the administrative system continues to permit experienced teachers to elect safer neighborhoods and superior young teachers to choose the suburbs in the first place. Equal money power could help to alter this pattern, but administrative changes permitting state control of assignment of teachers to districts might be equally important. Again, however, there is no incompatibility. Fiscal equality will be the answer to some problems; administrative reform to others; both to still others.

A PREVIEW OF THE SOLUTION TO INEQUALITY OF EDUCATIONAL OPPORTUNITY

There are a number of ways to satisfy the basic principle that wealth should not determine the quality of public education. One, of course, is the abolition of public education. Another is the abandonment of subsidiarity by the creation of a completely centralized state system with expenditures either equalized on a per-pupil basis or rationalized according to need and/or other criteria. As we proceed laboriously to lay bare the existing extent and mechanisms of discrimination against the poor, the reader may begin to despair of any middle path that can preserve the subsidiarity built into the existing system while satisfying the principle of fiscal equity. It may therefore be useful in these next few pages to delineate in skeletal form the solution we propose, not as required by the Constitution, but simply as the most desirable social and educational policy. The description will evoke a dozen objections besides those we will raise ourselves; but we trust that the reader will eventually pursue possible answers to the objections in the denser thickets of Part II.

Our approach depends for its practical effect upon manipulation of tax systems. Equal district power is the key. The concrete financing proposal may be stated thus: equal tax rates should provide equal spendable dollars. That is, the local unit would be empowered to fix the tax rate (effort) to be imposed upon a specific class of local wealth. For every level of local tax effort permitted by statute, the state would have fixed the number of dollars per task unit (probably per pupil) that the district would be empowered to spend. The state also guarantees that this number of dollars will be available to the district. Assume, for example, that by statute a fifteen-mill district tax rate makes $600 per pupil available to the district. If the local levy raises less than $600, the state makes up the difference from a fund generated by taxation of general state wealth. If the local tax produces an excess (it can be set so that it never does), that excess is redistributed to poorer districts within the system.

The local share would come probably from a levy on real property, though income would be superior as a fair measure of the district's ability. Whatever the source, it must be a reasonably accurate measure of wealth, and it must be reasonably local in its incidence, for the aim is to provide a measure of the district's sacrifice.

The state tax that supplements insufficient district collections in theory should be progressive to the degree that the decisions of individual taxing units about their appropriate sacrifice for school expenditures are all made on an economic parity. Such a fine adjustment may be too much to expect, but in any event it should not be a regressive tax.

A highly oversimplified example may help.[28] Imagine a state divided into two school districts, A and B, each with 100 pupils. District A has a total wealth of $10,000 ($100 per pupil). District B has a total of $90,000, or $900 per pupil. Each decides to tax its wealth at the rate of 10 percent for schools, yielding respectively $10 and $90 per pupil. Under our basic value judgment, district A is $80 short—it tried just as hard, so it should be able to buy just as good a school. The $80 must come from a state tax. Since the total wealth of the state is $100,000, in order to raise the $80 per pupil for district A the state chooses to levy a flat 8-percent tax, producing $72 per pupil from district B and $8 from district A. Now look at the example from the other side. In *gross taxes* per pupil district A has paid $10 (local) plus $8 (state), or $18. District B has paid $90 (local) plus $72 (state), or $162. *As a percentage of local wealth, each total tax is exactly the same,* while the redistribution of wealth has produced equal expenditures. Each is taxed at 10 percent locally and 18 percent totally, each has $90 to spend—from each according to his ability, to each according to his effort.

We call the scheme "power equalizing." Eventually we will show that it may be used to equalize either governmental units such as school districts or that it may be applied to families. It is imperfect; it is probably feasible; it is vastly superior to any existing system; it preserves most of the present systems. It takes advantage of an interesting phenomenon that will emerge in Part I: poor districts show a tendency to tax themselves as hard as or harder than rich. Under existing systems this sacrifice by the poor is unrewarded, for it is imposed on an inferior tax base and produces inferior education. The solution suggested would sacrifice nothing but the right of the rich to have superior public schools with less effort. It would insist that if you want to be number one, rich or poor, you must try hardest.

APPENDIX A—THE STATE-NATION ANALOGY TO THE DISTRICT-STATE PICTURE

The variation among the states themselves mirrors the pattern of district variation within the states. One of the implications of this is that large-scale federal aid to education is needed if we are to achieve full national equalization. This, of course, is not our major concern, but national analysis can be helpful because it suggests by analogy what is happening within given states.

Among the states, as within the states, variation in expenditure per pupil is a product of the state's (1) task, the amount of educating to be done; (2) gross ability, the total public wealth available in dollars; and (3) effort, the interest and willingness of the people to tax themselves for schools (F. W. Harrison and E. P. McLoone, *Profiles in School Support: A Decennial Overview* [Washington: Government Printing Office, 1965], p. 96).

Task can be cast in terms of the number of classroom units that must be served; such units not only count pupils but also adjust for a variety of factors so as to derive a comparable measure of the educational burden faced in a great diversity of settings. The notion of *relative* task (which allows comparison between populous California and sparsely inhabited Wyoming, for example) can be measured by the number of classroom units to be served for every 1,000 in population. In general, a lower relative task is found where there are "lower birth rates, more private school attendance, restricted coverage of school attendance laws, more satisfactory attendance areas, and dense population" (Harrison and McLoone, p. 100). The national average is 7.73 classroom units per 1,000 population (as a guide, one can expect something like one unit for every 25 pupils). Here are the national extremes (in terms of units of 1,000 population):

Heavy	
South Dakota	12.03
North Dakota	11.17
Oklahoma	10.66
Light	
Rhode Island	5.81
New York	6.19
Illinois	6.41

Another way of looking at relative task is simply in terms of the number of pupils in daily attendance per 1,000 population. The national average is 181; the national extremes follow:

Heavy	
Utah	231
Wyoming	226
West Virginia	225
Light	
Rhode Island	135
New York	147
Illinois	149

It is evident from these task figures that a large variation exists in educational task to be accomplished. That is, having controlled for population differences among relevant units (here the states), one finds that public education systems still have highly different burdens.

Ability, as previously defined, can be measured by the property tax base (gross assessed valuation) or in other ways, for example, by total personal income. Ability alone is not directly helpful. Ability per educational task unit is helpful and is what we call wealth throughout the book. Thus wealth can be measured by assessed valuation per classroom unit or, for example, by personal income per classroom unit. It is a measure that serves as an ideal comparative device—it tells us which education providers are rich and which are poor. The great national variation in wealth is clear below, where the national extremes are compared in terms of the percentage that local wealth (state valuation per classroom unit) is of national median wealth. With the national median 1.00, the relation of median personal income per classroom unit to the national standard can be expressed:

High	
New York	1.58
Illinois	1.44
Delaware	1.44
Low	
Mississippi	.44
South Dakota	.45
Arkansas	.49

With the national median again at 1.00, the same relation for median property values can be expressed:

High	
Illinois	1.44
Nevada	1.43
Texas	1.33
Low	
Mississippi	.42
South Carolina	.43
Alabama	.51

Two facts are now clear. The more important is the great variation—better than a 3–1 relationship—between richest and poorest states; the same or much worse can be expected regarding districts within a state. In addition, the difference in the two sets of figures suggest that property valuation may not be a perfect indicator of income, which is a matter discussed elsewhere in the book.

Finally, effort is measurable by the percentage that funds spent on education are of some measure of wealth. In terms of spending as a percent of personal income, the national figure in 1959–60 was 2.79 percent. Compared here are the efforts, in terms of the percentage that current educational expenditure is of personal income, of the high and low wealth states mentioned above.

Footnotes at end of article.

Selected States	
South Dakota	4.50
Mississippi	3.25
South Carolina	2.93
Alabama	2.83
Arkansas	2.80
Nevada	2.83
New York	2.77
Texas	2.69
Illinois	2.31
Delaware	2.26

Clearly, the poorer states, just like the poorer districts, are forced to make a greater effort than their sister states.

FOOTNOTES

[1] Thaddeus Stevens, "An Appeal for Tax-Supported Schools," in C. H. Gross and C. C. Chandler, eds., *The History of American Education through Readings* (Boston, 1964), pp. 114–115.

[2] The idea that merit alone should determine wealth and power is actually very old. Plato's education system was intended to apply to a very small group—magistrates and military men—excluding businessmen, farmers, and, of course, slaves. Yet within the military and magistrate classes, all privilege of birth was to be abolished in favor of physical, moral, and intellectual excellence. As for the excluded classes, it is misleading to apply the contemporary model of mass democracy; there is abundant evidence that, within the limitations of political reality, Plato's egalitarian sentiments extended to those classes as well (except for slaves). See R. C. Lodge, *Plato's Theory of Education* (London, 1947), pp. 234–259. Dewey observes that Plato had no perception of men as individuals, however: education would determine which class an individual should enter, rather than liberate unique capacities; John Dewey, *Democracy and Education* (New York, 1963), pp. 89–90. Plato's idea may since have gained a curious renascence through our heightened awareness of the link between education and social class. See also F. A. Hayek, *The Constitution of Liberty* (Chicago, 1960), pp. 92–93. See generally M. M. Tumin, *Social Stratification* (Englewood Cliffs, 1967), pp. 1–4, for a brief discussion of the ubiquity in Western culture of the proposition that equality of opportunity refers to stratification by merit rather than by birth.

[3] See, e.g., The Rockefeller Brothers Fund, "Excellence and Equality Are Not Incompatible," in Gross and Chandler, *History*, p. 420.

[4] Dewey, *Democracy and Education*, pp. 87–88.

[5] Education's importance in this regard has been greatly magnified by the modern economy. As the economy becomes more specialized and the work environment more bureaucratized, technological, and national, the quality and level of education become increasingly determinative of success in life. At whatever earlier occasion sheer "adaptability" as the focus of training might have sufficed as a kind of universal success factor, and however desirable it remains, it is today an insufficient qualification for success in most areas of the economy. We have indeed witnessed the death of the salesman, and if the "sales engineer" is his legitimate progeny, he is not a chip off the old block. Training, even for the pseudo-engineer, unmistakably implies formal education of a substantial character. See C. S. Benson, *The Economics of Public Education* (Boston, 1961), pp. 220–221.

[6] From the earliest times the state has perceived its interest in education: Aristotle, *Politics*, v. 9, in *Great Issues in Education* (Chicago, 1956), I, 87; Stevens, in Gross and Chandler, *History*, pp. 111–114, 119; Horace Mann, "An Educator Speaks on Education," *ibid.*, pp. 94, 101. This interest may be in preserving a stable and perceptive constituency, as suggested by Aristotle, Stevens, and Mann, or in economic prosperity. See articles by H. M. Groves, Theodore Schulz, R. D. Baldwin, H. P. Clark, and Edward Denison, in C. S. Benson, ed., *Readings on the Economics of Education* (Boston, 1963), pp. 7–41.

Whatever the lure, it is fascinating to observe the onesidedness of this point as it is made in educational literature: The state is seen to have an *interest* in demanding a minimum of education from everyone but to have no corresponding *duty*, having entered the field, to dispense the service fairly. See Sidney Webb in Benson, *Economics of Public Education*, p. 218. This is in spite of the fact that the same underlying "neighborhood effects" support both the right and the duty. If an ignorant man has wide social and economic impact he is also widely impacted by society and economy. See Milton Friedman, "The Role of Government in Education," in Benson, *Perspectives on the Economics of Education*, pp. 132–134. By some legerdemain it seems the state can enter the field of education because of interlocking social and economic effects, intensify the necessity of education a la Sputnik, and then without challenge apply differential pushes to its trainees on the basis of wealth!

[7] Hayek, *Constitution of Liberty*, pp. 92–93. Here Hayek is curiously reminiscent of the words of President Jackson's veto of the bank bill: "There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does it rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing" (J. D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1787–1887* [Washington, D.C.: U.S. Government Printing Office, 1896–1899], II, 590).

[8] The principle is of course imprecise and is often invoked in support of conflicting positions of the proper location of responsibility and power in a specific case. It is expressed thus in *Quadragesimo Anno*, an encyclical of Pope Pius XI, par. 79: "It is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community. It is also an injustice . . . to assign to a greater and higher association what a lesser and subordinate organization can do." See also Austin Fagothey, *Right and Reason* (St. Louis: C. V. Mosby, 1967), pp. 319, 421–422; John XXIII, *Pacem in Terris*, pt. IV (New York: Paulist Press, 1963); J. Messner, *Das Naturrecht* (Innsbruck, 1966), pp. 294–304. The primary value that the principle purports to guard is independence. In scholastic thought dependence, whether imposed or voluntary, is an imperfection in man's nature; J. F. Kenney, "The Principle of Subsidiarity," *The American Catholic Sociological Review*, 16:31–36 (March 1955). The pervasiveness of the principle in American thought is illustrated by the Ninth Amendment, "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and the Tenth Amendment, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The concept is not to be confused with "pluralism," which is concerned with the interrelation of social, cultural, and religious groups in a factually differentiated society. Subsidiarity can be satisfied in a homogeneous culture; pluralism cannot. Pluralism can be used either in a descriptive or normative sense; subsidiarity is purely normative.

[9] See generally Benson, *Economics of Public Education*, pp. 226–229.

[10] There is a philosophy of local government, sometimes called the "political economy" school, which holds that a community has a "right" to poor services so long as its taxes are at a low level to compensate the residents; see Benson, *Economics of Public Education*, p. 241, referring to the words of James M. Buchanan and Kjeld Phillips.

[11] See generally Martin Mayer, *The Teachers Strike: New York, 1968* (New York, 1969); *Reconnection for Learning: A Community School System for New York City* (Report of the Mayor's Advisory Panel, 1967).

[12] This was the method chosen in an excellent study of the cost-quality relationship; H. H. Woolatt, *The Cost-Quality Relationship in the Growing Edge* (New York, 1949), pp. 32–33, reviewed by P. R. Mort, "Cost-Quality Relationship in Education," in R. L. Johns and E. L. Morphet, eds., *Problems and Issues in Public School Finance* (New York, 1952), pp. 15–17.

[13] The late Paul R. Mort not only recommended to the New York State legislature that the current debt services be included in determining state aid, but he advocated the dissolution of excessive accumulated debt principal as well. Seventy-five percent of the total accumulated debt which could not be redeemed by a 2-mill tax was to be redeemed by the State. P. R. Mort, "Unification of Fiscal Policy in New York State," in C. S. Benson, ed., *Perspectives on the Economics of Education* (Boston, 1963), pp. 342–343.

[14] Harold Horowitz, "Unseparate But Unequal—The Emerging Fourteenth Amendment Issue in Public School Education," *U.C.L.A. Law Review*, 13:1147 (1966).

[15] See, e.g., C. S. Benson, *The Cheerful Prospect: A Statement on the Future of Public Education* (Boston, 1965), pp. 22–26; W. D. Firmon, "The Relationship of Cost to Quality in Education," in National School Finance Conference, Committee on Educational Finance, ed., *Long Range Planning in School Finance* (Washington, D.C., 1963), pp. 101, 107; H. J. James, J. A. Thomas, and H. J. Dyck, *Wealth, Expenditure and Decision-Making for Education* (Palo Alto, 1963), p. 125.

[16] Mort, in Johns and Morphet, *Problems and Issues*, pp. 9–10 (review of studies).

[17] J. S. Coleman *et al.*, *Equality of Educational Opportunity* (Washington, D.C.: U.S. Government Printing Office, 1966).

[18] *Ibid.*, p. 325.

[19] Samuel Bowles and Henry Levin, "The Determinants of Scholastic Achievement—An Appraisal of Some Recent Evidence," *Journal of Human Resources*, 3:3 (1968). According to Bowles and Levin a fundamental bias was the introduction of a background variable in the regression analysis before the resources variable. Since expenditures were highly correlated with background, the variable first introduced would "wash out" the other. While this choice was based upon the proposition that background precedes school spending in time, the authors of the Report in fact offer no time analysis of the mutual influence, if any, of child resource and school resource. *Ibid.*, pp. 13–16 and n. 24. But see Coleman's reply, *Journal of Human Resources*, 3:237, 240–244 (1968).

[20] *Ibid.*, p. 9.

[21] *Ibid.*, p. 10.

[22] Thomas Ribich, *Education and Poverty* (Washington, D.C., 1968).

[23] *Ibid.*, pp. 100–132. That the problem of defining output poses an almost insuperable barrier to establishing an input (money)-output relationship, see Jesse Burkhead, *Public School Finance* (Syracuse, 1964), pp. 76–77, 92 (chapter based on materials prepared by Harold F. Clark).

[24] Rabich, *Education and Poverty*, p. 62.

[25] For evaluation of a number of studies, see Henry Dyer, "School Factors and Equal Educational Opportunity," *Harvard Educational Review*, 38:38 (1968); James Guthrie and J. A. Kelly, "Compensatory Education—Some Answers for a Skeptic," in E. Keach, R. Fulton, and W. Gardner, eds., *Education and Social Crisis* (New York, 1967). The most recent major report is the "preliminary draft" of the evaluation of Head Start programs. "The Impact of Head Start," mimeographed (Westinghouse Learning Corp.,

1969). Its report of minuscule lasting gains already has caused at least one of its consultants to denounce its methodology and withdraw the use of his name. Another rather gloomy report is that based on data from the More Effective Schools Program in New York City. Here students showed minimal achievement gains from large increases in expenditure; but the increases went mostly for smaller teaching units. The MES data suggests the limited value of the particular technique used alone, but not the hopelessness of every program which might cost more money. See David Cohen, "Policy for the Public Schools: Compensation and Integration," *Harvard Education Review*, 38:114 (1968); "Defining Racial Equality in Education," *U.C.L.A. Law Review*, 16:255 (1969).

[26] Arthur Jensen, "How Much Can We Boost IQ and Scholastic Achievement," *Harvard Education Review*, 39:1 (1969). See also the critiques of the Jensen article in *Harvard Education Review*, 39:273–356 (1969).

[27] See Benson, *Cheerful Prospect*, pp. 71–74, 117–118.

[28] See the closely similar Table 7.1 in Benson, *Economics of Public Education*, p. 243. Benson's demonstration of the evenhandedness of this type of grant provided a primary clue to the more general solution we have adopted as our own.

[From Saturday Review, Nov. 20, 1971]

FINANCING SCHOOLS: PROPERTY TAX IS OBSOLETE—THE CALIFORNIA DOCTRINE

(By Arthur E. Wise)

On August 30, 1971, the Supreme Court of California announced what may become as historic a decision as *Brown vs. Board of Education*. In *Serrano vs. Priest*, the court tentatively concluded that the state's public school financing system denies children equal protection guaranteed under the Fourteenth Amendment, because it produces substantial disparities among school districts in the amount of revenue available for education. The problem to which the case was addressed can be simply stated by an example. The Baldwin Park school district expended only $577.49 to educate each of its pupils in 1968–69, while the Beverly Hills school district, in the same county, expended $1,231.72 per pupil. The principal source of this inequity was the difference in local assessed property valuation per child: In Baldwin Park the figure was $3,706 per child, while in Beverly Hills it was $50,885—a ratio of 1 to 13. Furthermore, Baldwin Park citizens paid a school tax of $5.48 per $100 of assessed valuation, while Beverly Hills residents paid only $2.38 per $100—a ratio of more than 2 to 1.

The idea that the unequal allocation of educational resources within a state might be unconstitutional was first suggested only during the mid-1960s. It was not that the allocation of educational resources among school districts within a state suddenly became unequal in the mid-1960s, nor were these inequities suddenly discovered. Rather, the inequities in school finance were, for the first time, viewed in the light of the then prevailing egalitarian thrust of the U.S. Supreme Court.

The Court, under Chief Justice Earl Warren, had been embarked on a campaign of guaranteeing fundamental rights to dispossessed minorities and had precipitated broad social change. In 1954, the Supreme Court declared that, at least as far as race is concerned, public education is a right that must be made available equally. Beginning in 1956, the Court began to attack discrimination based on wealth in a series of cases concerned with rights of defendants in criminal cases. In 1962, the Court moved to eliminate geographic discrimination by requiring legislative reapportionment. By 1966, the wealth discrimination argument had been extended to voting rights in a case that eliminated the poll tax.

In the context of this historic trend, a Constitutional attack on inequities in educational finance seemed eminently feasible. Many parallels among the rights at stake were possible. More important, perhaps, was the fact that the Warren Court had demonstrated a willingness to guarantee individual rights when legislatures failed to act. State legislatures had been struggling with miserly state school finance equalization formulas for at least as long as they had failed to reapportion themselves.

The California equalization suit was not the first such suit to be prosecuted. Earlier there had been unsuccessful efforts in Illinois and Virginia to challenge the Constitutionality of school finance legislation. The California court took pains to distinguish between the case before it and the earlier ones. The earlier complaints had contended that "only a financing system which apportions public funds according to the educational needs of the students satisfied the Fourteenth Amendment." The lower courts had found the notion of "educational needs" too nebulous a concept with which to deal, and the U.S. Supreme Court had affirmed their decisions that held that the equal protection clause did not apply to school financing. However, the U.S. Supreme Court was obliged to render a judgment when these cases were appealed to it from the lower courts because of a technicality. According to the California court, the U.S. Supreme Court's affirmance of these decisions was substantially the equivalent of a decision not to become involved in the issue at that time. Furthermore, the California court thought that its case was different in that it involved the simpler principle of discrimination on the basis of wealth. It should be pointed out, however, that the earlier cases had perhaps erred because they contained a remedy in the complaint. The California complaint simply attempted to have the present system of finance declared unconstitutional.

There were three steps in the reasoning of the California court as it reached its decision. First, it noted that "the U.S. Supreme Court has demonstrated a marked antipathy toward legislative classifications which discriminate on the basis of certain 'suspect' personal characteristics. One factor which has repeatedly come under the close scrutiny of the High Court is wealth." The California court reviewed precedents in which the High Court had invalidated wealth classifications that infringed on the rights of defendants in criminal and voting rights cases. It appeared to the court that California's school financing system does discriminate on the basis of the wealth of a district and its residents.

While the court had substantial judicial precedent for finding wealth a suspect classification, it did not have judicial precedent for finding education a "fundamental interest." Such a finding was an important second step for the theory that the court was attempting to develop. The court relied upon a number of decisions that "while not *legally* controlling" are "persuasive in the factual description of the significance of learning." The classic expression of this position came in *Brown vs. Board of Education:*

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

These cases, together with the court's own analysis of the importance of education, compelled it to treat education as a "fundamental interest." "Education," the court stated, "is the lifeline of both the individual and society."

The final step was a determination of whether the California school financing scheme, as presently structured, constituted a "compelling state interest." Finding that education is a "fundamental interest" and that the present method of school financing interferes with no "compelling state interest," the court declared:

"The California public school financing system, as presented to us by plaintiffs' complaint supplemented by matters judicially noticed, since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny," it denies to the plaintiffs and others similarly situated the equal protection of the laws."

To this point the court was supporting the proposition that the quality of public education may not be a function of wealth other than the wealth of the state as a whole. [See *SR*, April 17, 1971, p. 76.] This proposition would permit educational quality to vary from school district to school district so long as each district had an equal capacity to raise funds for education. Thus, for example, a community that chose to tax itself at the rate of 1 per cent might have available $400 per student, irrespective of the wealth of that community. A community that chose to tax itself at the rate of 2 per cent might have available $800 per student, again irrespective of the wealth of that community. The state in this scheme commits itself to the specified level of expenditure per student regardless of what it raises by the local tax. The state gives aid in exactly the amount that local resources are insufficient to reach the specified expenditure. This scheme, known as "district power equalizing" is apparently, however, inconsistent with the principle of territorial uniformity.

The court took some pains to argue that territorial uniformity in school finance is constitutionally required. "Where fundamental rights or suspect classifications are at stake," said the court, "a state's general freedom to discriminate on a geographical basis will be significantly curtailed by the equal protection clause." In support of this interpretation, the court first relied upon the school closing cases in which the U.S. Supreme Court invalidated efforts to shut schools in one part of a state while schools in other areas continued to operate. Secondly, the court relied upon the reapportionment cases in which the U.S. Supreme Court held that accidents of geography and arbitrary boundary lines of local government can afford no ground for discrimination among a state's citizens. "If a voter's address may not determine the weight to which his ballot is entitled, surely it should not determine the quality of his child's education."

This analysis is consistent with the more egalitarian proposition that the quality of a child's education may not be a function of

local wealth or of how highly his neighbors value education. In other words, it would prohibit variations in the number of dollars spent on any child by virtue of his place of residence. It would apparently permit variations based on educationally relevant characteristics of the child. One point that remains unclear in the opinion is whether the equal protection clauses applies to children or to school districts. If it is children who are entitled to equal protection, then the quality of a child's education could not be subject to a vote of his neighbors.

It should be clear that the California court simply declared the present system of school finance unconstitutional. It (fortunately) did not prescribe solutions, but apparently left these to be developed by the California legislature. However, because the opinion is somewhat hazy, it is unclear what new plans will be acceptable to the courts. The next steps are in the hands of the defendants and the trial court to which the case was remanded.

(On October 21, the California Supreme Court issued a clarification of its earlier ruling, pointing out that it had not yet actually struck down the school finance system, but had merely ordered the case returned to the trial court. Apparently, however, the trial court, if it determines that the facts are as alleged, must find the system unconstitutional.)

In the weeks since the California equalization decision was announced, perhaps as many as twenty or thirty challenges to school finance legislation have been made throughout the nation. In the first of these to be decided, a federal district court in Minnesota has ruled, on grounds similar to those in the California case, that Minnesota's school financing system is unconstitutional. The court retained jurisdiction of the case but deferred further action until after the current Minnesota legislative session.

One of the most important outcomes of these lawsuits is their effect upon legislative bodies. To be sure, the California and Minnesota decisions explicitly call for responses from the state legislatures. However, the years since the legal theories were developed have seen an unprecedented level of school finance activity on the part of political bodies. While other factors have undoubtedly played a part, the threat of impending lawsuits may have served as an impetus to action in an area that has been characterized by legislative intransigence.

The concept of "full state funding" has entered the vocabulary of education. President Nixon has appointed a Commission on School Finance and is reported to be "deeply conscious of the inequities and the inadequacies of the property tax as the principal source of support at the local level for the cost of education." The Advisory Commission on Intergovernmental Relations has recommended that the states assume "substantially all" of the responsibility for financing local schools in order to grant property tax relief and ensure equal educational opportunity. Governor William Milliken of Michigan has been endeavoring to achieve broad reform in educational finance in that state for the last two years. Reportedly, the Fleischmann Commission in New York State will recommend, before the end of the year, full state assumption of the costs of education, imposition of a statewide property tax, stabilization of spending in wealthy school districts, and ultimately greater spending in districts with poor, disadvantaged youth.

It is quite conceivable that *Serrano*, or a similar case, will be appealed to the U.S. Supreme Court in the near future. If it should refuse to review the decision, the effect would be to leave the judgment standing in California. The California legislature, under the supervision of the trial court, would have to develop a new school finance system, and the pace of filing suits in other states might be quickened. The California Supreme Court, a prestigious state court, would have established a precedent that, though certainly not binding on other courts, would carry some weight. One would expect decisions on both sides of the question. At that point, the U.S. Supreme Court would probably feel compelled to hear a case in order to establish a single interpretation of the equal protection clause in this area. By that time one or more states would have grappled with the implementation of a *Serrano*-type decision and have demonstrated whether or not school finance systems can be operated along lines consistent with *Serrano*.

On the other hand, it is possible that the U.S. Supreme Court would agree to hear an appeal on a *Serrano*-type decision immediately. The Court may be anxious to dispose of this potentially troublesome affair. Indeed, under certain circumstances, the Supreme Court is obliged to accept an appeal and render a judgment. Under present circumstances most observers would not predict that the decision would be upheld, and a negative judgment would spell the end of judicially induced school finance reform for some time. For this reason many legal experts believe that an appeal to the U.S. Supreme Court should be postponed for as long as possible.

The next months, indeed years, will be a time of substantial confusion in the history of American public school finance. A principal outcome of *Serrano* will be to free legislatures from the strictures of the past to experiment with new models of school finance. Efforts at reform will be aided by a growing discontent with the local property tax.

In sum, *Serrano*-type lawsuits are designed to attack our school finance system that effectively deliver more educational resources to children in wealthy communities and less to children in poor communities. The suits have as their objective squaring the reality of school finance schemes with the rhetoric of equality of educational opportunity.

COMPARISON OF TAX RATES AND EXPENDITURE LEVELS IN SELECTED COUNTIES IN CALIFORNIA (1968-69)

County	ADA	Assessed value per ADA	Tax rate	Expenditure per ADA
Alameda:				
Emery Unified	586	$100,187	$2.57	$2,223
Newark Unified	8,638	6,048	5.65	661
Fresno:				
Coalinga Unified	2,640	33,244	2.17	963
Clovis Unified	8,144	6,480	4.28	565
Kern:				
Rio Bravo Elementary	121	136,271	1.05	1,545
Lamont Elementary	1,847	5,971	3.06	533
Los Angeles:				
Beverly Hills Unified	5,542	50,885	2.38	1,232
Baldwin Park Unified	13,108	3,706	5.48	577

Note: Some districts with low expenditures per child in average daily attendance (ADA) have correspondingly low tax rates, but in many other cases the opposite is true. Often districts with very low expenditures per ADA have unusually high tax rates, as a result of their limited tax base, while the tax rate is comparatively low in "wealthy" districts.

Source: Table and text adapted from the decision of the California Supreme Court in Serrano v. Priest.

[From the Legislative Review, Dec. 20, 1971]

LEGAL EXPERTS AND LEGISLATORS DISCUSS SERRANO AT ECS SEMINAR . . . LAWYER SUGARMAN SAYS BASIC EVIL IS THAT LOCAL DISTRICTS CAN TAX . . . LAWYER SILARD OFFERS FOUR LEGISLATIVE OPTIONS . . . WYOMING COURT "URGES" STATEWIDE PROPERTY TAXES FOR COWBOY STATE SCHOOLS . . . MUNICIPAL OVERBURDEN RECOGNIZED IN OHIO . . . REFORMS PROPOSED

Educators and legislators in every state have been talking about and worrying about the *California* Supreme Court *Serrano* decision since it was handed down August 30. Lawyers representing 21 states met in Washington on October 16 to plan a legal assault on local property taxes for school purposes, but it remained for 125 men and women, including 100 legislators from 38 states to get down to some hard-nosed analyses and nitty-gritty discussions at a day-long ECS sponsored meeting in Houston.

A great many pertinent questions were asked:

What does Serrano really mean to the other states? What has happened in California since August 30? What can be expected to happen in the other states in the days ahead? What can the states expect in the way of side effects and lateral problems? What can the federal government be expected to do and not do? What are some of the possible options available to legislatures as the states move to reform their school funding systems, either with or without orders from their respective supreme courts? What are the pluses and negatives of possible legislative options?

And there were answers. They came primarily from Stephen Sugarman, *Los Angeles* attorney in the *Serrano versus Priest* case, and from John Silard, *Washington, D.C.* attorney and author of *Intrastate Inequalities in Education: The Case for Judicial Relief Under the Equal Protection Clause; Wisconsin Law Review. 1970. No. 1.*

Lawyer Sugarman said that while much of the emphasis in post-decision reporting has been on ending property taxation a major effect is that it benefits poor people. Essentially, the Serrano decisions says that *California's* school finance system (which is similar to that of all other states with the possible exceptions of *Hawaii* and *North Carolina*) is for the most part locally based, locally financed and in violation of the 14th Amendment.

"I see that Serrano strikes a blow for rationality in school finance as much as it does for treating children fairly," Mr. Sugarman said. "It says it is no longer permissible for us to let the irrational groupings of property values determine the quality of education that a child gets, that we must adopt some new approach for funding our elementary and high schools . . ."

Since the disparities of the traditional property tax system are found virtually everywhere and since its invidiousness often is related to the amount of industry or the amount of natural resources, Mr. Sugarman believes that the "essential evil of the system is that local districts are allowed to tax . . . allowed to tax an unequal amount of wealth base. Thus everybody's bad example, Beverly Hills, taxes not only its rich citizens, but a fabulous business community along Wilshire."

Soon after the first shock of Serrano wore off, a number of things happened in California, things that may be expected to happen in the other states: A giant committee composed of business, agriculture, education, the minorities and other interest groups was set up to "review" Serrano and make recommendations. Assemblyman Leroy Greene wrote a bill designed to bring the state into compliance. The state senate set up a committee to study the decision. The big cities got together to protect their interests. The governor put his staff to work on it and such rich districts as Beverly Hills got together, hired lobbyists and mapped campaigns to preserve their advantages as long as possible.

So expect a lot of people to get into the act in your state! There will be, as in California, a proliferation of committees, organizations and studies. The interests of some of them will be obvious and apparent; some will not.

Lawyer Sugarman sees all sorts of side problems: bussing for integration, capital expenditures, statewide, standard salaries for teachers, what happens to outstanding bond

issues . . . all of these will be affected in some degree.

Lawyer Sugarman does NOT believe the federal government will force the states to adopt similar plans as they go about the big job of remedying their local property tax systems and does NOT believe the feds will take over financing of the nation's schools . . . but, YES, he does believe the states will be driving even harder for more federal money once they realize what Serrano is going to cost them.

On the matter of local control, which is always brought up as important and desirable when local taxes are discussed, Mr. Sugarman waved it away, said, "The poor districts simply do not have local control; they simply do not have the local ability to raise enough money to compete with places like Beverly Hills . . . local option is just a myth. It is only an option available to the rich."

In his presentation to the seminar, Lawyer Silard agreed with Mr. Sugarman 95%, then offered FOUR alternative legislative options, said the one clear constitutional requirement in *Serrano* is the "untying" of the cost (and thus the quality) of public education from the accident of a locality's taxable wealth . . . thus *untying* is the first and indispensable requirement.

He saw two desirable goals: (1) maintenance of a local option to improve local public education through a greater taxing effort. In other words, if local districts could and would impose an additional surcharge for education they might achieve the premium education they need for culturally disadvantaged students; (2) facilitation of an educational disbursement system which does NOT become impaled on an equal dollars per child formula, e.g., a desirable system would permit increased dollar allocations to school districts with above average costs in such areas as transportation, plant maintenance, employee pay and special teaching burdens resulting from language barriers, cultural deprivation, etc. He also stressed the importance of political acceptability.

His four options:

1. Abandonment of the local property tax base for education in favor of full state funding: Could be accomplished through the outright abolition of local taxes in favor of state income, sales or other taxes or by pooling and distributing local revenues from the state level.

2. Major shift of funding burden from local to state sources. He believes this could best be accomplished in homogenous states with minor imbalances in local taxable wealth per pupil.

3. Power equalizing. Under this system local taxes for education would be shifted from tax-rich districts to poorer districts in amounts representing their taxable wealth advantage. Note: He believes No. 3 has low political acceptability.

4. Local tax yield equalization. Under this approach, the legislature would prescribe a statewide "local public education contribution" set at a prescribed annual per child expenditure. Each school district would raise that sum. Wealthier districts would still be able to raise their contribution at a lower millage rate than poorer districts.

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Mr. Speaker, the following articles pertain to the value added tax, one of the proposals now under consideration to make Federal revenues available to support public education:

[From the Washington Post, Dec. 10, 1971]

NIXON'S TAX BOMBSHELL

(By Joseph Alsop)

A plea for a modest value-added tax is due to be the most surprising, most interesting and most generally gusty of President Nixon's bombshells for the election year.

The President's shrewdness with bombshells, and the Democrats' invariable failure to be ready for them, are by now becoming almost proverbial. But we have not yet had anything quite like the one that is now in preparation at the Treasury Department, under the astute supervision of Secretary John Connally.

Until the day for it comes, the fact of the coming bombshell may well be denied. The day may not come, moreover, until the scheduled report, in early February, of the presidential commission now studying the school problem under the chairmanship of former Secretary of Defense Neil McElroy.

This will be a multi-purpose bombshell, in truth, calculated to bring down a perfect covey of birds in a single thunderclap. But one must begin at the beginning, with the value-added tax itself. This is sometimes called a "transactions" tax; and it is loathed by all the liberal faithful, because its impact resembles that of a simple sales tax.

To be sure, the Scandinavian countries, with their strongly social-minded governments, live quite comfortably with value-added taxes at the rate of 15 per cent. At the West German level of 11 per cent, with exceptions for such things as food, an American value-added tax would raise an additional $50 billion of revenue each year.

President Nixon's proposed value-added tax will be far more modest, in the neighborhood of 3 per cent. Very substantial remissions and exceptions will be included, to make the tax less "regressive." Yet the estimated revenue will be somewhere between $10 billion and $12 billion a year.

But that will be no more than the first part of the bombshell-package. The revenue promised by the suggested new tax is calculated to be equal to the share of the national school bill that is now paid by the hated local property taxes. And this, please understand, is by design.

Thus the revenue from the new Nixon tax will be shared out to the states on a complex pro rata basis, roughly in proportion to the number of children in school in each state.

The states will then be required to prorate the tax to the towns, cities, counties or other tax levying bodies that use property taxes to pay school bills. And these bodies, in turn, will be required to forgive all property taxes being paid on residential real estate, to the extent these taxes are now used to support the schools.

Both home-renters and home-owners will benefit, since landlords will be also required to pass on the forgiven taxes to their tenants. It is hard to imagine any measure that is more likely to arouse middle American enthusiasm than what will amount to a very big cut in home-owner's property taxes and a considerable cut in rents.

By the same token, moreover, a crying inequity will also be removed. At present, the rich suburbs can levy much lower property taxes, and can also pay for much better schools, than center cities and other areas where the average personal income level is far lower. But the Nixon bombshell will put the whole business on a basis of share and share alike. Rich school districts and poor school districts will get precisely the same sum per child in school.

In addition, since the value-added tax will be neatly tied to a per capita subsidy for individual school children, it may be possible to include the Catholic school systems in the larger shareout. These systems are now tottering towards disaster. Saving them will also save vast sums for the general taxpayer.

It can be seen, then, that bringing down coveys of birds with a single thunderclap, is really a very mild way of putting it. The true blue liberals, of course, will die a thousand deaths, turning as many colors of rage as the legendary dolphin in agony. But if you think about it, this Nixon bombshell is not merely bold and cleverly contrived.

It further promises sensible, practical, equitable solutions to a whole series of urgent national problems. And it will also be interesting to see the liberal Democrats running against a big cut in home owners-property taxes.

VALUE-ADDED TAX: THE CASE FOR

(By Dan Throop Smith)

FOREWORD

In the days of a $1-trillion economy and a $200-billion budget, all indications point to the need for more federal revenues. But from what sources? The only options open would seem to be increases in the corporation or individual income tax, or the adoption of a value-added tax, which is a type of national sales tax. In arguing the case for a VA tax, this expert on taxation takes the position that it is the "least bad" alternative and would produce minimum distortions in business decisions, and in the organization and efficient use of resources.

Mr. Smith is Professor of Finance, Emeritus, Harvard Business School, and Lecturer in Finance at Stanford University. He is Chairman of Fison Corporation, a Director of Cambridge Research Institute, CML Group, and a member of the Commission on International Trade and Investment. He was Deputy to the Secretary of the Treasury from 1953 to 1959.

A value-added tax is being proposed with increasing frequency in discussions regarding federal tax policy. Even a strong advocate of VA taxation cannot argue that it is a good tax in any absolute sense or without fault. But no major tax is positively good or without fault.

A "least bad" tax must be considered as

the "best available" tax in the real and somewhat unpleasant field of tax policy. A value-added tax appears to be the least bad, and hence the best available, tax for additional revenue or as a partial substitute for the corporation income tax or the payroll taxes when one balances the various relevant criteria of economic effects, equity, administrative feasibility, and perhaps—when the chips are finally down—political acceptability.

Interest in a VA tax here in the United States has been heightened by its adoption in the European Common Market as a principal source of revenue and the fact that it is the basis there for border taxes on imports and tax rebates on exports. Under this system, European exports receive tax rebates when they leave the Common Market countries to compete with our products in the U.S. domestic market and in other countries.

However, because of the nature of our tax system, without a value-added tax we can neither give tax rebates to our exports to the Common Market countries nor impose border taxes, as distinct from tariffs, on imports into our own country. European taxation thus provides us with both a precedent and an incentive.

While the implications for U.S. foreign trade have made consideration of a value-added tax timely, growing recognition of the tax revenues—the corporation income and payroll taxes—has made the VA tax seem relatively desirable from a purely domestic standpoint. Though first contemplated in this country as a partial substitute for just the corporation income tax, it has more recently been thought of in this way for both the corporation income tax and the payroll taxes or—in response to pressure for greater revenues than can be produced by the existing tax system—as a new element in our tax structure.

The value-added tax should be appraised both as a partial substitute for existing taxes and as a new revenue source, and compared with alternative sources of revenue from other new taxes or from increases in the rates or the base of existing taxes. But first, because it is still somewhat unfamiliar to many people, I shall describe what a VA tax is.

COMPUTING THE TAX

For a typical company, the value-added would be measured by the total sales less purchases from all other business entities which are themselves subject to value-added taxation. As its name indicates, a VA tax would be imposed on the value added by each successive independent company or other business entity in the productive process. If one could imagine a company which was fully integrated vertically, owning all its raw materials and making all its own capital equipment, the entire value of its products sold would be the result of its own activities, and its value-added tax base would be simply its net sales.

Thus, through the cumulative process of successive stages of production, the total value-added would be equal to the final sales to ultimate consumers. The total value-added would be the same, regardless of the degree of vertical integration.

A VA tax may be regarded as a turnover tax with a deduction for purchases to avoid any discrimination in favor of vertical integration. In theory value-added may be thought of as the sum of all payments to others, including wages, interest, rents, and dividends, plus retained earnings (except payments to those who are themselves subject to the value-added tax). It may be so computed. But the same result can be secured by deducting purchases from sales; the result of the subtraction is identical with the sum of the addition, and the calculation is simpler.

In fact, the easiest calculation of all is to apply the tax rate to net sales and then to apply, as a credit against this amount, the tax paid on all purchases for the period. The difference is the net tax due by the company, or—if purchases have exceeded sales for any reason—the excess of tax credits becomes the basis for a tax rebate from the government or a carry-over.

CONSUMPTION BASIS

In the foregoing description, I have made no distinction between purchases of raw materials or goods for resale and buildings or capital equipment. One might separate the two and require the tax on purchased capital equipment to be amortized over its useful life. Thus defined, the tax base would be the national income. This procedure would mean that more funds would be tied up in the unamortized tax component of the purchase price of capital equipment.

In practice the European value-added taxes allow an immediate offset of the tax on purchased capital items. The tax base thus is national consumption. The existence of the tax does not increase the net cost of capital investment, and no distinctions need be made between, or records kept of, the taxes on different categories of purchases.

Since the consumption type of value-added has been universally adopted abroad and is much easier for both taxpayers and tax collectors, there is a strong presumption that it is the form which would be adopted here. It also seems preferable in theory because, by resting on consumption, it minimizes any influence taxation might exert on decisions regarding the productive processes in industry. In this analysis, accordingly, I shall consider only the consumption form of the value-added tax, in which all purchases, whether of raw materials, component parts, supplies, or capital items, are treated alike.

ADMINISTRATIVE ASPECTS

Typically, the corporation is required to state the tax separately on all invoices up to, but not including, sales to final consumers. This procedure provides a certain amount of self-policing and also simplifies calculations for taxpayers. The total of the taxes paid on all purchases for the period needs only to be determined and deducted from the single calculation of the tax rate applied to net sales for that period. The period may be monthly or quarterly, or any interval deemed preferable from an administrative standpoint.

In my discussions with taxpayers and government officials in Europe, the universal recommendation regarding a value-added tax is to avoid exemptions and differential rates. The administrative advantages of a universal single-rate tax are obvious. (The implications from the standpoint of equity will be noted later.)

Some critics of value-added taxation refer to unspecified administrative problems as being virtually insuperable. European experience gives no evidence to support this criticism. True in a primitive economy, where records consist at most of total sales, or net income is assumed to be measured by changes in cash on hand, the calculation of value-added by subtracting purchases from sales, or of net tax due by subtracting taxes on purchases from a computed tax on sales, would call for a higher level of competence.

However, in a country where every business has to compute its net income for tax purposes, it is hard to imagine that a value-added tax could present any really significant problems. After all, the calculation starts with net sales, the same figure as that used in computing net income. From it, there is just one deduction, total purchases from all those suppliers of goods and services which have included a value-added tax on the purchase invoices.

In some of the European countries, very small companies—ones that we would call mom-and-pop stores—are given an option of stating value-added as some specified percentage of sales. This could be done here, though it really seems appropriate only if the net income is also determined by some standard formulas or on the basis of external indicia, procedures which we have not found necessary to adopt here.

NEUTRALITY ADVANTAGE

The principal theoretical advantage of a value-added tax from the domestic standpoint is its neutral treatment of—

. . . labor-intensive and capital-intensive methods of production;

. . . efficient and inefficient companies;

. . . partnerships and proprietorships;

. . . equity financing and debt financing.

The tax is imposed as a cost of doing business, regardless of how the business is organized, how efficiently it is carried on, or how it is financed. In other words, tax factors are minimized in business decisions; inherent advantages and relative efficiencies are allowed to operate in the market economy with minimum tax distortions.

This neutrality of a value-added tax is in notable contrast to the effects of both the corporation income tax and the payroll taxes. The former, by definition, is applied only to corporations and varies with their reliance on equity rather than debt capital and the efficiency with which they use equity capital—that is, their net profits.

Although we have become conditioned by long usage to thinking of the corporation income tax as a normal part of an economic system, it is hard to imagine that, if one could start with a clean slate, one would choose a tax which, in effect, penalizes the efficient use of one form of capital. This is especially so when one recognizes (a) that there is both a domestic and a worldwide need for much more capital for private and public investment, and (b) that capital is critically important to increase labor productivity.

Some businessmen, when they first consider a value-added tax, discover that it has no equivalent of a loss carry-over and promptly decide against it. Now, a loss carry-over is significant only because there is a tax on profits. It seems not unfair to point out to those who are entranced with the loss carry-over aspect of an income tax that they could maximize the "benefits" of a loss carry-over by pushing the rate of tax on income ever higher. Just think how helpful a loss carry-over would be at a 100% tax rate! This *reductio ad absurdum* seldom produces a counterargument, but it usually leaves a skeptic unconvinced.

Income tax distortion: Even those who favor a corporation income tax in spite of, or perhaps because of, its distorting effects agree that it cannot be raised indefinitely. A 50% rate seems to be accepted as a generally practical upper limit, except for war periods when general economic controls are imposed. Even at a 50% rate it is twice as important to save a dollar of taxes as to earn another dollar of income.

It is still true, however, that half of what is earned belongs to the earning entity, and there also seems to be a quasi-intuitive recognition of the proposition that, when the tax rates are pushed above 50%, there is almost a qualitative difference in their distorting effect on decisions. The critical significance of the 50% maxmum was well stated in the Report of the House Ways and Means Committee in its explanation for the reduction in the ceiling marginal rate on individual earned income over a succession of years in the 1969 tax legislation proceedings.

A value-added tax, by contrast and because of its neutrality, probably will produce less distortion in individual and business decisions than any other major tax. It will tend to encourage savings at the expense of consumption to the extent that individual decisions on the choice between savings and investment are influenced by the price of con-

sumer goods relative to the returns on savings.

Payroll tax discrimination: When viewed as a revenue source, payroll taxes are clearly discriminatory against labor, because they increase the cost of labor by the amount of the tax. Historically, they were adopted as a means of financing the social security system on a contributory basis. Many people, myself among them, regard the contributory principle as so important for a variety of social and political reasons that it should be maintained. From this point of view, the payroll taxes are simply a device to spread part of wage income over a lifetime.

Because some of the death benefits and the failure of retirement benefits to increase in proportion to the taxable wage base, there are some substantial redistribution effects between individuals and generations, and even some elements of real insurance. But the system still relates benefits in general to contributions in general, and forced savings during active years to pay for income of an individual and his survivors after retirement or death. To those of us who believe that such a program is the only valid one for old-age and survivors' benefit payments, payroll taxes are not general revenue sources and should not be appraised as such.

In recent years, there have been several proposals advocating that part of the social security benefits should be financed by general revenues. If a fundamental change of this sort is made, a value-added tax seems to be, for reasons already indicated, the least bad source for additional general revenue.

Those who are anxious for the contributory principal not to be abandoned should perhaps hesitate to suggest that there is any alternative source of funds, but a comprehensive appraisal of the alternative sources of available funds in the federal fiscal system could not ignore this possibility.

ALTERNATIVE SOURCE

The most intriguing—and probably the best—of all possible alternative sources has only begun to receive serious attention in tax literature. It would be a personal tax, at a single standard rate, on a very broad base which might include, not only income as ordinarily defined, but gifts, bequests, various forms of currently exempt income, and realized capital gains in full. Progression could be secured through the use of personal exemptions.

Statistical analyses indicate that, with a rate of perhaps less than 20% and certainly not more than 25%, such tax would not only produce the same revenue as now derived from the individual income tax and the estate and gift taxes, but would also impose about the same burdens on all income classes, including those at the very top. The simplification would be enormous, and the distorting effects of very high rates and differential rates would be eliminated. The tax would be almost completely neutral in its impact on decisions, including the choice between consumption and investment.

A fundamental feature of such a tax would be in single rate. However, the danger would be that while it would be adopted at a single rate, subsequent legislation could make the rates progressive. High rates on such a broad base would have even more perverse effects than the high rates on the present income tax base, and they would be especially destructive in regard to the formation and maintenance of capital. Because the broad base would almost certainly exceed any concept of income sustainable under the Sixteenth Amendment, authorizing a federal income tax, the new approach would require another Constitutional Amendment which could and should specify a single rate.

The broad-based, single-rate tax seems to appeal to tax specialists, regardless of their social philosophies or attitudes regarding redistribution of income. But the fact that most readers of this article will not even have thought or heard about it indicates how far away it is from serious legislative attention. Value-added taxation will continue for some time to be the most likely candidate for adoption in tax reform.

EQUITY OF VA TAX

If a value-added tax at a flat rate and with no exemptions were the sole or principal source of revenue, it would generally be regarded as inequitable, since, by definition, it would not contain the equivalent of the personal exemptions in the individual income tax. But no one has proposed the value-added tax as the sole or even the principal source of revenue, and hence there is no need to debate an unreal contingency.

We have an individual income tax, and we also have a miscellaneous collection of welfare programs. In addition, for the first time we may have the basis for a sensible general welfare program before this article appears in print. In recent years, we have had increases in personal income tax exemptions, and direct and indirect reductions in bottom-bracket income tax rates. We have also had increases in welfare payments.

There is plenty of room for further changes along these lines to offset what may be regarded as inequities from a value added tax on those wtih the lowest incomes. Changes in income tax exemptions and rates and in welfare schedules will continue to be made in any case. It would be much simpler to fit in additional adjustments as desired than to try to devise a set of exemptions and differential rates in a value-added tax. Viewed in perspective as part of a whole federal system of taxation and payments for income maintenance, any equity problems that result for low-income families from a value-added tax can be handled readily.

LIKELY PROBLEMS

A value-added tax, if adopted as a new revenue source, or an increase in the rate of an existing value-added tax, will tend to be shifted forward to ultimate consumers, as will any other general increase in costs. If the tax is shown separately on invoices, the shifting may occur more promptly, though this procedural detail will not make any basic difference. The extent and speed of shifting will vary, among other things, with the elasticities of demand, the relative growth of demand for various products and services, and the competitive-structure in industries.

A full macroeconomic analysis of the effects of a value-added tax is very involved. A general rise in prices, which is suggested by the adoption of a value-added tax, assumes certain monetary policies. Additional revenues presumably are associated with additional government expenditures, with a shift of resources from the private sector to the public sector.

Pressures to maintain private real incomes at the level they would have attained in the absence of the tax will be abortive in an aggregate sense, but will shift burdens among various groups. An attempt to maintain real incomes by a rise in wages, discussed in the next paragraph, is one of the more likely complications—and must be kept in mind in a complete analysis of the effects of any major change in the balance of private and public spending in a dynamic economy.

INFLATIONARY PRESSURES

The most serious objection to a VA tax as a major source of revenue is that it may be more likely than some other taxes to lead to wage increases when wage earners attempt to avoid the impact of the tax on them as consumers. As just noted, increased taxation is intended to shift resources from the private to the public sector of the economy; public or collective wants are being satisfied to a greater extent, which means that direct satisfaction of private wants must be reduced from the level that would otherwise be possible. Sometimes this fact is recognized.

An increase in individual income taxes, for example, may be accepted as inevitably leading to a reduction in net private real income when government expenditures increase. But if (a) prices are rising through inflation, and (b) wage negotiations are based on objectives of increasing the real value of take-home pay, then the corollary effects of a tax increase are likely to be lost sight of and absorbed in a new wage settlement.

A cost-of-living increase through a price increase arising from a tax increase is not likely to be distinguished from an inflationary price increase. Wage demands and settlements, and perhaps even contractual wage increases based on the cost of living, may occur in ways which give a further twist to an inflationary spiral.

Though one or more groups may avoid the impact of a tax imposed on them by shifting it to others, the tax burden cannot be universally avoided. A government embarked on an expenditure program will finance it in one way or another, and only the government can resort to deficit financing—the source of last resort. The federal government is the one spender that will not run out of funds to meet its authorized expenditure programs. If a shift from the private sector through orderly taxation is frustrated, then the shift will take place through disorderly inflation.

In view of the constant and understandable demands to increase personal income faster than can be justified by productivity increases, efforts should be made to prevent a VA tax or any other tax increase from creating additional inflationary price increases which reduce take-home pay.

Statistically, the task may be easier for a value-added tax, since its effect on any broad price index could be estimated reasonably well and, to that extent, a price increase recognized as a way to shift funds and resources to public consumption. A statistical calculation will by no means ensure practical acceptance of the result, but to calculate and discuss the concept and problem is a necessary preliminary.

A similar but more subtle problem will arise in connection with improvements in the quality of the environment. To the extent that less damaging methods of production will be more costly, prices will rise. Consumers will be buying the better environment along with the same or better goods and services.

But if they regard the higher prices as just another twist in the inflation spiral, ignoring the fact of the improved environment and the further fact that it, too, has a price, and attempt to offset it by additional wage demands, part of the cost of improvement in the environment will be greater inflation. The problem for statisticians in isolating the effects of greater costs will be substantial—and the need to recognize and accept the implications is only beginning.

INTERNATIONAL IMPLICATIONS

In the introductory paragraphs, I referred to the international advantages of a tax system that included a VA tax. Under long-standing practice, and embodied in the GATT agreements, indirect taxes may be rebated on exports and equivalent taxes imposed on imports. Direct taxes are not subject to similar adjustments at international borders. Thus a country which raises a substantial part of its revenue from indirect taxation can give rebates on exports and impose taxes on imports to its own advantage and to the disadvantage of countries relying primarily on direct taxation. The United States, with its very small use of indirect taxation, is at a particular disadvantage.

The distinction between indirect and direct taxes was based on the belief that theoretically the former were shifted and reflected in prices, while the latter were not. To the extent that this was true, the difference in treatment was reasonable. A failure to make border tax adjustments for indirect taxes

would have placed domestic producers at a tax disadvantage, while border adjustments for direct taxes would have amounted to export subsidies and nontariff protection of home markets.

However, with increasing sophistication in economic analysis, the clear distinction between the effects of indirect and direct taxation is recognized as a gross oversimplification. Not all indirect taxes are fully reflected in prices, and many direct taxes may lead to price increases.

The incidence of the corporation income tax is perhaps the most uncertain major point in tax literature. Neither theoretical nor statistical analysis has led to generally accepted conclusions. Opinion over the past generation has changed in the United States in the direction of a belief that the tax is to a very large extent shifted forward, though the degree of shifting depends on many factors. Both economists and businessmen quite widely now accept the fact that the tax is largely shifted.

One may sidestep some very elaborate analysis by asking oneself and others whether pretax corporate profits would be as high as they now are if there had been no corporate income tax and, with even more telling effect, whether net profits would increase by the amount of the tax, and stay there, if the tax were abolished. It is a rare and bold person who believes that competition would not ultimately drive profits a long way down toward the present level of net after-tax profits if the corporate tax were eliminated.

The incidence of the corporation income tax is critical in appraising the extent of disadvantage in international competition from our present tax structure. To the extent that the tax has been shifted forward, our labor and industry are at a competitive disadvantage in both foreign and domestic markets. To the extent that the tax has not been shifted, we are not at a disadvantage. Those of us who believe the tax has largely shifted believe that our disadvantage is substantial and that, in view of the problems in our balance of payments and in maintaining employment in competitive industries, we can no longer afford to hold to a tax structure which does not permit border tax adjustments.

In brief, to the extent that our tax system has led to higher prices, we are at a competitive international disadvantage because we cannot make border tax adjustments of the sort which are feasible and regularly applied in countries with tax structures which include value-added taxes. Even if international agreements were modified to permit border tax adjustments for some segment of direct taxes, the task of determining any defensible average rate based on the uncertain, and doubtless highly varying, impact of the corporation income tax on prices of different products would be almost insuperable.

While we would be better off if we had a better tax structure which permitted us to make border tax adjustments, there should be no illusions that any conceivable substitution would solve the competitive problems of the industries acutely suffering from foreign competition. The textile, shoe, steel products, and perhaps automobile industries are confronted with products from efficient, low-cost foreign competitors.

Differences in tax burdens and, more particularly, the differences which might be compensated for in border tax adjustments are relatively minor compared to fundamental differences in costs and export policies of foreign companies and governments. Although a better tax system would be no panacea, our balance of payments problem is nevertheless so serious that we should welcome any significant benefit, especially if the change also has advantages in improving the allocation and efficient use of our resources domestically.

SHIFTS IN TAX BURDENS

The equity of a value-added tax substituted for part of the corporation income tax also depends on the incidence of the latter. Those who still argue that the corporation income tax rests upon the corporation and its stockholders believe quite correctly that any substitution would shift the burden of taxation from the relatively well-to-do to a proportional levy on everyone.

Even if true, as just noted, there could be offsetting shifts in personal income tax exemptions and rates and welfare payments. But to the extent that the corporation income tax is shifted forward directly in higher prices or impedes the efficient allocation and use of resources, it too has a generally proportional impact.

The partial substitution would not significantly change the distribution of the tax burden over different income classes, while it *would* produce general benefit from a better and more efficient use of resources. [Reference is made only to a partial substitution, because of certain very involved equity problems arising from retained corporate income in a tax system which has no corporation income tax.]

Opponents of VA taxation as a partial substitute for the corporation income tax usually insist that the corporation income tax rests on the corporation and the stockholders, and is thereby good as a device to redistribtue income. It is sometimes forgotten, however, that excessive progression can create great inequities and do great harm with little, if any, gain in revenue.[1]

In all honesty one must admit that it is the more subtle adverse economic effects of the corporation income tax, and not the excessive progression ostensibly imposed by a combined corporate rate of about 50% and individual rates rising to 70%, which are so objectionable. The process of tax shifting has relieved us of the reality of a virtually confiscatory tax burden of this sort, and of the great and direct damage to this sort, and of the great and direct damage to savings and investment which it would entail.

If politics demands the appearance of extreme progressivity, the present combination of corporate and individual taxes is less inequitable and less bad in its economic effects than effective confiscatory taxation would be. But perhaps the political climate is changing for the better. The sense of moderation and the recognition of economic realities reflected in the adoption of a 50% maximum marginal rate on earned income in the 1969 tax legislation came as a breath of fresh air after a period of generally oppressive taxation. One can at least hope that the political atmosphere will permit moderation and good sense in other aspects of taxation.

A personal income tax has certain advantages from the standpoint of equity, and, if the total funds needed by the government were relatively small, it might be relied on as the only major revenue source. But it does not follow that a least bad form of tax should be the only tax. High rates in any tax produce strains, distortions, and inequities. When revenue requirements are large, a combination of taxes is desirable.

The disadvantages of different taxes are likely to offset each other to some extent, and the aggregate strains, distortions, and inequities probably will be less than those from a single tax with excessive rates. Unfortunately, this proposition is frequently ignored by those who most strongly emphasize the theoretical advantages of income taxation.

[1] See my article, "High Progressive Tax Rates: Inequity and Immorality?" *University of Florida Law Review*, Spring 1968, p. 451.

CONCLUSION

If significant amounts of new revenue are needed beyond those produced from an expanding economy with existing taxes, a value-added tax appears to be the best and most feasible source. Any adverse effects on our international competitive position will be fully offset by the border tax adjustments which would go with it. Any undesired effects on the distribution of the tax burden on different income groups could be offset by adjustments in the individual income tax and welfare payments. The tax would produce minimum distortions in business decisions and in the organization and efficient use of resources.

The appropriate rate of tax would depend on revenue needs. Each percentage point of a value-added tax would produce from $4 billion to $6 billion of revenue, depending on its coverage. Because of inevitable problems associated with any new tax, it would be desirable to start with a low rate of 2% or at most 3%. The impact of border tax adjustments at that rate would not be very significant. Some will argue that, at such a rate, the domestic and international advantages would not justify the trouble of introducing a new element in our tax system.

However, even $5 billion is a great deal of revenue, equivalent to the yield of an additional 5% or 6% on the corporation income tax. And in the improvement of a tax system, as in other aspects of national policy as well as personal affairs, the fact that one cannot instantaneously reach a much better position is no reason for not making a start on improvement. It is notably true in tax policy that one can sometimes only prevent a bad situation from becoming worse.

If more revenue is needed, the only alternatives to a value-added tax would be increases in the corporation income tax or the individual income tax. Significantly higher rates in the former would increase the distortions for which it is already responsible, worsen our international competitive position, and to a considerable extent also impose a broadly proportional, although concealed, burden at all income levels.

The increase in exemptions and reduction in bottom-bracket rates in the individual income tax in 1969 were very costly in terms of revenue forgone. Congress is not likely to reverse these relief provisions, and the middle- and upper-bracket rates are still so high that further increases in them would increase their perverse effects and be generally counterproductive. The value-added tax thus comes out as the least bad source of additional revenue.

In a general tax reform, the addition of a value-added tax would be desirable as a partial substitute for the corporation income tax. It would reduce the present distorting effects of the corporation income tax on the allocation and use of resources, and permit us to counter, to some extent, the international competitive advantages which so many other countries now have because of their border tax adjustments.

In addition, a value-added tax might be used as a partial substitute for the individual income tax if such a move was deemed necessary to offset actual or presumed undesirable shifts in the distribution of the tax burden or to make a politically acceptable package of tax legislation.

Whether used to provide a source of new revenue or to give partial relief from some of our existing taxes, and thereby create a better balance in our tax structure, the value-added tax should rank at the top of the list for adoption. In the uncertain world of politics and tax policy, where it is generally foolhardy to make predictions, it seems safe to say that the chances are more than even that within a decade we shall have some sort of value-added tax. Those of us who are

particularly concerned about the adverse effects of our present tax system can only declare, "The sooner, the better."

VALUE-ADDED TAX: THE CASE AGAINST

(By Stanley S. Surrey)

FOREWORD

In stating the case against the VA tax, this expert on taxation argues that the adoption of this regressive tax would not only worsen our present domestic tax situation, but also fail to bring us any significant international trade advantages. He further says: "There is no need for the United States, with an already effectively functioning retail sales tax structure at the state level, to have at the federal level a value-added structure that collects, in more complex fashion, the amounts which could otherwise be collected under a retail sales tax."

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Writers of tax articles have recently found a new topic for discussion—or what they appear to indicate is a new topic—namely, "Should the United States have a value-added tax?" The question, when so phrased does appear to be a new one, since most readers do not know what a value-added tax is and are led to believe it is a novel form of taxation. But if the question were phrased more accurately as, "Should the United States adopt a national sales tax?" the readers would at once be on familiar ground.

This question has been discussed for four decades or more in the United States— and the answer has been consistently in the negative. A value-added tax is just a general retail sales tax collected in a different way.

It is interesting that advocates of the value-added tax generally go out of their way to avoid mentioning this. Indeed, articles urging the VA tax are written without once using the words "sales taxation" or "retail sales tax." Many other people, however, such as public finance experts and the Europeans who have such taxes, are quite clear on the sales tax classification of the value-added tax.

There is nothing wrong in once again debating a question we have considered a number of times before in the United States. Any tax system must constantly face up to continued scrutiny. Nevertheless, we should maintain our perspective in talking about a value-added tax, and constantly keep in mind that it is no more than one way of collecting a retail sales tax.

Moreover, and this is important, we should recognize that many who wish to add a national sales tax to our tax system hope to find a new and stronger urgency for their position by pushing this variant of the usual retail sales tax under a name that is generally novel to our ears and, even more significant it does not reveal its basic character. They also seek thereby to capitalize on the current wave of adoption of value-added taxes in the European Economic Community.

Let us, therefore, first look at that background and see how a VA tax functions. Then, in succeeding sections, I shall discuss the domestic and international considerations, and present my judgment that the United States should not adopt a national sales tax and that, in any event, the typical retail sales tax is preferable to the value-added tax variation.

VA TAX BACKGROUND

What is new in the world today is that the European countries are in the process of adopting value-added taxes. France has had one since 1954; Denmark adopted one in 1967; Germany adopted one in 1968; The Netherlands, Sweden, and Belgium, in 1969; Norway, in 1970; and so on. But a word of perspective is in order.

All of these countries have for many years had a national sales tax of one form or another, usually the inefficient turnover tax. The main topic for them, therefore, was not whether to have a national sales tax. Rather, in seeking to replace the undesirable turnover taxes and to harmonize their tax systems under the European Economic Community, the consideration was whether they should adopt the VA form of sales taxation or some other form of sales tax as the common denominator.

For reasons growing out of their political and tax histories, which in some countries involved the inability to effectively collect a mass income tax, they had already chosen to utilize high-rate sales tax. The significant point is that they were concerned with the subtopic—namely, the form of a sales tax which both would be superior to the turnover tax and would achieve harmonization—and not the main topic: Should there be a sales tax at all? They had answered that question, as I have said, many years before, for their national sales taxes go back at least to post-World War I days. As for the present they are choosing the value-added tax, partly for political reasons and partly because of worries about collection problems under the retail sales tax. I shall present more on this point later.

HOW IT WORKS

We all know what a retail sales tax is—44 of our states and some of our cities have this tax. We also know what a wholesale sales tax is and what a manufacturer's sales tax is. What, then, is a value-added tax? A VA tax is merely a different method of collecting a retail sales tax. Moreover, it is a more complex method. Using the recent German tax as a model—and that is the type urged for adoption in the United States—let us see how a VA tax works.

The German tax is imposed at an 11% rate on almost all sales of goods (and some services) by any business. Take the case of a manfacturing company: it applies an 11% rate to its total sales to find the preliminary tax due. From this, the company subtracts the 11% taxes it has paid on its purchases; the net is payable to the government.

In essence, the tax is computed on the value-added by the manufacturer, as represented by the difference between the values of the company's total sales and its total purchases. The latter include all components, either as raw materials or semi-processed goods; capital goods, such as plant machinery and equipment; goods used up in manufacture; business furniture; and so forth. The manufacturing company, of course, bills its wholesale customers for the 11% tax on the sales price of the articles it sells, just as it was earlier billed 11% on its purchases from suppliers. The tax is invoiced separately on all sales and is thus not hidden in the sales price.

The process is repeated at the wholesale stage—the wholesaling company pays the government 11% of its sales, less the taxes the company has paid previously on its purchases, and then bills the 11% tax to its customers. No pyramiding should occur with the VA tax—in contrast to the turnover form of sales tax—since the taxes paid by the wholesaling company are kept apart from the price of the goods it purchased, and it can subtract this tax cost. The process is repeated once again at the retail stage, with the retailer charging its customers for the 11% tax.

The process ends there if the retail sale is for personal consumption, as in the case of a family automobile, household furniture, clothing, and food. But if the article is purchased for use in a business—say, a company automobile or office desk—the process begins again, and the company subtracts the tax on the car or desk from the taxes it collects on its sales.

There is one additional important facet to note. Under the German system, the tax payment is due each month. Suppose, then, that a company has paid more tax on its purchases than it has collected on its sales to customers (e.g., sales may be slow). In that case, the government makes a refund of any excess tax paid in any given month; thus the cost of carrying the value-added tax is not borne by the company beyond a month or two.

All this clearly adds up in economic effect and intended result to an 11% retail sales tax on personal consumption. The 11% VA levy is designed to be passed all along the processing line to the consumer who buys from a retailer and is left with the tax. The 11% tax is not intended to enter into the price structure until the final sale. Prior to that time, it is a tax item that accompanies each sale, it is kept separate on the books, and it is so indicated. If the tax item is not promptly moved along the business chain, the government refunds the amount promptly.

(Economists refer to this form of value-added tax as a consumption type. It is the form used by all European countries that have adopted the tax. There are other forms—for example, the income type, which allows only depreciation of a producer's capital goods purchased and has the effect of a proportional income tax. But the consumption type is the one that advocates of a value-added tax have in mind for the United States.)

The obvious question that one familiar with an effective retail sales tax would ask is: "Should the government bother with the preliminary steps when it can get the final 11% tax at retail?" The response is presumptively, "Don't bother with the preliminaries that occur under a value-added tax; just have the retail sales tax." Indeed, this was the reply given by the Canadian Royal Commission on Taxation, which did pose the question for itself. I shall return later to this aspect.

DOMESTIC CONSIDERATIONS

Against the preceding background, we can return to the main question I posed at the outset of this article: Should the United States adopt a national sales tax? Proponents of this tax have followed two courses. One is to argue that we should have a sales tax right away, and it should be substituted for part of the present income tax, usually the corporation income tax. The other course is to assert that if, as a nation, we decide to increase our tax payments, the sales tax should be utilized to raise the additional revenues.

While, in the eyes of sales tax proponents, these two courses of action embody the view that the VA tax is clearly superior to all other taxes, in part the courses raise separate issues. Let us first consider the substitution of a sales tax for part of the corporate tax.

SUBSTITUTING A SALES TAX

A 1% national retail sales tax would yield about $5 billion. Similarly, six percentage points of the corporate income tax would yield about the same revenue. Hence should we, for example, reduce our 48% corporate income tax to about 30%—proponents of a value-added tax do not say how much of a substitution they desire—and make up the $15 billion loss of revenue through a 3% sales tax? What would the United States gain through this change?

Aspect of neutrality: Certain virtues are claimed for the value-added tax in the name of "neutrality." There is no such thing, however, as a really neutral tax; some transactions or people must in the end be taxed and not others.

The VA tax is said to be neutral because it applies in the same way to all types of business. Thus the tax is said to be a cost for

every business—whether a business makes or loses money, whether efficient or inefficient, whether in corporate form or proprietorship form, whether labor-intensive or capital-intensive, whether debt-financed or equity-financed, and so on. We are left with the impression that here is a really neutral tax *imposed on businesses* which we are substituting for the corporate income tax.

But this just is not so. The value-added tax is neutral as to businesses because it does not apply to businesses; rather, it is a retail sales tax on the consumers of goods and services, and not a tax on the producers or sellers of goods and services. For the business sector, the neutrality of the VA tax simply means the *neutrality of the nontaxpayer*, because it casts the business firm in the role of a collector of taxes from the ultimate consumer.

Nor should be view a VA tax as a neutral tax on consumers. A VA tax would be neutral only if it taxed all consumer goods and services at the *same* rate. But no such tax actually exists in Europe, and none would exist here. The French tax, for example, has four rates: a normal rate; an increased rate for luxury items; an intermediate rate for certain utilities, such as hospital care and some foodstuffs; and a reduced rate for widely consumed foods, tourist hotels, and so forth. The German tax has two rates—a general 11% rate and a 5.5% rate for most agricultural products—and other countries generally also have at least two rates.

Some systems exempt food, and many exempt a large variety of services, financial activities (banking and insurance), newspapers, nonprofit institutions (schools and governments themselves), and so on. Some favor small businesses. Other systems avoid differential rates, but reduce the tax base for certain sectors of the economy (e.g., construction) by taxing only a percentage of the sales price. The list of separate rates, differentials, exclusions, and discriminations is endless. No mass tax can be a simple, neutral tax, as anyone acquainted with a state retail tax will agree, and a value-added tax is more complex than a retail tax.

Advocates' arguments: Some supporters of a VA tax say that the United States should derive a larger portion of its revenue from indirect taxes—that is, from sales taxes. This argument is usually associated with the idea that substituting a tax on sales to raise part of the revenue now provided by the corporate income tax would stimulate economic growth through enhancement of investment in corporate equity. Foreign tax systems are often cited as evidence to support this view.

But if one looks at the components of the tax systems of various industrialized nations over a period of time and relates them to the growth rate of their economies, there seems to be no observable relationship between the two. We have been doing pretty well in the United States in the last decade, and we do not have a national sales tax.

Arguments as to the "fairness" of taxing corporate income will continue so long as there is a corporation tax. Far be it from me to deny that a separate tax on corporate profits does not have distributional and incentive effects. It does, but so does every tax, and some of these effects could be corrected by appropriate revisions in our corporate tax rules. The real question is whether there are advantages to corporate profits taxation which offset the disadvantages. I believe there are.

The history of corporate income taxation in this and other industrialized nations has shown that there is a significant tax-paying capability inherent in the corporate structure. Moreover, many approve of the distribution of the corporate tax by income classes. And the taxation of corporations and their dividends hardly seems to put a damper on the long-run advantages that investors find in corporate equities. Some economists, of course, would like to see the corporate income tax integrated with the individual income tax—by regarding the corporate tax as a preliminary withholding tax on shareholders and the latter taxed on their shares of all corporate income—and capital gains made fully taxable on an accrual basis as far as possible; but this is a step which is rarely urged by advocates of a VA tax.

If we desire to adjust our income tax structure to tilt it, or rebalance it, or what you will, so as to favor investment, there are ways to accomplish this (e.g., investment credit) without having to resort to an entirely new tax.

Inasmuch as proponents of a VA tax for the United States so often refer to the tax systems of foreign countries as a model for the use of indirect taxes, I wonder why, if they are so worried about the level of our corporate tax, they so conveniently ignore the corporate tax rates in those countries. Heavy reliance of a country on indirect taxation does not mean low corporate rates.

For example, both Germany and France have a rate of over 50% on undistributed corporate profits, and the United Kingdom's rate is in the 40% bracket. The experience of U.S. companies with international operations and U.S. Treasury data on the foreign tax credit indicate that the effective rate of European corporate income taxes generally is quite comparable to that of the United States.

Moreover, it is on top of these high corporate rates that European countries have their value-added taxes, also at high rates. Thus the top French rate is 23%; the Swedish rate, 15%; and the German rate, 11%. No European country has reduced its corporate tax as a result of having adopted a value-added tax.

I thus can find no persuasive reasons to shift from the corporate tax—or any other existing tax—to a national sales tax. The Conference Report of the National Bureau of Economic Research and the Brookings Institution in 1964, on the subject of "The Role of Direct and Indirect Taxes in the Federal Revenue System," ends with the same conclusion: "It is hard, then, to find much support for more reliance on indirect taxation in the record of the conference, even though some participants came, and left, with a disposition toward this view."[1]

Detractors' objections: There are a number of persuasive reasons against a shift from the corporate tax to a sales tax. It would mean the substitution of a regressive tax for a progressive tax, and on equity grounds this would be a distinct step backward. A Bureau of Labor Statistics Study contrasts the distribution of consumer expenditures as a percentage of income with the distribution of corporate dividends, also as a percentage of income.[2] Consider:

The consumer expenditures range downward from over 100% of income in the lowest brackets to 80% at the $10,000-to-$15,000 level, and 62% in the brackets over $15,000.

The dividends hover around 0.6% to 0.7% of income until the $10,000-to-$15,000 bracket, where they are 1.9%, while in the over-$15,000 bracket they are 6.7%.

The groups under $10,000 accounted for 82.5% of overall consumer expenditures, but only 29.3% of the total dividends.

The groups over $15,000, which included only 2% of the consumer units in the country, made 5.7% of the expenditures but received 41.6% of the dividends.

The value-added tax is levied on the consumer expenditures, whereas the corporate tax, in effect, reaches the dividends. If one believes in progressivity in our federal tax system, one would oppose the substitution of the VA tax for the corporate tax.

Proponents of the VA tax seek to meet this objection in several ways. One course is to argue that the corporate tax itself is shifted forward, so no change in regressivity would be involved.

[This argument assumes that on reduction of the corporate tax there would be, protanto, a deshifting which, coupled with the effect on prices of the value-added tax, would leave prices unchanged. However, the deshifting is a result one could well be skeptical about, even if one felt that there had been some previous shifting of the corporate tax. If there is no deshifting, then the price structure will of course rise with the imposition of the value-added tax.]

The economic aspects of the incidence of the corporate tax are very involved, and economists are in varying stages of disagreement on the theoretical arguments and statistical analysis. But if they were put to the crucial and operative question, "What should a legislator, in deciding how to vote on tax issues, assume as to who bears the corporate tax?" I believe most economists would answer, "The legislator should assume the tax is borne by the shareholders." Further, if put to the same form of question on a retail sales tax, or a VA tax, I believe they would answer, "The legislator should assume the tax is borne by the consumer."

Another course of the proponents of a VA tax is to seek to minimize the regressivity effect, either by raising income tax exemptions and increasing welfare payments, or by granting exemptions from the sales tax—say, for food. Perhaps the burden of a VA tax on the very poor can be moderated in this way. But the VA tax, including the added load of the increased welfare payments, must be paid—and it will be paid—through a shift of the tax burden from the upper to lower brackets.

A third course is to acknowledge some increase in regressivity, but to consider this disadvantage outweighed by the purported advantages of the tax in fostering economic growth and giving corporate investors more "reasonable" tax treatment. However, this defense is only as good as those purported advantages, and they, in my view, do not carry the needed weight.

In the end, the arguments come down to the fact that most of those who advocate a VA tax simply have a distinctly lower regard for progressivity and tax equity as factors in shaping a tax system.

The substitution of a sales tax would cause prices of consumer goods to rise, which is the underlying purpose of the tax. This rise in price would, in all likelihood, set off a round of wage increases as the price index rose, and thus the substitution of the tax would have an inflationary potential. The addition of a new mass federal tax also would have its costs in taxpayer compliance and IRS administration. A proposal for a value-added tax would involve a political and legislative battle of the first order. The country would not be well served by provoking such a battle for a tax that has so little to offer to our tax system.

RAISING ADDITIONAL REVENUE

Let us turn to the question of what should be done if the country decides that additional revenue should be raised. The previous discussion indicates that a national sales tax should not be the first measure to turn to for the additional funds. Recently, $10 billion in additional taxes was raised by a 10% income tax surcharge without any adverse consequences or administrative problems. This indicates that, if additional revenue is needed the first course should be to raise income tax rates to higher levels.

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[1] Role of Direct and Indirect Taxes in the Federal Revenue System (Princeton, Princeton University Press, 1964), p. 313.

[2] Bureau of Labor Statistics, Survey of Consumer Expenditures, 1960–1961, "Supplement 3—Part A to BLS Report No. 237–93," May 1966.

Along with this should come further steps toward reforming the income tax. Target areas could include a stronger minimum income tax, income taxation of appreciated capital assets at death, withholding on dividends and interest, elimination of the maximum tax on earned income, wringing out the "tax water" in our tax preference subsidies (state and local bonds, real estate, oil exploration, timber, farm losses), and strengthening the estate and gift tax laws.

Thus, given the revenue increase likely to be needed—if it is indeed needed—for economic stabilization reasons or voted by Congress for expenditure purposes, we would not be faced with the question of whether we were using our existing tax system beyond safe limits, and a new mass tax would thus not be required. Moreover, and I shall consider this later, if such a tax becomes necessary, a retail sales tax is preferable to a value-added tax.

(Some economists, seeking far larger revenues for social purposes, see a national sales tax as part of a revised tax structure with a strengthened income tax, especially as to appreciation in capital assets whether or not realized by sales; increased taxes on wealth through stronger estate and gift taxes and perhaps a net wealth tax; a progressive expenditure tax for well-to-do spenders; and a strong negative income tax or income maintenance arrangement to protect the poor. But most of the advocates of a value-added tax are not found here, for they see only the sales tax ingredient.)

INTERNATIONAL ASPECTS

The preceding discussion states the view that, on the basis of domestic considerations, the adoption of a national sales tax is not desirable. If one accepts this conclusion, the next question is: Should the answer nevertheless be altered because of international considerations?

Many proponents of a value-added tax would reply in the affirmative, and indeed rely on international considerations to differentiate the latest discussion of the need for a sales tax from the previous debates on that subject in this country. This reliance on international considerations is based on the structure of a VA tax as applied to international trade.

A country with a value-added tax, while recognizing the effect of the tax on domestic prices, prevents the tax from increasing export prices. It does so by exempting a manufacturing company (or other exporter) from paying a VA tax on its exports. The country also rebates to that company the VA taxes it has paid to its suppliers so that it does not incur those tax costs for its exports.

At the same time, the country brings imports under the value- added tax by imposing a border tax on the imports equal to that tax, thereby subjecting imports to the same sales tax system as domestically produced goods. There is nothing mysterious or tricky in this approach. We do the same in the United States in the case of our single-stage manufacturer's taxes on automobiles, cigarette, alcohol, and so on—namely, rebate the tax (if previously paid) on that part of the output which is exported and collect an equivalent excise tax on imports.

INADEQUATE ARGUMENTS

Why, then, is it said that a country having a VA tax is favored in its international trade? Some business firms and groups have a simple, first-level answer. They say that a German company exporting machine tools, for example, is exempted from an 11% VA tax if it sells for export, but not if it sells domestically, so that those German exports are favored by the 11% differential.

This simply means, however, that a German exporter of machine tools does not pay a sales tax in Germany, and the tax does not increase his price; but neither does a U.S. exporter of machine tools pay a sales tax in the United States. Hence both, in this respect are already on the same basis.

They also say a German exporter receives a rebate of 11% of the cost of his purchases, while the American exporter does not. But the German exporter has paid a sales tax equal to that 11% rebate, while the American exporter has not. Thus, in this respect, they also end up on the same basis—selling in world markets free of a domestic tax.

And so it it with imports. Machine tools coming into Germany must pay an 11% tax because machine tools produced and sold in Germany are subject to that tax. Machine tools coming into U.S. domestic markets do not face a border tax in the United States because machine tools produced in the United States are not subject to such a tax.

Clearly, we must look beyond this erroneous first-level contention to see if there is an international trade effect. Some proponents of a VA tax assert that while this system of border tax adjustments keeps that tax from affecting international prices, the United States does not have comparable border tax adjustments to reflect the corporate income tax. But this argument has validity only if the corporate tax is shifted forward in prices and thus, without the rebate, would affect the export price. This is a point considered earlier, and we took the view that the corporate tax should, for legislative policy purposes, be considered as not shifted forward. Moreover, since the principal European countries also have corporate taxes at about the same effective level as ours, they are in the same posture in this regard, and this argument thus has no weight.

Let us move from these clearly inadequate arguments of the proponents of a value-added tax to try another avenue of analysis. As noted earlier, the VA tax is passed forward in an accounting sense and is expected also to be shifted forward in an economic sense through a price rise.

Suppose, however, that it is not fully shifted forward in domestic prices because of market conditions. Then a manufacturing company will be forced to absorb some of the tax effects on its domestic sales and thus reduce its profits, since it is only realistic to assume that wages cannot be reduced.

But the company would not have the consequence of reduced profits on its exempted export sales; therefore, it would perhaps turn more of its energies to exporting and thereby enlarge the country's international trade. Similarly, foreigners exporting the same product to the value-added tax country would suffer lower profits and be less induced to push those exports.

If this be so, a country with a VA tax would have some trade advantage through such an incentive to export and the disincentive to import. The situation could vary from product to product, depending on supply-and-demand elasticities.

But, given full employment, the absence of full forward shifting in price of the VA tax would presumably be due to a reasonably tough monetary policy that did not allow domestic prices to rise to absorb the tax. If it takes such a tough policy to produce the trade advantage when a sales tax is introduced, then presumably the advantage could also be obtained by the same monetary policy and its deflationary effect on domestic prices without resorting to a value-added tax.

Finally, for the trade advantage to be at all significant, the rate of the VA tax must be quite high, at levels commensurate with the European rates. But a VA tax applied in the United States at such levels would swamp our existing tax system. For example, even a 10% rate would mean a revenue yield considerably greater than that from our total corporate tax.

The conclusion which emerges from this examination of international aspects is this: if the United States were to decide, on domestic considerations, that it should not adopt a national sales tax, it should not change that decision because of international considerations. The international considerations are either neutral or so minor in their effect that the final decision should rest on domestic policy considerations alone.

PREFERABLE ALTERNATIVE

In regard to the major question of whether the United States should adopt a national sales tax, my answer is *no*, at least in the foreseeable future, whether the sales tax would be offered as a substitute for an existing tax or as a method of raising any additional revenues needed. But even if the answer were *yes*, why should the value-added tax be chosen by the United States? Why not the familiar retail sales tax?

EFFECTIVE STRUCTURE EXISTS

In the United States, with 44 states having retail sales taxes, over 97% of our population live in states with retail sales taxes, and 97% of our retail establishments are located in states having such taxes. The usual rate is around 5%, with some rates as high as 8%. Thus, today, a retail sales tax is being successfully administered in the United States. Therefore, if the federal tax system is to have a national sales tax, why not simply use the retail tax structure we already have functioning and adopt a national retail sales tax?

What is to be gained by having a VA tax rather than a retail sales tax? As far as I can see, the answer is more paper work and administrative chores, and greater temptations for exemptions and special rates.

The end result of a VA tax, as we noted earlier, is that the retailer collects the tax from his customer. Let us compare the effect of a 5% retail sales tax and a 5% VA tax. Under the retail sales tax, a retailer collects 5% of the sales price from his customers and pays the full 5% to the government; that is the end of the matter. Under a value-added tax, however, a retailer first pays 5% to his wholesaler on goods purchased, then collects 5% from his customers on the retail price, and pays the net difference to the government.

For example, if the wholesale price is $70 and the retail price is $100 before tax, the retailer pays the wholesaler $3.50, later collects $5.00 from its customer, and pays $1.50 to the government. The government is thus collecting the $5.00 in bits and pieces: $1.50 from the retailer; say, $1.00 from the wholesaler (if the manufacturer's price is $50, the wholesaler collects $3.50 from the retailer but has paid the manufacturer $2.50, leaving a net of $1.00); say, $1.50 from the manufacturer; and the rest from various suppliers of the manufacturer.

While the government gets part of the $5 earlier, it has the administrative problems of dealing with all the other units in the productive process. These units, in turn—wholesalers, manufacturers, and suppliers—are all involved in paper work under the VA tax, whereas they are less encumbered under the retail tax. The retailer also has an additional burden under the VA tax, for he must keep track of both purchases and sales, whereas only sales records are involved with a retail sales tax.

Of course, under a retail sales tax, most businesses would probably be registered, since some nonretailers do have sales at retail. Also, such registration may be relied on to administer the exemption for sales of a producer's goods and goods to be used in further manufacture, with a registered seller being permitted to sell such goods on an exempt basis to a registered buyer. In addition to some direct exemptions, the exclusion of such goods could, of course, also partly be handled under a system of refunds to the

exempt purchaser, which is essentially the way a VA tax does it.

Overall, however, the paper work and back-and-forth tax payments and credits or refunds would be considerably less under the retail sales tax. Moreover, the conclusion of various classes of business organizations, rate differentials, and the like—and surely there would be these—are considerably more difficult to handle under a VA tax (e.g., where a company not required to collect the tax, because it is exempt, has paid tax on its purchases) than under a retail tax.

We must remember that the Europeans developed the VA tax because they (a) did not believe that they could effectively handle a retail sales tax and (b) were improving a turnover tax system under which they had been taxing all sectors of manufacturing and distribution, and hence tended to think of all sectors as still playing a role in the sales tax process. The Europeans, especially with their high rates of sales tax, said that if the retailers would cheat and not collect a retail sales tax, then under a VA tax the government at least would get the tax on the wholesale price, provided the wholesaler played his role.

Even this view disregards two aspects: (1) typical retailer cheating—that of understating the retail price for tax computation purposes—which is not reached by either tax; and (2) retailer cheating that hides some sales entirely or cuts below the wholesale price, which can be reached under a retail tax by using wholesaler sales records without requiring wholesaler tax collections. In short, both types of tax require effective government auditing programs.

Hence there is no need for the United States, with an already effectively functioning retail sales tax structure at the state level, to have at the federal level a value-added structure that collects, in more complex fashion, the amounts which could otherwise be collected under a retail sales tax.

CRUCIAL INTERRELATIONSHIPS

Our federal system adds a special reason to have the same structure for the national tax as that used in our states. Clearly, our states are not going to give up their retail sales taxes as a revenue factor; more likely, they would oppose a national sales tax as an encroachment on their tax preserves.

But if we are to have a national sales tax, we should at least use it to work in the direction of uniformity in the sales tax field. This could best be achieved by letting the states "ride" the federal tax—that is, add their rate to the federal rate and have the federal government pay over to a state the amounts collected on its behalf.

The states cannot, however, without a great deal of confusion, ride a VA tax and end up with the same revenue allocations among them as exist today.

Retail sales taxes in a federal system essentially allocate their revenues to the state of final sale, i.e., the state of destination of the goods. In the absence of border adjustments, a value-added tax allocates its revenues in part to the state of origin, in part to any states having intermediate wholesalers, and in part to the state of final sale. Indeed, since the Europeans desire for the period ahead to allocate revenues within the Common Market to the country of destination, they must retain their border adjustments among themselves.

In the United States, under current Supreme Court decisions, the states cannot apply a sales tax on an origin basis, and hence the states have adopted a different method of allocation. On the one hand, it would seem difficult to change that method, because a federally imposed minimum state sales tax would be required to prevent interstate competition. On the other hand, it would seem confusing to accommodate a VA tax to that method, while still obtaining a uniform sales tax structure with its total rate made up of national and varying state, and even city, rates.

Indeed, if the United States is to have a national sales tax, it would appear that this federal-state-city interrelationship is a crucial aspect requiring full exploration.

The prudent course, if we are to have a national sales tax in the United States, would be to build on our already functioning retail sales tax structure and to see if any difficulties turn up which cannot adequately be coped with under that structure. We should explore the known, rather than the unknown of whether a value-added tax offers any expectation of better meeting those difficulties without incurring new problems.

CONCLUDING NOTE

In varying degrees, our existing federal tax system provides equity, incentives, certainty, and familiarity. It is by no means perfect, but any change should be in the direction of improvement, balancing the various goals the system seeks to achieve. Consider:

Viewed from the standpoint of domestic considerations, the addition of a national sales tax would clearly not improve our present federal tax system; rather, it would make it distinctly worse.

On the international side, a national sales tax would not bring the United States any advantages which would alter a policy decision against the tax made for domestic reasons.

Finally, if a national sales tax were ever deemed desirable in the United States, it should take the form of a retail sales tax and not a value-added tax.

In this light, the case against a value-added tax for the United States is very strong.

The Value Added Tax—Rebuttal of a Negative View

(By Richard W. Lindholm) *

In order to be as useful as possible to readers of *The Tax Executive* in their efforts to evaluate the value-added tax (VAT), my comments will be releated very closely to the views of Mr. Surrey as given in a previous issue of this Journal.[1]

CONDITIONS ARE NEW

Today the desirability of VAT as a source of tax revenues must be considered in light of the Federal Government's greatly expanded emphasis on human welfare expenditure goals. In the 1920's,[2] and again in the early 1940's, this type of expenditure emphasis was not the principal purpose of Federal revenue maintenance and revenue increase actions. This is the great change in today's conditions from those of yesterday. Expenditures at the Federal level have become meaningfully similar to those existing at the local and state government levels when many states introduced the retail sales tax in the 1930's. This action was taken to prevent a revenue shortage from causing a sharp decline in the quality of primary and secondary public education. The state expenditure goals to be reached with the revenues collected from the new retail sales tax justified the introduction of a tax that did not attempt to change the verticle distribution of incomes. This continues to be a fundamental aspect of the political acceptance of the state and municipal retail sales tax.

There are a number of other basic changes of the past forty years that make the current situation relative to use of a broad indirect Federal tax very "new" indeed. For example, taxes as a percent of Gross National Product (GNP) are growing year-by-year in all industrial nations.[3] The additional revenues used directly to finance social security in all its various aspects have been expanding particularly rapidly. During this same recent past the rates of customs duties have been declining. The goals of lowered tariffs of the Kennedy Round are also our goals as the world's major trading and investing nation.

The combined economic impact of these three simultaneous fiscal developments, i.e., (1) the expanding Federal welfare role, (2) higher taxes as percent of GNP, and (3) reduced tariffs, is to sharply increase the need to consider international impacts of tax methods used to raise the National Government's revenues. In many export categories the competition being faced by American produced goods in the markets of the world is very sharp indeed. The direct impact on costs of exporters of the internal tax method used in the nation of production and importation has become important. The helpfulness of the strength of VAT in the international economic arena is largely another "new" situation.[4] High domestic taxes and low tariffs, plus the ability of VAT to provide an internationally acceptable procedure to levy compensating border taxes and to extend refunds to exporters gives VAT a "new" internal attractiveness. The favorableness of the international aspects of VAT is not limited to the trade account portion of the balance of payments. VAT, by providing a new major tax base, permits a reduction of taxes on capital, profits and savings. This makes a nation using VAT a more attractive place to invest. This in turn stimulates economic growth and helps prevent a negative balance of international payments.[5]

Mr. Surrey's suggestion of adjustments at the border by simply giving rebates to exporters and collecting border taxes on imports is *not* accepted international practice. We protest actions along these lines by other nations and use countervailing tariff legislative provisions to combat the economic effect.[6] However, we do not react in this way toward a similar type of trade impact through use of VAT. This appears to be the typical situation. The attitude difference perhaps arises because an export rebate and the associated border tax arising from adjustments due to a national broad-based tax cannot be easily changed upward and there is therefore strict built-in limits.

A TAX THAT USES GROSS NATIONAL PRODUCT AS ITS BASE

The base of a VAT that would include all value-added sold in the market place is our familiar business portion of private sector GNP. It is also true if Government services as well as other services are added to this total that the aggregate is total consumption. Production has no value unless it is directly and indirectly consumed by those willing to pay a price of some kind.[7] Basically production and consumption are equal, and the fact this is only true in a long-run or a static equilibrium situation does not destroy the basic truth or usefulness of the relationship when considering the nature of VAT.

This private sector GNP total, which is the one reported by the Office of Business Economics of the United States Department of Commerce, includes the value of capital goods produced as well as consumer goods such as corn flakes. That this is the situation is sometimes forgotten. For example, the price of corn flakes at retail must of necessity include the cost of the consumption of buildings and machines used from the plow to the cash register of the grocer. Therefore to calculate the private sector GNP total, while avoiding double counting, the retail total reported as a portion of GNP is much less than the retail sale price of these goods. The total is the value-added at retail.

In some cases retail GNP will be 50 percent of the wholesale price and in others it may be 10 percent. On the other hand, the aggregate of the value of all goods and services sold includes all the costs, and this cost

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total is equal to the production total which is GNP. What you and I spend for consumer goods and services includes in its total the cost of all capital goods used, as well as all payments to governments as taxes.

These basic characteristics of our GNP data are well known and do not create serious analytical difficulties to knowledgeable people. The only reason for bringing it up is to highlight the meaninglessness of trying to distinguish between a production tax and a sales tax or between a gross income tax and a gross production tax, or even between a tax on consumption and a tax on production or a tax on gross income or receipts.

The VAT literature distinguishes between what is called a consumption type VAT and an income type VAT. The difference between the two approaches is the treatment given to capital purchases. In the income type approach, the VAT paid on capital purchases is not deducted in calculating VAT liability, but depreciation allowances are provided. In the consumer type, the VAT which is included on invoices of capital purchases is deducted the same as is true of all other VAT reported as paid on invoices of purchases.

It is extremely easy to fall into the error of believing VAT is not being paid on the value of the production that went into the creation of capital goods when the tax paid is immediately deductible in calculating the VAT liability of the business firm purchasing and using the machine. The possibility of making this error has been compounded by the literature's nomenclature which calls this the consumption type VAT.[8]

What the consumption type VAT administrative procedure does, as is demonstrated in a little arithmetic example given below, is to prevent a portion of the monetary value of a nation's production or value-added from being taxed twice. It is a method of making VAT live up to its advance billing of being a truly *net* gross sales or turnover or production or even income tax. You choose the name you prefer—the tax is the same. VAT of the consumption type is being used by both France and Germany.

Under what has come to be called the consumption type administrative machinery it is assumed that each year all capital equipment purchased is used up in productive activity just as is the case of all electricity purchased.[9] Therefore the receipts from the sales of each firm must include the price of all capital, as well as the price of all electricity, and in addition, of course, the expenditures made for labor and the return on capital funds invested. In the aggregate and over a period of years this is the true situation.

Example Calculations (10% VAT) Costs of Production

Payments for—		*Prior Payment of VAT*
Taxes	$40,000	----
Capital equipment	100,000	$10,000
Electricity	10,000	1,000
Labor	200,000	----
Profits and interest	50,000	----
Total costs and selling price	400,000	11,000

The prior payment of VAT by other firms on costs is $11,000. If taxes are deducted from the VAT base so that only private sector GNP is taxed, the VAT check written to the Treasury by this firm is $36,000—$11,000 or $25,000. This private sector GNP total does not include double counting nor does it exempt value-added in producing production goods. VAT by using the approach of sticking continually to the position that any value-added on which VAT had previously been collected is deductible in calculating the tax base, avoids the difficulties of typical turnover taxes and also of income taxes where income is taxed as corporate income and again as individual income.

This excursion into national income accounting has been made to demonstrate that VAT is just what its name says. It is a tax on value-added and it is applied where that value-added arises in an economy. If it must be labeled an income, a sales, a consumption, or a production tax, the best economic support exists for calling it a production tax. However, the Michigan Business Activity Tax, really a type of VAT, was called an income tax by the courts and the *taxé sur la valeur ajouteé* (TVA) of France was labeled a tax on consumption under the understanding of the General Agreement on Tariff and Trade (GATT).[10]

RETAIL SALES TAX INSTEAD OF VAT

In a previous footnote it was noted that Sweden has replaced a single stage largely retail sales tax with VAT. This change was made for many reasons. Some of these are:

The tax evasion problem of a high rate tax on a single transaction completed in many cases by small and underfinanced businessmen was reduced.

It made the economic stimulation to exporters a refund of taxes paid by others rather than the elimination of the tax liability on the portion of sales not sold domestically at retail.

The likelihood of the incidence of the tax being passed backward in lower prices to factors of production rather than forward in higher retail prices was increased.

While avoiding the problem of collection from each establishment, it made possible the taxation of a considerable portion of the value of the sales of the seller of services, i.e., all materials and equipment plus rent paid.

It avoided taxpayer protests from those who saw others enjoying the consumption of purchases that were purchased at wholesale or for production and therefore exempted from the high rate retail sales tax.

The net effect of Sweden replacing the national retail sales tax with VAT was that it permitted a broadening of the base and an increase of the rate and collections while decreasing administrative problems, increasing justice and adding to Sweden's international competitiveness.

In the United States, these good reasons to adopt VAT and not a retail sales tax are also applicable. However, a desire to avoid burdening retail sales in most states with another very substantial tax to be collected at the point of retail sale is another justification for favoring VAT here. The VAT liability of a retailer varies depending on his markup. The retail sale liability of a 10 percent VAT on a washing machine selling for $200 with a 20 percent of selling price markup is $4 or .2 percent. The VAT liability on retail sale of a men's suit for $200 with a 50 percent of selling price markup would be 5 percent or $10. Because the retail VAT liability is a variable portion of the retail selling price, depending on markup percentage, it is not a tax added on at time of sale, unless the retailer wishes his customers to know the markup on each item.

Because of this administrative situation with VAT, it does not become another retail sales tax to be added on to sales price at point of sale. This of course would not be the situation with a national retail sales tax. Instead of functioning as another major tax to be collected at point of sale, VAT takes on the characteristics of a cost of doing business. VAT at the retail level is like property taxes and payroll taxes. In fact it is reported that some Dutch retailers insisted on being covered by VAT so they would be able to benefit from VAT credits and refunds.[11]

TAXATION INCIDENCE

There can be no denying that all taxes are included in prices paid and all members of the economic community are continually paying prices and receiving prices. Any element of the economic community that is able to pay low prices for what it purchases and to charge high prices for what it sells, possesses considerable economic power. More than likely taxes levied on any base of this type of economic unit are shifted to weaker economic units through the market mechanism.

The strong economic unit could be a consumer employed as an airline pilot and the weak economic unit could be an American steel plant. It is not where the economic activity is located in the production-income circle of the national income accounts that determines the ability of the unit to maintain and increase its economic wellbeing. This is a function of all the various elements that determine relative economic and political strengths in a society.

VAT, like all taxes, provides revenues for Government use. Government revenues spent to provide services, possessing a high priority, but difficult or impossible to provide outside of Government, greatly increase satisfactions or economic efficiencies from the level that would exist if the taxes were not paid.

More than likely the greatest shortcoming of our existing Federal tax system's emphasis on ability-to-pay and the avoidance of taxation of the final goal of *all* economic activity—consumption—is its development of an ostrich head-in-the-sand attitude that taxation does not transfer consumer goods and services from private control to Government control. Yet, of course, that is what taxation is all about.

ECONOMIC NEUTRALITY

VAT, by taking a portion of production, i.e., GNP, wherever it takes place—in an electronics plant or a ma and pa grocery store—very definitely aims directly at making this transfer of economic power from the private economy to the public economy. It does not judge whether one type of "for sale" productive activity is more useful than another. This judgment as to social or welfare priorities is left to Government expenditure decisions. If Government wishes to stimulate ma and pa grocery stores it pays a subsidy to the operators of these stores out of the resources it has acquired through application of its taxes to the total "for sale" productivity of the economy.

The justifiably unfavorable position developed by the Treasury under Mr. Surrey's leadership in its attitude toward what is frequently called "tax expenditures" is applicable to any tax that fails to apply a flat rate to the total GNP arising from the private sector.[12] Relative economic positions are changed through the levy of taxes at a higher rate on corporate income than on individual income and the collection of an excise tax when one type of product is sold and not when another type is sold. This, i.e., the deviation from a neutral base, is what the concept of "tax expenditures" is really all about. Of course, the undesirableness of using a tax base that isn't neutral is heightened if the rates are graduated. A major basic economic advantage of VAT arises from its economic neutrality and therefore its avoidance of "tax expenditures."

Undoubtedly the American people are not ready to completely abandon "tax expenditures" whether it takes place through tax exemptions or tax applications. The beliefs supporting varied tax treatments of incomes and production from different sources in moving toward an improved society are deeply imbedded. The use of VAT in this sort of environment can at most provide a substantial economically neutral revenue flow to finance a portion of properly determined public expenditure choices. However, it seems to me that this can be a major contribution of VAT and it is one that Mr. Surrey and all others interested in

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wise use of scarce economic resources should support. A commentator of the International Monetary Fund has written: "Perhaps the overriding consideration that has led to the adoption of the value-added principle in Europe is its internal and external neutrality at the retail level.[13]

FOOTNOTES

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[1] Stanley S. Surrey, *A Value Added Tax for the United States—A Negative View,* April 1969, pp. 151–172.

[2] In the 1920's the impetus for a general tax collected on transactions come from a desire to eliminate war-stimulated special excise taxes and in the 1940's to provide additional revenues to finance war-related expenditures.

[3] *Report on Tax Adjustments Applied to Exports and Imports in OECD Member Countries,* (OECD, 1968) pp. 214–255. The United States was an exception between 1964–1965.

[4] In recognition of this the Swedes in January 1969, repealed their national retail sales tax of 8 percent and replaced it with VAT having an effective rate of 11.11 percent. *European Taxation,* Vol. 8, No. 11 & 12, pp. 294–297.

[5] I have expanded on this point in Joint Economic Committee Hearings, *A Review of Balance of Payments,* January 13–15, 1969, pp. 253–254, and in the JOURNAL OF FINANCE, May 1966, pp. 255–265 and September 1968, pp. 659–665.

[6] Treasury announcement relative to countervailing duties on Italian tomato concentrates, December 30, 1968.

[7] Some imputed rents and values of goods and services consumed by producers are also a portion of the GNP calculations used.

[8] William H. Oakland, *The Theory of the Value-Added: I–A Comparison of Tax Bases,* NATIONAL TAX JOURNAL, Vol. XX, No. 2, p. 122.

[9] For procedures used in the introduction of the German VAT see Rudolf J. Nichus, TAXES, November 1967, and September 1969.

[10] Armco Steel Corp. v. Dept. of Rev., 359 Mich. 430. France went to considerable pains to label her TVA a tax on consumption. More than likely this was done to avoid future difficulty with GATT understandings.

[11] K. V. Antal, EUROPEAN TAXATION, Vol. 8, No. 11 & 12, p. 241.

[12] Remarks by the Honorable William F. Hellmuth, Jr., Deputy Assistant Secretary for Tax Policy, Treasury Department Release of October 29, 1968, pp. 5–6.

[13] Walter Missorten, *Some Problems in Implementing a Tax on Value Added,* NATIONAL TAX JOURNAL, Vol. XXI, No. 4, p. 396.

U.S. POLICY TOWARD AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DIGGS. Mr. Speaker, on September 15, 1971, upon returning from a 5-week study tour of several African nations and just 1 week after having been appointed by President Nixon to serve as a U.S. delegate to the United Nations General Assembly, I issued a press statement in which I assessed for our Government the implications for U.S. policy of the intensity of the determination for freedom of the black majorities in South Africa, Guinea-Bissau, and Cape Verde.

Included in this statement is a set of preliminary recommendations that, in general, advised that the United States "get on the side of freedom" and "work towards the peaceful and expeditious termination of minority rule" in the minority-ruled and colonial areas of Africa.

Following this press statement, I began to prepare in comprehensive form a set of recommendations on the U.S. policies from the information and insight that I gained during this trip. These recommendations were detailed in the document, which I issued in a December 14 press conference, entitled "Action Manifesto as a Result of My Trip to South Africa, Guinea-Bissau and Cape Verde," and were presented in this form to the Secretary of State and to Dr. Kissinger.

There are some 55 recommendations. Although these arise primarily from my recent trip to Guinea-Bissau, Cape Verde, and South Africa, certain other immediate aspects of U.S.-African policy are addressed. Recommendation 54 relates to Zimbabwe and, inter alia, urges that our Government recognize that the Heath/Smith "Proposals for a Settlement" do not secure to the people of Zimbabwe majority rule or self-determination in terms of their rights as set forth in the Charter of the United Nations. Recommendation 55 addresses to our Government some of the many questions raised by the anomalous and unprecedented half billion dollar commitment in the Azores agreement by this Government to Portugal which is waging three colonial wars against black people in Africa. In fact, it was the conclusion of this Accord which constrained me to submit to the President my resignation from the U.S. delegation to the United Nations General Assembly on December 17, 1971.

The statement which I made at that time rehearses some of the serious problems with respect to U.S. policy toward Africa which confronted me as a member of the U.S. delegation to the United Nations, as well as my inability to get underway a consultative process on these vital issues. Indeed, I was forced to the conclusion that considerations of integrity and of the desperate need to turn U.S. policy around from the perilous course on which it has embarked, required that I completely disassociate myself from the administration on African policy and submit my resignation.

Of most significant note is the fact that the overwhelming majority of the many messages that I have received to date in regard to this decision have been congratulatory and supportive. A most generous percentage of these expressions has come from spokesmen for the some 26 million U.S. citizens of African descent whose wishes and loyal presence are not being considered in the shaping of our Government's diplomatic and trade policies with Portugal and the minority-ruled areas of Africa.

Following are the full texts of both the Action Manifesto, and of my statement of resignation as it was made in a press conference called by me on December 17, 1971:

ACTION MANIFESTO AS A RESULT OF MY TRIP TO SOUTH AFRICA, GUINEA-BISSAU AND CAPE VERDE

(By the Honorable CHARLES C. DIGGS, Jr., Chairman, Subcommittee on Africa Committee on Foreign Affairs, U.S. House of Representatives)

PROLOGUE

This prologue which is drawn from my Press Statement of September 15, upon my return from the fact-finding mission to several African countries, including Guinea-Bissau, Cape Verde and South Africa, is designed to provide a background for this Action Manifesto which consists of a number of recommendations for United States Policy resulting, for the most part, from the trip. In view of the immediacy of concern on the proposed Heath/Smith settlement, and in view of the action which was announced last week by this government of the agreement on the Azores, recommendations have been added on these two subjects.

The visit to Guinea-Bissau and Cape Verde was extremely informative, both on the stark racism of the Portuguese Government and on the tenuous situation of the Portuguese in Guinea-Bissau. Guinea-Bissau is an armed camp, and the Portuguese are indeed beleaguered. At the same time, it was obvious that a consideration of the effect of the PAIGC must include not only its military gains and its concomitant efforts to improve conditions in the liberated areas, but even the housing, health and educational programs currently being undertaken in the Portuguese-held areas in Guinea and on Cape Verde.

The basic fact which I found on the fact-finding mission to South Africa was the indomitable spirit and the unquenchable will of the people of South Africa to be free. I have rturned with the conviction that majority rule in South Africa is inevitable and the rest of the world, particularly the United States, has no choice but to get on the side of freedom.

I am not prepared to start predicting when or how, but the countdown has begun.

Our government, at present, decries violence as a means of liberation, without condemning the violence which the South African Government uses to enforce the subjugation of the majority of the people. The United States must recognize that any means are legitimate so long as the recalcitrance of the South African Government continues.

For, despite some questioning among some of the while elements in South Africa, the situation of the African is worsening. He has no right of political participation in the government, no right of movement, no right to work or even to live with his family. We found no evidence either that the inhuman, all pervasive restrictions on the majority of the people, or that the repressive laws—applicable against anyone, black or white, who opposes the system—are being mitigated one iota. In fact, the resettlement projects, the Terrorism Act trials, the detention, the tortures, the deaths in detention and the bannings by unchallengable executive flat continue. The pass laws, under which 2,500 Africans are arrested each day, symbolize the tyranny and the repression.

In my opinion, the United States, as the leading power in the world, must act to avoid the holocaust which will otherwise surely come. The government must reform its own employment practices in its enterprises, including the embassy and consulates in South Africa.

There is positively no justification, under present administration policy, whereunder black foreign service officers are not assigned to South Africa. Such assignments must be made without delay. The city of

Soweto has nearly a million blacks, there should be a USIS office there.

In my discussions with various U.S. business managers in South Africa, as well as in my visit to NASA, I found an utter lack of realization that blacks are human beings. The United States Government, in its own enlightened interest, must end its complicity with apartheid, and work towards the peaceful and expeditious termination of minority rule in South Africa.

It is incontrovertible that U.S. business, representing the second largest foreign investment in South Africa and concentrated in the manufacturing and dynamic sectors, buttresses the South African economy and, therefore, the present government and apartheid. Its presence not only renders the U.S. hostage to apartheid, it provides a stake in the status quo. Because of the innumerable policy and legal difficulties in forcing U.S. business to disengage, I am directing present efforts against the exploitation of the blacks by U.S. business, which uses the apartheid system as an excuse for slave labor practices.

The United States Government must use every legitimate means to bring U.S. business to dedicate itself to the principles and effectuation of fair employment practices with respect to wages, training and educational programs, fringe benefits, and special services and programs for the African. American firms must push beyond the limits of the permissible and end their racist practices. The signs—Whites Only—and the segregated facilities and the discrimination in jobs which we witnessed both in U.S. plants in South Africa and as the NASA facility there must be eliminated.

I have long opposed the sugar quota for South Africa, and frankly, I was shocked when I visited the sugar estates and actually witnessed the blatant racism of the Sugar Association and the deplorable conditions of employment for the sugar workers—the wages, the housing, the diet, and the long hours of work.

The potential of a free South Africa, with its tremendous natural, industrial, and human resources for all of its people, indeed, for all of Africa, is unlimited.

South Africa is not isolated from the tide of self-determination and freedom which has revolutionized the world in the middle of this century. Through the Charter of the United Nations, majority rule, self-determination and human rights have become recognized legal obligations of all member countries, including South Africa *and the United States.* The international community has been transformed from independent powers and dependent areas to communities of sovereign and independent states. This tide of freedom is a surging undertow in South Africa that will overcome.

We must utilize all our resources for its early realization; for although in the final analysis the resolution is coming from the people themselves, external forces and external assistance can make a vast difference in the way in which their freedom will be won.

I have thus issued this Action Manifesto with recommendations to the Secretary of State and to Dr. Kissinger for United States Government action.

INDEX TO SUBJECT MATTER OF RECOMMENDATIONS

1. That the United States take meaningful steps, as spelled out below, (1) to end its complicity with apartheid, (2) to implement its pronouncements of adherence to the principle of self-determination and of abhorrence of apartheid with concrete actions towards their realization, (3) to comply with United States obligations under Articles 1, 2, 55 and 56 of the United Nations Charter, and (4) to act in accordance with the moral and legal standards of the Constitution.

2. That the United States Government show cause why it should not, as an earnest of its position on human rights and self-determination, downgrade its representation in South Africa and Portugal to the Chargé level.

3. That the United States condemn the violence with which the Government of South Africa and Portugal perpetuate their rule in these countries.

4. That the United States cease its condemnation of the efforts by the majority of the people of these areas to achieve their freedom by the only means available to them, and in reaffirmation of the principles enunciated in the Declaration of Independence—principles which gave birth to the American Revolution and to the United States of America—acknowledge the sacred right of these peoples to use, so long as the recalcitrance of those governments continues, whatever means are necessary to achieve self-determination and to win their freedom.

5. That the United States contribute to the United Nations Trust Fund. The Fund is made up of voluntary contributions and is used for:

"(a) Legal assistance to persons persecuted under the repressive and discriminatory legislation of South Africa;

"(b) Relief to such persons and their dependents;

"(c) Education of such persons and their dependents;

"(d) Relief for refugees from South Africa."

(General Assembly Resolution 2397 (XXIII) of 2 December 1968).

The General Assembly Report of October, 1971 listed the following contributions as received during the previous 12 months: Austria, $5,000; Belgium, $20,149; Bulgaria, $1,000; Cyprus, $242; Denmark, $66,796; Finland, $25,000; France, $20,000; Ghana, $1,000; Ireland, $2,750; Jamaica, $840; Japan, $20,000; Khmer Republic, $1,000; Liberia, $1,000; Morocco, $3,972; Norway, $35,000; Pakistan, $3,000: Saudi Arabia, $2,400; Sweden, $77,369; Yugoslavia, $1,000. Note, there was no contribution by the United States.

6. That United States NATO contributions to Portugal should be suspended until Portugal recognizes its obligations under the United Nations Charter with respect to the self-determination of the people of Guinea-Bissau, Angola and Mozambique, and until Portugal ceases its expenditure of a disproportionate amount of its budget to fight a colonial war in Africa. This recommendation is underscored by (1) the absence of any significant military reason for such contribution (the United States NATO contribution to Portugal amounts to "approximately one-fourth of one percent of Portuguese military expenditures") and (2) Portugal's expenditure of almost 50% of its budget for military purposes.

7. That the United States suspend *all* sales to the Portuguese armed forces until such time as Portugal takes the two actions specified in Recommendation 6.

8. That again, until Portugal takes the two actions specified in Recommendation 6, the United States suspend all sales to the Government of Portugal or to Portuguese buyers, whether such sales are public or commercial, of the following:

(a) Aircraft which can be used for troop transport;

(b) Arms, ammunition, and items of a weapons nature;

(c) Items for the use of, or by, the Portuguese armed forces;

(d) Spare parts and third party componentry for any of the above.

9. That United States export licenses for the sale of any of the items listed in the prior two paragraphs be denied. The present arms embargo against Portugal not only raises questions of adequacy of enforcement; it continues a military partnership with Portugal without regard to either Portugal's violations of the rights of the people of those territories or to Portugal's obligations under international law, and indeed without regard to our own obligations under the United Nations Charter. Regulations of the Department of Commerce (validated and G-dest license controls) and State Department (Munitions Control) should be amended accordingly.

10. That the United States suspend all Export-Import Bank facilities to Portugal until such time as Portugal takes the two actions specified in Recommendation 6.

11. That the United States pursue a positive program for bringing Portugal to rethink its obdurate position on Guinea-Bissau and Cape Verde.

12. That the United States cease its obstruction of efforts by other NATO countries to place on the agenda an item to reconsider NATO assistance to Portugal and that the United States Government use every effort to have this item placed on the agenda for the next NATO Council meeting.

13. That the United States take whatever steps are necessary, including amending its validated license regulations, to prevent the sale of defoliants to Portuguese buyers.

14. That the United States clearly and publicly state its support for self-determination for the people of Guinea-Bissau and Cape Verde.

15. That the United States either bilaterally, or through the United Nations, give humanitarian aid to the PAIGC and other liberation movements. (The feasibility of such aid is attested by the program of the Swedish Government which has an on-going assistance program to liberation movements and, in the calendar year of 1971 will contribute to the PAIGC 1,750,000 kroner in kind for humanitarian or educational purposes).

16. That the United States Government welcome the leaders of the PAIGC and other liberation movements for visits to this country and that United States officials meet with such leaders.

17. That the United States endeavor to get the two sides, the PAIGC and other liberation movements, and the Government of Portugal, together to the conference table on the basis of the Lusaka Manifesto, the principles of which the United States generally endorsed.

18. That the United States support multilateral and/or bilateral programs of humanitarian support to the liberation movements, through the provision of educational and reading materials, as well as medical supplies, to people in the liberated areas and to refugees.

19. That the United States adopt a positive and substantial program of assistance to Southern African refugees.

20. That our foreign policy towards South Africa be completely revamped. Our present foreign policy towards South Africa is based on pronouncements of abhorrence of apartheid on the one hand, and coexistence with, and even support of, its adherents on the other. In our own enlightened interest, this must be changed, and we must come to grips with the fact of change in South Africa due not to the largesse of the whites, but to the determination of the majority to achieve self-determination. To this end, the United States should affirmatively adopt a policy, attuned to and supporting the majority and their rights.

21. That the United States clearly and publicly state the legal position on the Bantustans, namely, that (1) they are illegal under international law, and (2) that international law requires the right of political participation in the Government of South Africa by all the people without distinction as to race, color, sex, language or religion.

22. That the United States establish substantial contact with the majorty in South Africa through the opening of USIS offices in Soweto and in other large black communities.

23. That the government reform its own enterprises in South Africa and terminate the apartheid practices I observed there, and that the embassy and consular staffs be integrated at all posts and at all levels in South Africa, and specifically:

(a) That the United States assign black personnel without delay to the embassy and consulate staff and to the USIS staff in South Africa on all levels, and

(b) That local blacks be employed by the diplomatic and consulate staff at each post and in all categories.

24. That guidelines be established for the United States Embassy and Consulate Post for (1) the use of segregated facilities in South Africa, and (2) for entertaining by United States Government personnel on a non-racial basis, and (3) for their attendance at segregated functions. (I cannot accept the position of the Department of State that (a) it gives maximum discretion to our Ambassador in regard to the "delicate problem of having to maintain adequate relations with the authorities while continuing to support and project our abhorrence of apartheid and dedication to multiracial principles" and (b) it permits the Ambassador to exercise "this discretion in tailoring the nature of his entertainment and that of his staff to fit the needs of the occasion." Under these vague standards, spelled out in Mr. Abshire's letter to me of July 26, 1971, our Ambassador gave a large, segregated reception which has subjected the United States to much criticism in South Africa and in the United States. Our policy interests require the establishment of functional and legal guidelines for embassy, consular and all official United States Government personnel in South Africa as to their participation at official and social functions and their use of segregated facilities).

25. That the agreement with South Africa for tracking stations in South Africa (T.I.A.S. 4562 of September 13, 1960) be terminated according to its terms and, in the interim, (1) that NASA be required to end its apartheid policies and racist practices and (2) that there be no discrimination in either the conditions of labor and employment or in the facilities available to employees. The callous racism and apartheid which I found at the NASA Tracking Station near Johannesburg must be ended.

26. That the role of the Commercial Attaché and Economic Officer be reexamined and their functions of encouraging United States businesses in South Africa be terminated.

27. That the United States Government take a stand against business expansion in South Africa until such time as South Africa ceases its racial policies, and implement effective disincentives to United States business investment in South Africa.

28. That the United States advise businesses that, if they decide to stay in South Africa, they do so at their own risk; and in the event of difficulties with liberation elements, the United States Government will not support them or afford protection.

29. That the United States Government actively and publicly use its power and influence to cause and assist United States businesses in South Africa to:

(a) Close the communications gap between United States headquarters and their subsidiaries and branch offices in South Africa;

(b) To pay equal pay for equal work;

(c) To get on with the task of training and whatever else is necessary so that blacks, coloreds and whites are performing equal work on a substantial scale;

(d) To throw off local coloration and give respect to all employees;

(e) In sum, to establish fair employment practices and to refuse to adhere to racial policies and practices.

30. (a) That Executive Order No. 10925 be amended so that, with respect to those United States businesses in South Africa, fair employment practices in their South African enterprises be a condition for their eligibility for government contracts. I am also planning to introduce legislation for this purpose.

(b) In accordance with Executive Order 10925 requiring non-discrimination by government contractors and in view of Pan-Am's exclusion of Black Americans from its African runs, each United States Government agency having a contract with Pan-Am should review such contract under section 301 (6) concerning sanctions and remedies for noncompliance with the discrimination clause.

31. That an appropriate mechanism be established within the executive departments to investigate the practices of American firms in South Africa, to report to the Executive and Congress thereon, and to advise as to those firms which are not implementing fair employment practices.

32. That the United States Government establish an Honor Roll of those firms who are implementing fair employment practices, and are providing substantial educational, counseling and training for their African employees.

33. That the United States Government end all Export-Import Bank facilities and services for South Africa. As brought out in our hearings of June 3, 1971, at which the Vice President of the Export-Import Bank appeared before the Subcommittee, the following services of the Export-Import Bank are allowable under present guidelines for South Africa:

(1) Short-term FCIA [Foreign Credit Insurance Association] insurance.

(2) Medium-term FCIA insurance. As of April 30, 1971, $9,882,000 insurance was authorized.

(3) Guarantees of loans by United States financial institutions to South African purchases of United States goods or services.

(4) Guarantees of loans by non United States financial institutions to South African purchasers of United States goods or services.

Export-Import Bank has informed the Subcommittee that as of April 30, 1971, $20,246,000 guarantees were authorized as medium-term guarantees, but did not indicate the nationality (i.e., United States or South African) of the exporter bank.

(5) Exim discount loans to South African purchasers. In his statement on May 20, 1970, before the Subcommittee, a State Department witness had listed the Exim Bank exposure in South Africa as confined to medium-term and short-term insurance and guarantees, adding that no Exim loans or credits have been issued for transactions with South Africa since 1959. However, four discount loan commitments to South African companies were approved by Exim between October 20, 1969 and February 25, 1971 for export sales to South Africa, indicating a change and relaxation of policy by this Administration. (Two of these transactions were cancelled by the borrowers).

(6) The facilities of the Foreign Credit Insurance Association for insuring political risks in South Africa.

(7) The Export Expansion Facility for insuring higher risks transactions.

(8) Guarantees of non-United States loans to cover local costs related to United States purchases.

(9) The re-lending credit program.

(10) The provision by Exim Staff of guidance and information to South African importers and United States exporters to South Africa.

(11) And the availability to South Africa of Exim's program of providing direct loans to a foreign government suffering temporary dollar shortages was not stated outside of present guidelines by the Exim Bank witness before the Subcommittee on June 3.

34. That Section 307 of the Tariff Act of 1930, 19 U.S.C. 1307, prohibiting the importation into the United States of goods produced by forced labor be enforced. This provision reads:

"All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

(June 17, 1930, ch. 497, title III, section 307, 46 Stat. 689)."

35. That the sugar quota for South Africa be terminated; and that in no circumstances should South Africa be permitted an increased allocation so long as the benefits of the quota do not inure to the majority of the people. I personally witnessed the blatant racism of the South African Sugar Association and the deplorable conditions of employment of the workers as to wages, housing, diet, and hours of work. To this end, I recommend:

(a) That the President, acting pursuant to Section 202(d)(1)(B), suspend the continuation of the sugar quota for South Africa. This section provides:

"(B) Whenever and to the extent that the President finds that the establishment or continuation of a quota or any part thereof for any foreign country would be contrary to the national interest of the United States, such quota or part thereof shall be withheld or suspended, and such importation shall not be permitted. A quantity of sugar equal to the amount of any quota so withheld or suspended shall be prorated to the other countries listed in subsection (c)(3)(A) (other than any country whose quota is withheld or suspended) on the basis of the quotas then in effect for such countries."

(b) That South Africa not be eligible for the benefits of the provisions of Section 202(d)(2)(A) of the Sugar Act. This section provides:

"(2)(A) Whenever the Secretary finds that it is not practicable to obtain the quantity of sugar needed from foreign countries to meet any increase during the year in the requirements of consumers under section 201 by apportionment to countries pursuant to subsections (b) and (c) and the foregoing provisions of this subsection, such quantity of sugar may be imported on a first-come, first-served basis from any foreign country, except that no sugar shall be authorized for importation from Cuba until the United States resumes diplomatic relations with that country and no sugar shall be authorized for importation here under from any foreign country with respect to which a finding by the President is in effect under paragraph (1)(B) of this subsection: Provided, That such finding shall not be made in the first nine months of the year unless the Secretary also finds that limited sugar supplies and increases in prices have created or may create an emergency situation significantly interfering with the orderly movement of foreign raw sugar to the United States. In authorizing the importation of such sugar the Secretary shall give special consideration to countries which agree to purchase for dollars additional quantities of United States agricultural products. In the event that the requirements of consumers under section 201 are thereafter reduced in the same calendar year, an amount not exceeding such increase in requirements shall be deducted pro rata from the quotas established pursuant to subsection (c) and this subsection."

36. That the arms embargo against South Africa include:

(a) All sales to, or for, the South African military, including the provision of spare parts, componentry and repairs. The relaxation of the arms embargo by the present Administration to permit certain sales of aircraft to the South African military must be ended.

(b) All sales of light aircraft, military or civilian, destined for South Africa. The significance of this recommendation is indicated by the structure of the South African military forces, in which all physically qualified white males must serve and in which Africans cannot serve—a structure such that the "citizen forces" and citizen "air commandos" form an integral part of the defense force of the country. Thus, planes sold for civilian use are in fact available for military purposes.

(c) Training to South African military, including correspondence courses and participation in conferences.

(d) Cooperation in, and the transfer of, research, development and/or military know-how, including the testing of military equipment. At the Subcommittee hearings of November 12, 1971, the Department of Defense testified that the United States had tested, in the United States, weapons (surface-to-air missiles) developed by joint South African-French participation, while dealing only with the French firm, to which we had provided money for the testing.

37. That the role of the military attaché in South Africa be reviewed and cause be shown why these functions not be terminated. (Note, information supplied by the Department of Defense at the November 12 hearings before the Subcommittee indicated that there are more United States military attachés assigned to South Africa than to any other African country.)

38. That the United States institute an expanded educational and cultural program with the South African majority as a primary target and with those institutions and individuals working for change to majority rule as a secondary target.

39. That the United States facilitate private efforts and programs to provide legal and humanitarian assistance to the victims of the repressive legislation of South Africa.

40. United States cooperation with South Africa in the field of nuclear energy should be ended and, in no event, should there be a new agreement or an amendment to the present agreement to provide for an increase in the amount of uranium enriching services which the United States can supply South Africa. (South Africa has allegedly developed a new uranium enrichment process which the Prime Minister estimates (Speech of August 3, 1971) may bring South Africa $336,000,000 a year in foreign exchange.) Any support of South Africa in this effort would thus significantly undergird apartheid economically and militarily. South Africa has not signed the Non-Proliferation Treaty.

The Chairman of the South African Atomic Energy Commission has been quoted (Rand Daily Mail, 12 April 1971) as saying that:

"With its uranium enrichment process, South Africa is theoretically in a position to make its own nuclear weapons, whereas before, it was not practical to make the bomb from plutonium since that would have to be imported from abroad and the installation would be subject to international inspection."

41. That United States policy in international financial organizations be consistent with a policy of supporting change in South Africa and not of economically undergirding the status quo.

42. That the United States visa policy towards South Africa be based on *"quid pro quo"* considerations.

43. That, in conformity with the international legal obligations of the United States and in accordance with the acceptance by the United States of the Advisory Opinion of the International Court of Justice on the "Legal Consequence for States of the Continued Presence of South Africa in Namibia, notwithstanding Security Council Resolution 276," the United States:

(a) Recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of and concerning Namibia, and

(b) Refrain from any acts and in particular any dealings with South Africa implying recognition of the legality of, or lending support or assistance to, South Africa's illegal presence and administration of Namibia, and in particular

(1) that United States firms doing business in Namibia not be allowed tax deductions or tax credits for monies paid to the South African Administering Authority (see also (5)(V) below);

(2) that grants, concessions, titles, licenses, privileges or interests of any kind granted by the South African Government in regard to Namibia, Namibian products, goods or property of whatever kind be declared invalid (see also (5)(IV) below);

(3) that the importation of goods originating in Namibia into the United States on the basis of rights or interests purported to be granted by the South African Authority be prohibited;

(4) that the United States not apply the provisions of any treaty with South Africa on behalf of, or concerning, Namibia (see also (5)(III) below);

(5) that the United States implement without delay the recommendations of the American Committee on Africa, as presented to Ambassador George Bush on November 4, specifically those regarding:

(I) American diplomatic and consular accreditation to South Africa;

(II) Preventing South African representation of Namibia in international affairs;

(III) No invocation of treaties extended to Namibia;

(IV) Invalidity of South African concessions and other acts;

(V) Treatment of American businesses in Namibia;

(VI) Political asylum for Namibian refugees;

(VII) Actions which should be taken by the United States through the United Nations.

(c) Cooperation with the legal Administering Authority for Namibia by joining a reconstituted Council for Namibia and seek to implement practical measures to end South Africa's illegal occupation of Namibia. (See (5)(VII) above).

44. That Recommendations 26 through 32 regarding United States policy and its implementation with respect to United States investment and business involvement in South Africa also be applied to United States investment and business involvement in the Portuguese territories.

45. That all investment-incentive programs of the Overseas Private Investment Corporation (OPIC) in, and for, the Portuguese territories be terminated and that the United States Government adopt an affirmative policy proscribing OPIC programs for the minority-ruled areas of Africa.

46. That American companies operating abroad, directly or indirectly, he required to furnish to the Departments of State, Commerce and Labor and to the appropriate committees of the Congress an annual, detailed comprehensive statement on their employment and wage practices. I also intend to introduce legislation to make this a statutory requirement.

47. That the United States support in the United Nations and all other appropriate forums, as well as bilaterally in our relations with South Africa and Portugal, the application of the Geneva Conventions of 1949 to the freedom fighters, and participants in resistance movements and to the civilian population. The status of, and treatment as, prisoners of war should be accorded to the freedom fighters. The humanitarian provisions of these conventions should be extended to the combatants as well as the civilians in conflicts arising from the struggle for the liberation and self-determination of the minority-ruled areas of Africa.

48. That the United States (1) place increased emphasis on the majority-ruled states of Southern Africa, particularly through economic and technical assistance and educational and cultural programs, and (2) assist their efforts to resist South African domination.

49. That the United States should encour-

age and assist feasibility studies into the mineral resources of the majority-ruled countries of Southern Africa in order to lessen the dependence of those countries on South Africa.

50. That the United States look for an effective means to encourage greater interest in the majority-ruled states of Africa from United States investors and businesses.

51. That the United States ceases its hypocrisy, dissimulation and legal dishonesty and recognize that the situation in Southern Africa is within the purview of Article 39 of the United Nations Charter. This section provides:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore international peace and security."

In order that the Security Council can get on with the task of considering appropriate measures to be taken, the United States must acknowledge that the situation in each of the minority-ruled areas of Africa—the situation in South Africa, the situation in Namibia, the situation in the Portuguese territories, as well as the situation in Southern Rhodesia—that each of these presents a threat to the peace.

52. That a Special Task Force on Africa be created:

(a) Composed of ranking members of the Departments of State, Commerce, Defense and other pertinent agencies, and of recognized experts on Africa including members of Congress, academicians, journalists and businesmen;

(b) Charged with the task of making a comprehensive review of our policies towards Africa; and

(c) Established on the principle that its recommendations will be effectively implemented.

53. Finally, that the United States recognize the validity of, and take appropriate action on, the following recommendations and findings of the United Nations Association—United States of America National Policy Panel on Southern Africa:

(a) That "the 'rightness' of any particular course of action should be judged on the basis of its ability to assist in the realization of racial equality and representative government in South Africa"; and thus that "a boycott in sports and a strengthening of exchange programs may both be helpful in promoting change." (page 41 of Panel Report of December 2).

(b) That (in addition to those points made in Recommendation 29) United States businesses in South Africa institute the following:

(1) "providing hot lunches, improved medical care, pension programs, and disability insurance" (page 45);

(2) facilitating the organizing of black workers (page 45);

(3) "that American companies cease making financial contributions to the South Africa Foundation" (page 57);

(4) "that American companies appoint as managers of their South African affiliates only those who are willing to work for change and are committed to the implementation of fair labor practices" (page 46).

(c) "That all United States groups and organizations concerned with apartheid and racial discrimination—and particularly the American labor movement in its tradition of active concern with the betterment of working conditions throughout the world become concerned with the need for American companies to adopt a program of fair labor practices in their South African operations" (page 47).

(d) "That concerned stockholders take advantage of the annual stockholders' meetings to bring to public light the matter of employment practices and conditions in South Africa" (page 47).

(e) That "each American company operating in South Africa should assess the use to which its products are employed in terms of the government's apartheid policy. Any products used directly or indirectly in support of apartheid or racial discrimination—particularly those used by the police or military—should be withdrawn from the South African market" (pages 47–48).

(f) That "United States business should not, within the framework of its own domestic labor practices and in the context of its social responsibility, rely on racially discriminatory labor practices in other parts of the world to make a profit" (page 48).

(g) "That United States banks and other financial institutions refuse to accord any financing to South African Government subsidiaries or to government-sponsored commercial or military projects" (page 48).

(h) "That the United States Government review questions concerning the impact and future of international companies operating in South Africa with other investing nations. The United States might initiate such discussions in GATT and the OECD as well as in the United Nations" (page 50).

(i) That the United States assist the Government of Botswana, Zambia and Tanzania in their programs "for the thousands of political refugees from Southern Africa whose needs are great in terms of housing, education and health care" (page 76).

54. That the United States, cognizant of its obligations under the United Nations Charter, and specifically Articles 1, 2 (2), 25, 55 and 56;

(a) Recognize that the Heath/Smith "Proposals for a Settlement" do not secure to the people of Zimbabwe majority rule, self-determination, human rights or the enjoyment of the totality of their rights as set forth in Article 73 of the United Nations Charter.

(b) Recognize that the situation in Zimbabwe continues to constitute a threat to the peace.

(c) Support the authority of the Security Council with respect to Zimbabwe.

(d) Recognize the legitimacy of the struggle of the people of Zimbabwe to secure their rights.

55. (a) That the United States Government must be required, and is herein called upon, to explain the enormous, unprecedented and anomalous commitments which the United States is making to Portugal in connection with the Agreement to extend U.S. base rights in the Azores—an Agreement under which Portugal is to receive in the next two years (the Agreement expires on February 3, 1974) the following quid pro quo:

$15 million in P.L. 480 agricultural commodities;

the loan of a hydrographic vessel at no cost;

$1 million for educational development programs;

$5 million in drawing rights for non-military excess equipment;

the waiver of MAAG support payments ($350,000) for the MAAG (Military Assistance Advisory Group) to Lisbon;

$400 million of Exim loans and guarantees for development projects.

(b) That specifically, the government is called upon to address each of the following points:

1. From the point of view of U.S. interests, the new Agreement with Portugal represents an unusual and anomalous commitment. There is no apparent justification for the quid pro quo in then new Agreement.

a. The general availability of funds for foreign economic assistance has been diminishing since 1967. In that year, funds for economic assistance totalled $5,120 million. In 1968, they were $4,634 million. In 1969, they were $4,067 million. Last year, they totalled $4,711 million. The Export-Import Bank is an exception to the rule; its funds have been increasing in the last few years. But the question must arise why loans and credit guarantees to Portugal are rising at a moment when federal funds are so scarce, and when total appropriations for economic assistance are falling.

b. The funds projected for commitment to Portugal are out of all proportion to previous development commitments through the Export-Import Bank to either Europe or Africa. The total of Export-Import Bank loans to Africa in the whole period 1946–1970 was less than $358 million. The total of long-term economic loans to Europe from the same source in that period was only $753.7 million.

c. The projected commitment is also out of proportion to any previous commitments to Portugal itself. That country received less than $50 million in the whole period from 1946–1970 through the Export-Import Bank. The present Administration is proposing to provide more than four times this amount in the next two years alone.

d. The projected new commitments would constitute a tremendous drain on the funds of the Export-Import Bank. They would represent about 10% of the average annual commitments to all countries from the Bank in the last few years; and this does not even take into consideration the $200 million in Exim credit guarantees.

e. The question which remains to be answered, therefore, and it is a most important question, is why a small nation of 8.6 million people should receive such extraordinary special treatment.

2. The United States, furthermore, is now going through the worst balance of payments crisis in its history. We now have the largest deficit on record. Unemployment has risen to high levels as a consequence of deflationary measures designed to remedy that situation. In this context the Administration has undertaken an Agreement with a small European country which will lead to a substantial increase in the foreign exchange costs of our economic assistance. Again, the question must arise why Portugal should qualify for such special treatment.

3. Total U.S. dollar flows to Portugal and its overseas territories now exceed $400 million. (See Table below.) These flows are important to that country's balance of payments. The Administration is now proposing a substantial increase in these flows through the loans provided for in the new Agreement.

*Portugal and overseas territories: gross flows of funds from North America**

[1969, millions of dollars]

Imports from Portugal and overseas territories	$166
Freight and insurance on merchandise	3
Other transportation	11
Travel	79
Investment income	29
Other government	6
Other private	24
Unrequited transfers (pension remittances, etc.)	89
Nonmonetary sectors: Direct investment	6
Total	413

* These figures refer to flows from the U.S. and Canada. U.S. funds account for almost the whole of the total.

Source: IMF Balance of Payments Yearbook, August 1971, vol. 22.

4. The Portuguese are now running a trade deficit of just under $500 million. This deficit is, to an important degree, the result of the drain on Portugal's economy created by the pursuit of three colonial wars in Africa. Additional, and substantial, assistance to Portugal in this context will have

the effect of helping it to continue those wars at the very moment when it is being forced to consider seriously whether it ought to withdraw from its overseas territories.

5. It should be noted that parts of the new Agreement can easily become open-ended commitments. The expanded commitment under P.L. 480 may well be increased still further when the Agreement is reviewed two years from now. The provision dealing with excess equipment is *already* open-ended. Secretary Rogers' letter clearly states that $5 million for this purpose is not to be considered a maximum ceiling.

6. Dollar flows to Portugal, from both the private and the public sector, are already on a scale amounting to "economic intervention that might just decide the outcome of the colonial war." The new Agreement increases that indirect assistance by a substantial amount and changes the character of our commitment to Portugal.

7. The political context cannot be ignored. Particularly:

The liberation forces control large areas of Angola, east and south of the Central Plateau.

In Mozambique the liberation forces control several provinces and operate freely south of the Zambesi River.

In Guinea-Bissau, the PAIGC have forced the Portuguese to leave the countryside and to retreat to the urban areas and a few scattered military bases.

The obvious effect of the Azores Agreement is to enable Portugal to continue waging the three wars in Africa.

8. There is nothing to indicate that the military value of the Azores is of overriding importance to U.S. security so that it merits such an inordinate expenditure. Further, the fact that the base Agreement remained dormant for the past 10 years (since 1962) indicates this.

9. The injection of huge sums for economic and educational assistance, as well as aid in kind, into the Portuguese economy, in the existing internal situation of considerable domestic unhappiness with, and criticism of, wholly disproportionate budgetary expenditures on colonial wars, will greatly assist the Caetano Government in dampening the domestic antipathy to the wars and thus to continue their prosecution.

(c) That, if the Administration cannot provide a statement of compelling reasons for making this Agreement, it must be considered as admitting that it is the intention of the Administration to directly assist Portugal in waging these wars against the peoples of Guinea-Bissau, Angola and Mozambique.

(d) That the United States Government respond to the following questions:

1. What projects were reviewed, or are contemplated for Exim loans?

2. Are these projects in Portugal, that is in so-called "metropolitan Portugal" as distinguished from Guinea-Bissau, Angola and Mozambique.

3. Are similar increases in Exim loans being considered (i) for South Africa, (ii) for majority-ruled African countries?

(e) That, in view of the implications of this Agreement for the United States internally, the Administration explain why this Agreement was entered into by the executive agreement route rather than as a treaty and submitted to the Senate for its advice and consent to ratification.

(f) That the Administration explain the discrepancy between its claimed lack of funds to assist Black business in the United States, with its 23 million Blacks, on the one hand and, on the other, its expenditure of tremendous sums to assist the economy of Portugal, a country with only 8.6 million people, and thus to assist the waging of wars against Black people in Africa. According to its reports to the Congress, the Federal Government is now giving only $213.8 million in loans to minority businesses in this country (including Blacks and Spanish-speaking Americans), whereas the sums projected for Portugal in this Agreement are more than double that amount.

PRESS CONFERENCE STATEMENT, CONGRESSMAN CHARLES C. DIGGS, JR. (D.-MICH), DECEMBER 17, 1971

When I was informed of my assignment to the United Nations, I was fully aware, of course, that I would become a part of an instructed delegation. But I only undertook the assignment after being assured that there would be opportunity for input. Indeed, at the initial meeting of State Department officials with the delegation, we were assured that the Department would welcome our interest and that our concerns would be granted full consideration. On Monday, November 29, however, during a meeting of the General Assembly, I was informed that a vote was coming up within that hour on apartheid and that the United States was to vote against one and abstain on three of the resolutions relating to the Report of the Special Political Committee. Out of courtesy to the Government, I walked out of the Assembly and left a staff person to cast the votes. That afternoon, I dispatched a cable to the Secretary of State (copy of text is Attachment No. 1), emphasizing my position on consultation. Although, more than two weeks and several voting instructions later, I did receive a reply, my request for consultation was ignored insofar as decisions on voting were concerned. Admittedly, in the press of the work here at the Mission, there is not the optimum time frame for discussion. Even so, time for consultation could have been found, if there had been a real interest on the part of the Administration in giving me opportunity for input into these vital questions on Africa.

I have been especially concerned with our position on the resolutions on the Arms Embargo; on the work of the Special Committee on Apartheid, and on the dissemination of information on apartheid. The reasons which have been furnished for these votes (Attachment No. 2: letter from Dr. Palma of Dec. 14) appear tenuous and inadequate to me. Additionally, although I understand it is a long-standing position, I cannot accept the argument that apartheid is not a "crime against humanity" as anything except legal verbiage to support a policy position (see Attachment No. 3: cable to the Secretary on this. The Department classified its response).

In company with South Africa and Portugal, the United States voted against this year's resolution on the "Question of Territories under Portuguese Administration" (A/C.r/L.992). I believe that my problems with this position are evident from the following partial catalogue of the U.S. difficulties with this resolution:

We objected to deploring Portugal's refusal to recognize the inalienable right of the people of those territories to self-determination *and independence* in accordance with GA Resolution 1514, the Declaration on the Granting of Independence to Colonial Counties and Peoples".

We objected to the expression of deep concern over the "continued and intensified activities of those foreign economic financial and other interests which contrary to the relevant resolutions of the General Assembly are directly and indirectly assisting the Government of Portugal in its colonial wars. . . ." To those who would argue that the Azores Agreement is a matter of bilateral concern, I would point to this and many other similar resolutions of the General Assembly.

We objected to the statement that the colonial wars waged by Portugal in these territories seriously disturbed international peace and security. The United States continues to keep vigilance to avoid any steps which would indicate a frank acknowledgement that the situation in the Portuguese territories is a "threat to international peace and security", and therefore, constitutes a Chapter VII situation. Further, hiding behind an irrelevant "domestic jurisdiction" argument in relation to territories within Chapter XI of the Charter, we objected to interfering with Portugal and urgently calling upon it to end the wars and grant self-determination and independence to the peoples of these territories.

The United States abstained on the General Assembly resolution on Namibia. Inter alia:

We had difficulty with a provision deploring support to South Africa, which enables South Africa to pursue its repressive policies in Namibia, and calling for the termination of such support.

We found difficulty with a provision calling support to South Africa, which enables relations concerning Namibia, although we acknowledge that the General Assembly is the legitimate administering authority for Namibia.

We were concerned about the financial implications of a clause inviting the Specialized Agencies to give full publicity to Namibia and to the conditions prevailing there.

Although we acknowledge that South Africa is illegally present in Namibia, we object to the clause calling upon States not to recognize rights or interests in property or resources in Namibia.

As in the case of the resolution on the Portuguese territories, the hypocrisy of the positions enumerated above is self-evident.

The United States has voted against the UN resolutions on the "Activities of Foreign Economic and Other Interests which are Impeding" the granting of independence to countries under colonial domination. This resolution (as contained in A/C.4/L 1005) affirms that the activities of foreign economic and financial interests constitutes a major obstacle to the political independence of these countries and deplores the support given by other States to such interests in exploiting the resources of these areas without regard to the welfare of the people. These positions are supported by much of the evidence resulting from the hearings and investigations of the House Subcommittee on Africa. Further, irrefuted testimony has shown that the condition of the majority in South Africa has actually worsened economically and financially since the development and industrialization of that country. For regardless of the growth of an economy, unless all the people are given an opportunity to participate fully and freely, a full economy does not mean benefits to those segments whose free participation is excluded. In South Africa, economic growth has not meant greater spending power for the Africans. A study prepared for a UN agency, the Unit on Apartheid, "Poverty, Apartheid and Economic Growth", deals directly with this question. The position of the United States on "the need for trade to help Black Africans" is not based on fact. I am also concerned with an indication that the United States is allying itself with South Africa's "outward policy".

We would have supported the resolution and effort to have more information on apartheid disseminated, but this would have been an addition to the UN budget, and we are opposed to anything that increases the UN budget. Therefore, we abstained. I find this explanation inadequate, because we do support changes in the structure in the UN that will call for more money.

As a firsthand witness, I have found stifling the hypocrisy of our Government which, while uttering its abhorrence of apartheid, unflaggingly votes in opposition to any attempt to act, rather than orate, with respect to apartheid and the minority regimes of southern Africa.

The deterioration in U.S. policy on Africa, reflected here at the UN in our votes on critical resolutions on Southern Africa was continued by the hypocrisy shown by the Administration during the hard fight we made in Congress against the Byrd Amendment to the Military Procurement Bill. This amendment would permit the importation of Rhodesian chrome. If enforced, it would make the U.S. an international law breaker and put us in violation of our UN obligation under Article 25 of the Charter to enforce the Security Council decisions to embargo all trade with the illegal Smith regime in Zimbabwe. The Administration, while emitting soft noises of adherence to sanctions, utterly failed to convey the cues to Congress which sophisticated people look for to determine the seriousness of the Administration's interest in defeating a particular measure. It was clear that the White House was not concerned in stopping the effort to undercut the sanctions. Consistent with that posture of this Administration is a suspicion that out of the Nixon-Heath meeting in Bermuda this coming Monday or Tuesday, there may come an understanding that the United States will support the British on the Rhodesian settlement proposals—settlement proposals which do not accord with the inalienable right of the people of Zimbabwe to self-determination. A position of supporting a unilateral British decision that the rebellion of the Smith regime was ended would be consistent with our opposition to a resolution (A/C. 4/L.,998) providing that it is the UN which must find that "a non-self-governing territory" has attained a full measure of self-government in terms of Chapter XI of the Charter.

At this point, I wish to make clear that the people here at the U.S. Mission to the UN have not been responsible for this situation. Many people at the Mission, including the Ambassador, have been frustrated in their desires for a more enlightened policy because of the instructions that have come down. They have fought for a more enlightened position and have lost to the European, to the economic and to the military groups which have been dominating policy vis-a-vis Africa issues, as well as to those "watch dogs" of Southern African policy who have relegated unto themselves the decision-making authority so that positions on this area are the peculiar responsibility of the White House at the National Security Council level.

My concern about the drift in our decision-making was heightened last week when the State Department announced the conclusion of an agreement with Portugal continuing U.S. base rights in the Azores and providing a $436 million quid pro quo for Portugal. This enormous, unprecedented and anomalous commitment was made to a country which has not only refused to recognize its obligations, under the UN Charter, of self-determination for the people of Angola, Mozambique, Guinea-Bissau and Cape Verde, but is waging wars against the peoples of each of these African territories.

The Government of Portugal has been undergoing severe financial difficulties because of its expenditure of approximately one-half of its budget to fight these wars against the legitimate aspirations of Black people in Africa for freedom and independence.

The Caetano Government has also been subject to much domestic criticism for this diversion of 50% of its annual resources away from the development of its own country, which is the least developed in Western Europe, to maintain a colonial empire.

Having visited two of the so-called Portuguese territories in Africa, Angola and Mozambique in 1969, I visited the other two—Guinea-Bissau and Cape Verde, last August. I have seen first-hand the exploitation by the Portuguese of their African colonies and their subjugation of the people, and the inordinately low state of the economy of these territories.

I have seen that whatever the Portuguese are doing for the people of these areas is attributable to the pressures of the Liberation movements. At the same time, it was clear that the Portuguese do not admit their legal obligations to grant self-determination to the peoples of these areas. Entering into a pact to provide Portugal with vast amounts of economic assistance is, therefore, incredible.

What is the justification for the extraordinary economic assistance program for Portugal in this agreement, in which the aid proposed for Portugal through loans from the Export-Import Bank of the United States is more than four times the Exim assistance program to Portugal in the whole period from 1946 to 1970?

Does this agreement not add a new dimension to the already deeply perturbing indications of NATO interest in buttressing the white minority-ruled areas of Africa?

Does not our Azores agreement with Portugal appear to represent a feeling that Portugal is threatened by the successes of the freedom fighters militarily and economically? Portugal is suffering a trade deficit of approximately $498.8 million dollars. The liberation forces hold substantial territory in Angola, Mozambique and Guinea-Bissau. Has there been a call to the NATO countries to come to Portugal's rescue to which the United States has responded?

I should stress that my quarrel is really much deeper than the injection of such huge sums into Portugal—although (when I consider our alleged inability to put money into crucial areas for the 23 million Blacks in the United States) I find the amount staggering. But, I object most strenuously to the U.S. commitment to bail Portugal out from the economic and political consequences of its nefarious policies in Africa *without* any commitment and definitive action by Portugal towards ending the wars and towards granting independence to the peoples of these areas.

This decision by our government dramatically climaxes a series of actions which this Administration has taken both against the true foreign policy interests of the United States vis-a-vis Africa, and against the interests of Africa itself.

The character of this Administration's support to South Africa and Portugal has changed. Until now, there has been a *sub rosa* alliance with the forces of racism and repression in southern Africa, as indicated:

By the relaxation of the arms embargo to permit the sale of light aircraft to the South African military and of troop transport planes to Portugal;

By the sale of Bell helicopters to the Portuguese;

By the quiet reversal of our former policy of limited Exim involvement in South Africa for a policy of substantial Exim exposure in South Africa;

By the erosion of our policy here at the United Nations on African questions beginning in 1969, first to abstaining on important issues on African policy and, finally, to actually voting against such resolutions.

In the Azores Agreement, this Administration has announced both an open alliance with Portugal and a decision which I can interpret only to mean "partnership" in the subjugation of the African people. The hard line on African issues with which I have been confronted here at the United Nations must have been a precursor of this decision to become directly involved with Portugal in a pact which is in flagrant violation of numerous General Assembly resolutions on Portugal and the territories under Portuguese Administration. (For text of statement submitted to the President with request for point-by-point response, see Attachment #4.)

As a member of the United States delegation to the United Nations, I have tried in vain to get underway a real consultative process on U.S. positions here at the United Nations. However, the Azores Agreement is a watershed. After much thought I have decided that considerations of integrity and of the now desperate need to turn U.S. policy around from the perilous course on which it has embarked require that I completely disassociate myself from this Administration on African policy.

The conclusion of the Azores Agreement compels me to cut any ties that bind me to the foreign policy of this Administration. Although it is nearly the final hour of this General Assembly, the new commitment of this government to actively assist Portugal in waging wars against Black people constrains me to act. I am therefore submitting my resignation to the President.

ATTACHMENT No. 1

The following telegram was sent to Secretary of State William P. Rogers, with a copy to The Hon. Henry A. Kissinger, Assistant to the President for National Security Affairs, on November 29, 1971:

Walked out of General Assembly today rather than follow instructions regarding report of SPC (Pt. II) (A/8504/Add. 1), Pt. A (Arms Embargo, U.S. abstaining), Pt. C (on behalf of work of the Special Committee on Apartheid, U.S. abstaining), Pt. F (Situation in South Africa resulting from policies of Apartheid, U.S. voting no), Pt. G (dissemination of information on Apartheid, U.S. abstaining).

Explanation of U.S. rationale totally unacceptable to me. Informed of U.S. position on these votes about 11 o'clock approximately one hour before the Resolutions were to be voted on, and while in attendance at the General Assembly session. There was no time to register dissent, and out of courtesy to the U.S. Government, I left Grigg to cast vote.

You are hereby placed on notice, however, that under the separation of powers principle of our Constitution, and as a member of the legislative branch of the government, I consider (1) that I should be afforded full consultation on all votes in which I am expected to participate, i.e., (a) I should be fully briefed in advance on the proposed United States position and on the basis therefor, and (b) there should be adequate opportunity for my discussing a revised position with USUN and Washington and for reconciliation of any points of difference, and (2) that, certainly in the absence of such consultations, any voting instructions that I may receive are non-binding.

Hon. CHARLES C. DIGGS, Jr.

ATTACHMENT No. 2

DEPARTMENT OF STATE,
Washington, D.C., December 14, 1971.

Hon. CHARLES C. DIGGS, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. DIGGS: Secretary Rogers has asked that I reply on his behalf to your telegram of November 29, 1971, objecting to the position of our government on four resolutions on apartheid.

The Department is sincerely appreciative of the part which Members of Congress have played over the years as part of the official United States Delegations to successive General Assemblies. We believe our efforts at the United Nations derive strength from the participation of Members of Congress, particularly from the new ideas and perspectives which they bring to bear on some of our perennial problems.

I regret that you have found consultation inadequate between yourself and the Mission. As you know, the General Assembly session usually develops a momentum of work in which the pressures build up as deadlines become tighter and tighter. Both we in the Department and the Mission regret that at certain periods these pressures have not per-

mitted coordination and consultation as close as would be desirable. We know, too, that your own responsibilities as a member of the House of Representatives have occasionally created difficulties of scheduling.

While we welcome dissenting views and fresh appraisals of policy, we strongly believe, and are pleased to note from your telegram that you also do, that the United States must speak with one voice in the General Assembly. If it were otherwise, the resulting confusion would not redound to the credit of our country.

In the particular cases you cited, there may have been some misunderstanding about the status of the instructions we had issued. Voting in the General Assembly plenary normally confirms the voting position taken in committee. This was true in the cases of the four resolutions on apartheid cited in your telegram. Instructions on all of these resolutions had been sent to the Delegation by November 15 and were to govern our actions both in the Special Political Committee and in the plenary. I understand that because of your other obligations you were not able to participate in all discussions on this subject at the United Nations Mission, but that the instructions were discussed with you at the earliest time when you were available in New York, well before the question was considered in plenary on November 29.

The four resolutions cited were particularly troubling to us, and I would like to review briefly our position on each of them. We instructed the Mission to abstain on the Arms Embargo resolution (Part A of Section II of the Special Political Committee's Report) principally because it would sweep aside the reservations made by Ambassador Adlai Stevenson in 1963 and which continue to govern our policy on this question. As you know, we have applied an arms embargo to South Africa, subject only to honoring our existing contracts and "our right in the future to interpret this policy in the light of requirements for assuring the maintenance of international peace and security." The resolution also confirmed Security Council Resolution 282 (1970) on which we had abstained because its sweeping provisions carried with them the danger of weakening, rather than strengthening, the measure of compliance required to give practical effect to resolutions of the Council.

We also abstained on the resolution establishing the Apartheid Committee's Work Program (II.C), on budgetary and other grounds. The Work Program entails, among other things, sending representatives or delegations to international conferences concerned with apartheid, which would further strain the already existing UN budget crisis. The resolution also endorsed the Apartheid Committee's plans to prepare and publish periodic reports on "collaboration" between governments and private enterprises with South Africa. Such activities can only exacerbate the differences in approaches among those, including the United States, who are seeking to put an end to apartheid practices, and in our view would represent a rather shortsighted position on how best to accomplish this goal.

Our Mission was instructed to vote against the general resolution on South Africa's policy because it was based upon a call for Security Council action under Chapter VII of the United Nations Charter. As you know, Chapter VII action is to be taken in connection with threats to international peace or breaches of international peace. We cannot agree that, bad as the situation in South Africa is, it represents a threat to the peace within the meaning of Chapter VII. This resolution also reaffirmed the right of the people of South Africa to eliminate racial discrimination and apartheid by "all means at their disposal" including, obviously, armed force. We do not believe that such a course of action would be at all in the interest of the majority in South Africa.

We abstained on the resolution on Dissemination of Information on Apartheid (II.G). Our position again was derived from our concern over the financial implications of an extensive public relations campaign at a time of severe budgetary stringency.

You are probably aware that we were able to support five other resolutions on apartheid which were also voted in plenary on November 29. While not entirely acceptable in all respects, these five resolutions were a step in the direction of promoting peaceful change in southern Africa and encouraging UN adoption of non-extreme, practical steps to induce South Africa to abandon its policy of apartheid. Unfortunately, the four resolutions which you cited were not measures of this kind.

This government has made it plain on many occasions, in deed as well as in word, that we regard apartheid as an abhorrent practice and a criminal affront to human dignity and conscience. But in seeking to end this practice, we must be careful to distinguish between practical steps which would work toward betterment of the condition of the black majority in South Africa, and steps which would not only not help but could actually worsen their situation.

If you would find it useful, I would be most happy to discuss these issues further with you personally.

Sincerely,

SAMUEL DE PALMA,
Assistant Secretary for International Organization Affairs.

ATTACHMENT NO. 3

Washington, D.C., November 22, 1971.

From Congressman DIGGS:

SPC resolution on Bantustans came up during my absence. I was shocked to learn of instruction and U.S. position that construing apartheid as "crime against humanity" is "unwarranted". This is one of the things that seriously impairs our credibility. I therefore request Department to show cause in most comprehensive way for rationale this position, including all precedents used for this interpretation, all other nuances that go into it, bearing in mind the obligations of each member State under the Charter, specifically Articles 1, 55 and 56.

ATTACHMENT 4: STATEMENT SUBMITTED TO PRESIDENT NIXON REQUESTING POINT BY POINT REPLY

(a) That the United States Government must be required, and is herein called upon, to explain the enormous, unprecedented and anomalous commitments which the United States is making to Portugal in connection with the Agreement to extend U.S. base rights in the Azores—an Agreement under which Portugal is to receive in the next two years (the Agreement expires on February 3, 1974) the following quid pro quo:

$15 million in P.L. 480 agricultural commodities;

The loan of a hydrographic vessel at no cost;

$1 million for educational development programs;

$5 million in drawing rights for non-military excess equipment;

The waiver of MAAG support payments ($350,000) for the MAAG (Military Assistance Advisory Group) to Lisbon;

$400 million of Exim loans and guarantees for development projects.

(b) That specifically, the government is called upon to address each of the following points:

1. From the point of view of U.S. interests, the new Agreement with Portugal represents an unusual and anomalous commitment. There is no apparent justification for the quid pro quo in the new Agreements.

a. The general availability of funds for foreign economic assistance has been diminishing since 1967. In that year, funds for economic assistance totalled $5,120 million. In 1968, they were $4,634 million. In 1969, they were $4,067 million. Last year, they totalled $4,711 million. The Export-Import Bank is an exception to the rule; its funds have been increasing in the last few years. But the question must arise why loans and credit guarantees to Portugal are rising at a moment when federal funds are so scarce, and when total appropriations for economic assistance are falling.

b. The funds projected for commitment to Portugal are out of all proportion to previous development commitments through the Export-Import Bank to either Europe or Africa. The total of Export-Import Bank loans to Africa in the whole period 1946–1970 was less than $358 million. The total of long-term economic loans to Europe from the same source in that period was only $753.7 million.

c. The projected commitment is also out of proportion to any previous commitments to Portugal itself. That country received less than $50 million in the whole period from 1946–1970 through the Export-Import Bank. The present Administration is proposing to provide more than four times this amount in the next two years alone.

d. The projected new commitments would constitute a tremendous drain on the funds of the Export-Import Bank. They would represent about 10% of the average annual commitments to all countries from the Bank in the last few years; and this does not even take into consideration the $200 million in Exim credit guarantees.

e. The question which remains to be answered, therefore, and it is a most important question, is why a small nation of 8.6 million people should receive such extraordinary special treatment.

2. The United States, furthermore, is now going through the worst balance of payments crisis in its history. We now have the largest deficit on record. Unemployment has risen to high levels as a consequence of deflationary measures designed to remedy that situation. In this context the Administration has undertaken an Agreement with a small European country which will lead to a substantial increase in the foreign exchange costs of our economic assistance. Again, the question must arise why Portugal should qualify for such special treatment.

3. Total U.S. dollar flows to Portugal and its overseas territories now exceed $400 million. (See Table below). These flows are important to that country's balance of payments. The Administration is now proposing a substantial increase in these flows through the loans provided for in the new Agreement.

*Portugal and overseas territories: Gross flows of funds from North America**

[1969, millions of dollars]

Imports from Portugal and overseas territories	$166
Freight and insurance on merchandise	3
Other transportation	11
Travel	79
Investment income	29
Other government	6
Other private	24
Unrequited transfers (pension remittances, etc.)	89
Nonmonetary sectors: Direct investment	6
Total	413

*These figures refer to flows from the U.S. and Canada. U.S. funds account for almost the whole of the total.

Source: IMF Balance of Payments Yearbook, August 1971, vol. 22

4. The Portuguese are now running a trade deficit of just under $500 million. This deficit

is, to an important degree, the result of the drain on Portugal's economy created by the pursuit of three colonial wars in Africa. Additional, and substantial, assistance to Portugal in this context will have the effect of helping it to continue those wars at the very moment when it is being forced to consider seriously whether it ought to withdraw from its overseas territories.

5. It should be noted that parts of the new Agreement can easily become open-ended commitments. The expanded commitment under P.L. 480 may well be increased still further when the Agreement is reviewed two years from now. The provision dealing with excess equipment is *already* open-ended. Secretary Rogers' letter clearly states that $5 million for this purpose is not to be considered a maximum ceiling.

6. Dollar flows to Portugal, from both the private and the public sector, are already on a scale amounting to "economic intervention that might just decide the outcome of the colonial war." The new Agreement increases that indirect assistance by a substantial amount and changes the character of our commitment to Portugal.

7. The political context cannot be ignored. Particularly:

The liberation forces control large areas of Angola, east and south of the Central Plateau.

In Mozambique the liberation forces control several provinces and operate freely south of the Zambesi River.

In Guinea-Bissau, the PAIGC have forced the Portuguese to leave the countryside and to retreat to the urban areas and a few scattered military bases.

The obvious effect of the Azores Agreement is to enable Portugal to continue waging the three wars in Africa.

8. There is nothing to indicate that the military value of the Azores is of overriding importance to U.S. security so that it merits such an inordinate expenditure. Further, the fact that the base Agreement remained dormant for the past 10 years (since 1962) indicates this.

9. The injection of huge sums for economic and educational assistance, as well as aid in kind, into the Portuguese economy, in the existing internal situation of considerable domestic unhappiness with, and criticism of, wholly disproportionate budgetary expenditures on colonial wars, will greatly assist the Caetano Government in dampening the domestic antipathy to the wars and thus to continue their prosecution.

(c) That, if the Administration cannot provide a statement of compelling reasons for making this Agreement, it must be considered as admitting that it is the intention of the Administration to directly assist Portugal in waging these wars against the peoples of Guinea-Bissau, Angola and Mozambique.

(d) That the United States Government respond to the following questions:

1. What projects were reviewed, or are contemplated for Exim loans?

2. Are these projects in Portugal, that is in so-called "metropolitan Portugal" as distinguished from Guinea-Bissau, Angola and Mozambique?

3. Are similar increases in Exim loans being considered (i) for South Africa, (ii) for majority-ruled African countries?

(e) That, in view of the implications of this Agreement for the United States, the Administration explains why this Agreement was entered into by the executive agreement route rather than as a treaty and submitted to the Senate for its advice and consent to ratification.

(f) That the Administration explain the discrepancy between its claimed lack of funds to assist Black business in the United States, with its 23 million Blacks, on the one hand and, on the other, its expenditure of tremendous sums to assist the economy of Portugal, a country with only 8.6 million people, and thus to assist the waging of wars against Black people in Africa. According to its reports to the Congress, the Federal Government is now giving only $213.8 million in loans to minority businesses in this country (including Blacks and Spanish-speaking Americans), whereas the sums projected for Portugal in this Agreement are more than double that amount.

THE PERSIAN GULF AND THE INDIAN OCEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, great power maneuvering in the Indian Ocean and the Persian Gulf has been the subject of many news items recently. The three articles which follow examine briefly the British, American, and Soviet roles and involvement in this area, and I call them to the attention of my colleagues:

U.S. AGREEMENT WITH BAHRAIN TO SET UP NAVY BASE DISCLOSED

(By John W. Finney)

WASHINGTON, January 5.—In a move to maintain an American military presence in the Persian Gulf area, the United States has entered into an unpublicized agreement to establish a permanent naval station on the island of Bahrain.

According to State Department officials, the agreement represents an extension of arrangements that the United States has had over the last 20 years to use a British naval base on Bahrain.

These officials explained that now that Britain had given up her protectorate role in Bahrain and pulled her military forces out of the Persian Gulf, it was decided that the United States should enter into an agreement with the new independent Government of Bahrain to have the Navy's small Middle East force continue to use some of the facilities of the former British base.

SENATORS QUESTION ACCORD

To some members of the Senate Foreign Relations Committee, however, the lease of the naval facilities raises questions of whether the Administration is undertaking new foreign commitments without first obtaining the advice and consent of the Senate.

The lease had been arranged in the form of an executive approval.

Last month, five committee members introduced a resolution that would call upon the executive branch to submit as a treaty the recent agreement with Portugal extending American base rights on the Azores.

The resolution was sponsored by Clifford P. Case of New Jersey and Jacob K. Javits of New York, both Republicans, and by three Democrats—J. W. Fulbright of Arkansas, Stuart Symington of Missouri and Frank Church of Idaho.

The agreement with Bahrain, which is unclassified, was signed on Dec. 23. According to State Department officials, there has been no public announcement at the request of the Bahrain Government.

Diplomatic sources say that Bahrain was interested in having the United States take over part of the former British base as a way of assuring American protection against the Soviet Union, neighboring Iraq and Iran, which makes territorial claims on Bahrain.

At the same time, however, Bahrain was said to have been somewhat sensitive about having attention drawn to the fact that she was granted to the United States the one foreign military base in the area.

CHALLENGE EXPECTED

When the Case resolution on the Azores agreement was being favorably considered by the committee early last month, Senator Fulbright, the committee chairman, observed that the same issue seemed to be developing in Bahrain. In recent days, the committee staff has informed the Senators about the Bahrain base agreement, thus setting the stage for what is expected to be a challenge by the committee to the executive branch when Congress returns later this month.

A State Department official who helped negotiate the agreement said that the United States needed the base to continue the Middle East naval force as "a flag-showing operation to manifest United States interests in the area."

"If we had pulled out after the British left, it might have been misinterpreted that we were losing interest in the area," he added.

State Department officials emphasized that the agreement contains no military or political commitments, either explicitly or implicitly, to Bahrain or other countries in the area.

"All we are doing is changing landlords," from Britain to Bahrain, explained a spokesman in the State Department's bureau of Near East and South Asian affairs.

MISSION TO SHOW THE FLAG

Bahrain, which is 240 square miles in area, gives its name to a group of islands in the Persian Gulf.

The question raised increasingly in recent months by members of the Foreign Relations Committee about foreign bases in general is whether a United States base does not inevitably carry with it at least an implied commitment to the defense of the host country.

The explanation offered by State Department officials for not entering into the agreement in the form of a treaty was that "a treaty would have implied more than was intended" in the way of commitments.

Staff members of the Foreign Relations Committee assert that, if the agreement had been entered into as a treaty it would have been possible in the course of hearings for the committee to raise such questions as whether the United States was assuming the protectorate role exercised by Britain for a century in the Persian Gulf and whether the Middle East force was carrying out a symbolic role of little military significance but of potential political embarrassment to the United States in a troubled region of the world.

The Middle East force consists of a flagship—a converted World War II seaplane tender—for the commanding rear admiral, Marmaduke G. Bayne. Normally two destroyers from the Atlantic fleet are assigned to the force, whose primary mission is to show the American flag in the Persian Gulf and the Red Sea.

Under the new base arrangement, the size of the Middle East force is to be expanded from around 200 men—including the crew of the flagship—to about 260 men. The reason given by a State Department official was that the Navy would have to assume some of the housekeeping functions formerly performed by the British.

The Navy is to lease about one-tenth of the Jufir base formerly operated by the British, including the soccer field, according to a State Department official. What facilities beyond the soccer field will be leased neither the State Department nor the Navy was immediately prepared to say.

INDIAN OCEAN: THE POINT BEHIND ALL THOSE MANEUVERS

The Bay of Bengal has not seen the last of the American aircraft carrier Enterprise. She

may have returned last week to the Philippine Sea. And no doubt many of the 20 or so Soviet warships presently in the Indian Ocean will soon be on their way to some shore leave in Vladivostok.

But the December war on the Indian subcontinent has nevertheless produced competitive demonstrations of naval power of a kind that the world is familiar with from successive crises in the Mediterranean. Now that this pattern has been established in the Indian Ocean, it will surely be repeated.

The new American presence in these waters is a reply to Moscow. The arrival of a Soviet navy in the Indian Ocean in recent years is an immensely important strategic happening—in political if not in strictly military terms. The United States Navy does not intend to ignore it.

Ironically, the original reinforcement of the Soviet naval forces, which caused such a stir in the early stages of the Indo-Pakistan conflict, was almost certainly fortuitous. The Russians were operating what by then had come to be regarded as a normal assortment of vessels in the Indian Ocean—a destroyer, a minesweeper, at least one F Class submarine, a landing ship and a few support craft. These ships had done their six-month stint of patroling, exercising, paying courtesy visits and periodically resting in anchorages in the Seychelles and elsewhere. But the arrival of their relief squadron from Vladivostok coincided with the war.

A routine rotation became a timely reinforcement. The United States Seventh Fleet promptly dispatched the Enterprise and a powerful amphibious task force from the Gulf of Tonkin; their mission was never confirmed, but was evidently partly in response to the Russian presence. Within days, a new Soviet squadron, including two guided-missile destroyers and a pair of submarines—this time, it apparently was a genuine, deliberate reinforcement—set sail from Vladivostok.

Now that the Enterprise has returned to her normal station, the Russian ships whose winter leave is overdue probably will go back to their bases. But will the "normal" level of Soviet deployment in this area return to what it was or will it be stepped up, as it was in the Mediterranean, after the Arab-Israeli War in 1967?

Russian research vessels first appeared in the Indian Ocean in 1967, some of them connected with the Soviet space program but also undertaking an extensive hydrographic survey. They were followed the next year by warships; first, a small group from the Far East fleet and then a bigger squadron assembled from both the Eastern and Western fleets. By 1969, they were sufficiently at home in these blue waters to have laid their own mooring buoys off the Seychelles; on the buoys was painted (in English and Russian) "Property of the U.S.S.R."

Why should the Soviet naval commander suddenly choose to send his ships so far afield when only 10 years previously they scarcely ventured outside the Baltic or the Sea of Japan? There can be no single answer. The working sailor might argue that the commander, having struggled to create an ocean-going navy against all the traditions of the Soviet military establishment, simply had to find things for his ships and men to do. The strategist would point to the fact that Moscow is now within range of American Polaris missiles launched from the Indian Ocean, and that the Soviets must feel the need to counter growing Chinese influence in Pakistan, Arabia and East Africa.

In strictly military terms, the Soviet force is still insignificant. But it is a powerful symbol of the moral support and practical military aid that the Soviet Union extended to India when she needed it most. It represents a new dimension in the political and economic infiltration; for example, through "fishing" agreements with countries like Mauritius, the Russians are now organizing east of Suez, just as they have done to the west of it.

The only permanent American naval presence between the Red Sea and the Malacca Straits is the small squadron that has been stationed in the Persian Gulf for the last 20 years or so. It consists of a converted World War II seaplane tender—"The Great White Ghost of the Arabian Sea"—and a couple of destroyers on rotation from the Atlantic.

While the British were still there, shore facilities for the American crews and their families were provided by the Royal Navy in Bahrain. When Britain pulled out at the end of last year, the United States had to sign a new agreement that involved taking over about a tenth of the area covered by the former British base.

The handover was the source of a good deal of diplomatic embarrassment, not helped by what looked like an attempt at concealment. But there has been no indication so far that the United States Navy intends to augment the Gulf squadron, which has been transferred to its European command.

The new American presence in the Indian Ocean will almost certainly not be deployed from the Persian Gulf. What will happen, if the war in Vietnam continues to run down, is that units of the Seventh Fleet in the Pacific will be free to make periodic visits to the Indian Ocean to show the Stars and Stripes.

The Delhi Government's frequently expressed hope that, with the departure of the British Imperial Navy, its ocean could be left to the seabirds and the dolphins—plus the Indian Navy—now looks like no more than a sad piece of wishful thinking.

British Still Dominant In Persian Gulf Area

(By Marvine Howe)

Jufair, Bahrain.—The withdrawal of British forces from the Arab Persian Gulf is nearly complete, leaving an urgent question: Who will succeed Britain, which has dominated this strategic area since the early 19th century?

The lower-gulf sheikdoms with their vast and scarcely tapped oil resources, sparse population, small defense force and serious lack of qualified technicians have become a ripe target for outside influences.

The gulf sheiks, or emirs, are firmly opposed to the assumption of Britain's role as protector by any single country and want to establish good relations with all the forces in the area. Openly engaged in the power politics in the gulf are the United States, Iran, Iraq, Libya, Saudi Arabia and Britain.

A tour of the sheikdoms from the important communications center of Bahrain to the poor emirate of Ras al Khaima reveals that there is no real power vacuum in the area but rather a new balance of powers with the British remaining in the dominant position.

Britain has signed special friendship treaties with the sheiks and will retain the responsibility of training and arming the local defense force.

Six Emirates in Union

Originally Britain had hoped to leave the nine sheikdoms of the lower gulf securely united in a federation. However, after three years of delicate negotiations, Bahrain and Qatar declared themselves independent sovereign states last summer, leaving the seven Trucial States to form the Union of Arab Emirates, which was established Dec. 2.

Six of the Trucial States established the union, but one emirate, Ras al Khaima, stayed out. The members—Abu Dubai, Dubai, Sharja, Ajman, Fujaira and Umm al Qaiwain—cover 40,000 square miles and have a total population of 300,000.

The name Trucial States derives from the truces that Britain imposed on sheikdoms in the last century to end piracy and protect trade routes to India by undertaking defense of the area.

The British Forces Gulf command, situated here at Jufair, will be turned over to Bahraini authorities by mid-February. Most of the 10,000 British troops stationed here and elsewhere on the coast were gradually pulled out by the end of 1971.

Speculation About United States

Only the United States Navy will continue to occupy one corner of the Jufair base. The flagship of the United States Middle Eastern force—a converted World War II seaplane tender—has been based here since 1949 under agreement with the British. The other ships are two destroyers detached from the Atlantic fleet.

Bahrain has agreed to lease to the United States Navy the same facilities that the Navy used to get from the British, according to the United States chargé d'affaires, John N. Gatch Jr., who insists that no substantial change in forces is contemplated and that the installations will be provided for a "fair rental" and with no military commitments.

"We don't intend to let anyone take over the British Base," Bahrgin's Foreign Minister, Mohammed bin Mubarak al-Khalifah, declared in a recent interview. He emphasized that the Americans were welcome to use the naval facilities here—"as are the Russians."

The new agreement with Bahrain, signed Dec. 23, has given rise to wide speculation that the United States is seeking to inherit Britain's role in the gulf.

It is evident that the United States has a new interest in the Persian Gulf area with the British withdrawal. Rodger P. Davies, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, toured the area and Oman, on the Arabian Peninsula, last month with messages from President Nixon to Bahrain's Ruler, Sheik Isa bin Sulman al-Khalifa, and the Ruler of Abu Dhabi, Sheik Zaved bin Sultan.

The United States interest appears to be more economic than political. American banks are coming into the area and a number of oil-service companies are moving regional offices from Beirut, Lebanon, to Bahrain. American businessmen hope to win a greater share of contracts in the fast-developing sheikdoms now that the British no longer handle the sheiks' foreign affairs.

The Northrop Corporation and Trans World Airlines have been called in as consultants for the conversion of the former British Air Force base in the sheikdom of Sharja. Plans for the huge base include a new town, the Union of Arab Emirates' Defense Ministry and the largest aircraft-repair workshop in the Middle East. Sheik Khalid bin Muhammad al-Qasimi, the Ruler of Sharja, has kept eight British technicians to run the base, and British forces will be allowed to use the base for desert training.

Bahrain, where oil was first struck in the gulf, is the most self-sufficient sheikdom but still depends heavily on British technicians. The other sheikdoms have brought in consultants, administrators and but seem to prefer the British technicians from everywhere for key posts over possibly revolutionary Palestinians, Iraqis, Syrians or Egyptians.

Most of the sheiks still depend on British security officers and are not ashamed to admit it. Sheik Rashid bin Said al-Maktum, Ruler of the prosperous trading emirate of Dubai, recently appointed an Englishman as chief of the Dubai security forces in addition to his present position as commandant of the police force. Another Englishman, a financial expert, is one of Dubai's most powerful men.

Britain's permanence in the gulf was particularly striking at the end of the year when the new Union of Arab Emirates, officially a Moslem state, not only celebrated Christ-

mas as a national holiday but also Boxing Day—in Britain the first weekday after Christmas and a legal holiday.

Iran is undoubtedly the foremost military presence in the gulf now that the British forces are gone. The Iranians made a dramatic bid for power Nov. 30 by occupying three small gulf islands—Abu Musa, Greater Tunb and Lesser Tunb—in an apparent move to deter other forces from moving into the area. The islands command the Strait of Hormuz, a channel that connects the Persian Gulf with the Gulf of Oman and Arabian Sea and through which Iranian and other Persian Gulf oil is shipped.

Iran and Ras al Khaima both claim sovereignty over the two Tunbs. Iran's troops took up positions on Abu Musa under an agreement with Sharja.

For Iraq, the Persian Gulf is an economic lifeline and her only access to the sea. She has broken relations with Iran over the seizure.

Baghdad has taken up the issue of the gulf islands, and is trying to counter Iranian influence in the gulf by developing new trade centers and branches of the Commercial Bank of Iraq.

Libya responded to the Iranian take-over by offering to provide the sheiks with Arab guerrillas to combat Teheran's "expansionism" and by nationalizing British Petroleum in Libya.

Meanwhile, Saudi Arabia is quietly pressing claims to nearly two-thirds of Abu Dhabi, a wealthy oil producer. The popular Front for the Liberation of the Occupied Arab Gulf, based in Aden and supported by China, has been sending pamphlets into the area but has not caused much concern.

"We think the so-called liberation movements will be weaker now that they have lost their main argument for 'liberating' the area—the British military presence in the gulf," Bahrain's Foreign Minister declared optimistically.

SAVE THE PEACE CORPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I think it is important on this, the first day of the new session, to call the attention of this body to the dire financial straits in which we have placed the Peace Corps in this fiscal year. The Peace Corps began its planning on the basis of the administration's request of $82.2 million for fiscal 1972. This request represented a reduction of nearly $3 million from the previous year's spending. On October 8, 1971, Public Law 92-135, the Peace Corps authorization, was enacted, setting a spending ceiling of $77.2 million for the Peace Corps, thus forcing rigorous cost cutting, amounting to $5 million. Over the last 6 months, the Peace Corps has been operating on a series of continuing appropriations resolutions because of delays on the foreign assistance appropriations bill. In December the Congress passed yet another continuing resolution for our foreign assistance programs, only this time the spending level for the Peace Corps was reduced to $72 million, through February 22, 1972.

While this further reduction of $5.2 million may not seem too significant on its face, it is when one considers that the Peace Corps has been spending at the higher levels for the past 6 months and has been training and fielding volunteers based on these higher spending levels. What this all comes down to is the fact that following February 22, the Peace Corps will only have $19 million for the remainder of the fiscal year, nowhere near enough to continue its present operations. Consequently, unless the Congress takes action to rectify this situation, the Peace Corps will be forced to bring home 4,000 of the 8,000 volunteers now in the field, terminate programs in 15 or more of the 55 countries in which it now serves, and cancel training programs involving some 2,400 trainees between now and the end of June. In addition, of course, there will have to be a concomitant reduction in staff both at home and abroad—even though the Peace Corps has already just effected a 15-percent reduction in staff.

Mr. Speaker, I do not think this Congress can or should allow this situation to persist. I continue to believe that the Peace Corps has been one of the most successful of our overseas assistance programs, and I have been greatly impressed with the reforms introduced by Joe Blatchford since he assumed the directorship of the Peace Corps in the summer of 1969, and more recently the directorship of the new ACTION agency which includes Peace Corps and VISTA. Joe Blatchford has made a special attempt to meet the changing needs and requirements of the developing countries by recruiting more volunteers with special skills and experience; he has made reductions in staff, included more host country people in the Peace Corps operation, and has made the training program more relevant and effective by moving it to the country in which the volunteer will serve. These are only a few of the reforms which have given the Peace Corps a new outlook and meaningful role to play in third world development.

In referring to the forced cutbacks, Columnist William Rasberry has said:

If that happens, the Peace Corps could be out of business just when it is showing new signs of revitalization. The irony is that the threat comes at a time when it appears that Peace Corps is the only thing we're doing right overseas.

Mr. Speaker, it is my hope that the full authorized amount of $77.2 million will be restored in the House-Senate conference on the foreign assistance appropriations bill so that we might save the Peace Corps the agony of halving its present operations and having to default on commitments already made to other countries. At a time when Peace Corps applications are once again on an upswing after a 5-year decline, and at a time when more countries are asking for more volunteers, because we are doing something right for a change, it would be indeed ironic and tragic if this Congress allowed the agency to slide into oblivion.

At this point in the RECORD, Mr. Speaker, I include certain extraneous materials including articles from the New York Times and Washington Post, a letter from Joe Blatchford to all Peace Corps volunteers explaining the forced cutbacks, and a letter I have received from a constituent, a former volunteer, urging restoration of the agency's funds:

[From the Washington Post, Jan. 5, 1972]

PEACE CORPS WILL SHRINK SIZE, SERVICE

The money-short Peace Corps began shaping plans yesterday to reduce its 8,000 member volunteer force by half and to cancel programs in as many as 15 countries.

Joseph H. Blatchford, director of the ACTION agency which oversees the Peace Corps, ordered a halt in signing up volunteers, at least until July 1. Applications will continue to be accepted.

Blatchford instructed Keven O'Donnell, associate director of ACTION for international affairs, to prepare plans for termination of about 4,000 volunteers now on duty in 55 foreign countries.

There are now about 7,100 volunteers on active assignments overseas and some 800 to 900 in training, most of them in host countries.

Blatchford acted, it is understood, because Congress refused to appropriate the $82 million requested by the Nixon administration. In the last hour before it adjourned Dec. 17, Congress passed a continuing resolution that would give the Peace Corps a budget of $72 million.

[From the New York Times, Jan. 9, 1972]

PEACE CORPS: "WHY ARE THEY PICKING ON US?"

WASHINGTON.—A pale winter sun slanted across Lafayette park, casting thin ribbons of light into an office across from the White House. On this afternoon of Dec. 20 Joseph H. Blatchford, the youthful director of Action, the volunteer agency that includes the Peace Corps, was pacing back and forth angrily, running his fingers through his modishly-long hair. Three days before, Congress had passed a continuing resolution slashing his $82-million operating budget by $10-million.

"Why are they picking on the Peace Corps?" he demanded in exasperation. "Our whole budget doesn't amount to half the price of a submarine. Those characters over at the Defense Department are rolling in dough. They *round off* their cost estimates to the nearest Peace Corps budget."

Mr. Blatchford laughed at his own line, but it was a rueful laugh. And last week, partly as a warning signal to Congress—aimed at getting a Senate-House conference to restore at least half of the cut—and partly as a precaution against defeat, the director took steps to bring his agency's expenditures into line. He ordered a temporary halt, at least until July 1, in signing up new volunteers, although applications will continue to be accepted. And he ordered plans drawn up for the termination of about half the 8,000-man volunteer force—plans that will be implemented if Congress fails to restore the funds. The odds are thought to be better than 50-50 that the Senate-House conference will give the agency what it needs, but it is impossible to be sure.

The Peace Corps budget squeeze in part reflects the general dissatisfaction in Congress with foreign aid. But it is also a sign of deeper change in prevailing attitudes towards the nation's largest and most successful volunteer program. Budget disputes notwithstanding, it is clear that much of the original bloom has faded from the Peace Corps rose.

The agency was founded in 1961 in the early and ambitiously idealistic days of the New Frontier. It was an outgrowth of the young President's inaugural commitment to "bear any burden, meet any hardship, support any friend . . ." in defense of liberty.

The youth of the country responded. In 1961, there were 750 volunteers in training or in the field, in 1963, 6,500; and by 1966,

15,500. Money was no problem for the prodigy; Congress provided more than was needed, so that in some years the agency actually turned back unspent funds. By the middle of the decade, Peace Corps officials were speaking of the possibility of 100,000 volunteers. The idea spread to Europe where half a dozen countries started their own volunteer programs.

Problems began to emerge in the late 1960's, at home and abroad. Governments overseas began to have doubts about the presence and influence of so many foreigners teaching in their schools and dealing with their young people. In the late 1960's the volunteers were asked to leave Pakistan and nine other countries, including some where military regimes suspected them of fomenting revolution. In this country, a generation already bearing the burden of Vietnam lost its enthusiasm for international volunteerism. Applications dropped off from 42,000 in 1966 to 19,000 in 1970.

Doubts were raised for the first time in Congress. The Senate Foreign Relations Committee issued a report in 1970 observing: "The committee believes that the time is near when the assumptions and concepts on which the Peace Corps was founded need complete re-examination."

To cope with the new realities, the Nixon Administration, personified by Mr. Blatchford, moved to streamline the program, trim its staff, and increase the specialization of its volunteers in order to make them more appealing to skeptical foreign governments. More older people and more specialists with specific skills, such as civil engineering or farming, were recruited in the place of the liberal-arts generalists who had frequently worn their antiwar sentiments on their sleeves.

Last fall, the corps was amalgamated into Action along with its domestic counterpart, VISTA, over the protests of critics who argued that the program would suffocate in an expanded bureaucracy. The move also gave rise to fears that the Nixon Administration was out to kill the Kennedy-inspired program—fears that since have largely evaporated in the face of the President's continuing support for the program.

The budget cut is a consequence of all these factors. But ironically, it is being imposed just at a time when the Peace Corps appears to be picking up steam again.

As a result of an intensive recruiting campaign, applications in 1971 were up to 26,000, reversing the five-year trend. The number of volunteers in the field is still down, but they are serving in a record 57 countries, and eight other nations have submitted requests for new volunteers.

"Just at the point when we are getting off the ground again," Mr. Blatchford said, "they're cutting us off at the knees."

[From the Washington Post, Jan. 14, 1972]

THE BUDGET SPECTER

(By William Raspberry)

The director of Action put it plainly enough in a letter that went out to Peace Corps volunteers this week:

"The Peace Corps," he said, "faces a moment of truth, a point of decision second to none in its history."

What Joseph H. Blatchford was talking about was money. The Peace Corps has too little of it, and that is believable.

But the contingencies he outlines in the letter may not be so believable; they sound too much like the cries of doom that attend every appropriations fight here.

Blatchford virtually is begging to be accused of overkill when he says that if Congress fails to do right by the Corps he may have to:

Recall nearly half of the 8,000 volunteers now in service before their terms can be completed.

Withdraw from 15 or more of the 55 countries Peace Corps now is in.

Cancel training plans and projects for about 2,400 volunteers scheduled to enter the Corps by June.

Reduce staffs, both here and abroad.

And what is it that could bring on these dire consequences? A budget reduction from $77.2 million to $72 million for fiscal 1972—a reduction of a little more than $5 million.

Is Blatchford kidding? He swears he isn't and the explanation from his office is serious enough.

The original budget request as amended was for $82.2 million; $5 million less than that—$77.2 million—authorized. But the money never was appropriated—still hasn't been.

Meanwhile, Peace Corps had been operating, by congressional permission, at levels based on the $82.2 million and $77.2 million figures.

Then in December, with the fiscal year half gone, Congress passed a continuing resolution that forces the Corps to operate at the annual level of only $72 million a year until such time as regular funds are appropriated.

And that is a lot worse than it sounds. Kevin O'Donnell, head of the Peace Corps (Blatchford heads Action, which includes Peace Corps, VISTA and other volunteer agencies), tells why:

"The reductions Congress has handed out are not just for the future or remaining months of the fiscal year. These authorizations set the level of spending for the entire year—past, present and future."

Thus, each reduction in the annual budget "has the ex post facto result of making previously legal spending into over-expenditures... Monies spent in good faith under previously higher authorizations must be recouped in the remaining months of the fiscal year."

For this reason—and because the reductions can never be put into effect immediately—O'Donnell says the apparently tolerable reduction of $10 million halfway into the fiscal year has the effect of a $30 million cut at the beginning of the year.

And if that is anywhere close to straight, a $30 million cut in an $80 million budget could well lead to the kind of dire things Blatchford listed in his letter.

The cuts hit particularly hard at an agency like Peace Corps, which has what O'Donnell describes as "a people budget."

"Most agencies involved in the kinds of social programs we're involved in have some power to make grants and other kinds of outlays. Well, this kind of thing you can stop doing tomorrow.

"But our money goes not for grants or expensive equipment but for people. And you really can't stop supporting your people in the field tomorrow. You can't say, 'Sorry, but we can't pay you this month.'"

The whole thing could, of course, be rendered academic when Congress reconvenes next week. But the fear at Action is that their cries of disaster won't be taken seriously and that Congress will appropriate funds dangerously close to the present spending level.

If that happens, the Peace Corps could be out of business just when it is showing new signs of revitalization. The irony is that the threat comes at a time when it appears that Peace Corps is the only thing we're doing right overseas.

PEACE CORPS,
Washington, D.C., January 11, 1972.

DEAR PEACE CORPS VOLUNTEER: The Peace Corps faces a moment of truth, a point of decision second to none in its history. Press reports about cutbacks in the Peace Corps have suggested the critical nature of the present situation, but they have left many members of the Peace Corps' large family confused and concerned. Thus, I am taking this moment to write to you, to explain the gravity of the days ahead and to outline the steps we have taken to preserve the Peace Corps idea.

As a result of unexpected budget pressures by the Congress, the Peace Corps must prepare a contingency plan in the event Congress fails to properly fund our activities. These include:

To recall nearly 4,000 of the 8,000 volunteers now in service before their terms can be completed;

To withdraw from 15 or more of the present 55 countries;

To cancel the training plans and postpone or cancel the projects of the 2,400 volunteers scheduled to enter the Peace Corps between now and the end of June;

And to reduce staff both at home and abroad for the second time this year—having just absorbed a 15% reduction.

Oddly, these measures are threatened at a time of particular popularity and support for the Peace Corps. President Nixon has expressed his support for the Peace Corps personally to me, and in his public statements and speeches.

In spite of austere economic conditions in the nation, the President requested an $82.2 million budget for fiscal 1972.[1] His confidence in the important mission of the Peace Corps was illustrated, too, when he indicated that the success of the Peace Corps lent promise to his plans for ACTION, the new Federal citizen service idea inaugurated on July 1, 1971.

Foreign leaders have joined their people in renewed enthusiasm and interest. Many countries of the world have initiated domestic volunteer corps of their own, and at the same time requested more and more volunteers from the U.S. Peace Corps.

Americans, too, have continued to demonstrate their belief in the Peace Corps: 26,564 applied last year, and applications in recent months have arrived at the highest level in five years. When the Peace Corps held a poster contest celebrating its Tenth Anniversary, over 1500 entries arrived, one of the designs will become a U.S. postage stamp early next month.

But in spite of these signs of obvious health, the Peace Corps is in crisis. Here, then, is the history. Last year, fiscal 1971, Peace Corps spent $85 million and placed approximately 5000 new volunteers into the field. This year, fiscal 1972, we sought ways of saving in line with the President's attempt to reduce Federal expenditures. In planning this year's programs, the Peace Corps found that it was able to increase the numbers of volunteers and trainees from last year and still operate on a lower budget of $82.2 million. During fiscal 1972, it was planned, the Peace Corps would grow to 8,500 volunteers, and enroll 5,800 trainees. But the Congress, instead of passing the Peace Corps bill as requested, responded to these efficiencies by cutting the Peace Corps budget.

After hearings, the Congress passed the authorization bill [2], setting a ceiling of $77.2 million. In order to operate within this budget, instead of the $82.2 million, we were forced to do rigorous cost-cutting. Heavy reductions were made in staff and two of the four operating regions were combined. We reluctantly decided to invite 800 less into training. Additionally, Washington and country budgets were cut to barest operating minimums. Finally, we even reviewed each training program to reduce the normal training time and effect cost savings.

If we are to keep the Peace Corps opera-

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[1] The 1972 fiscal year runs from July 1, 1971 to June 30, 1972.

[2] The Congress goes through two steps in setting the Peace Corps budget. It first passes an authorization bill which authorizes us to spend at a certain level; it then passes an appropriation bill which actually appropriates the money.

tive—as it now stands—to avoid massive cutbacks on the present volunteer and staff strength—$77.2 million is rock bottom. This means that the Congress must pass an appropriation bill equal to the authorized $77.2 million. As of this date—over six months into the fiscal year—the Congress has not passed an appropriations bill for the Peace Corps. Since the 1st of July, we have been operating on a series of continuing resolutions, acts of Congress which permit continued spending in lieu of specific appropriations bills. As indicated, we had found ways to continue effectively under the $77.2 million ceiling. But in December, unexpectedly, the Congress set a new ceiling of $72 million on its most recent continuing resolution, which expires on February 22nd.

To meet the present crisis of having to operate the Peace Corps at $72 million, I have issued instructions to prepare the contingency plans outlined at the beginning of this letter.

This, then, is the issue: If at this late stage in the fiscal year, the Congress votes only an appropriation of $72 million, the drastic action of recalling volunteers, cancelling training projects, and cutting staff further will be necessary. If $77.2 million is approved, we will survive. The difference may seem small, but it is a vital difference when the full year's expenditures are taken into account. Having started the year spending at the rate of the $82.2 million the President requested, then cutting costs down to $77.2 million when the authorization was passed, the Peace Corps now will be forced to cut back at a disproportionate rate for the remainder of the year, if the budget is cut now. In actual terms, this means that no more than $19 million would be available for the period following February 22, or the date that the continuing resolution expires. Because the volunteers' allowances are small, a large number must be brought home in order to curb expenditures significantly. And since efforts we can make to save money are in themselves costly—airfare for returning volunteers and staff, severance pay, costs of breaking leases and terminating contracts, etc.—these will further compound the strains on Peace Corps funding.

So we are in the painful, and paradoxical, situation of having today to begin to bring about a significant reduction in the Peace Corps activities—in spite of rising levels of support for the Peace Corps both at home and abroad—in order to avoid having to dismantle it completely in the very near future.

The fate of the final Peace Corps appropriation is still in doubt. The Congress must take up this bill when it returns. Obviously, the consequences of an appropriation of $72 million are so severe that we are very hopeful that the Congress will appropriate the full amount authorized: $77.2 million.

By the time the issue is resolved, Peace Corps projects around the world will have been done irreparable harm. We are struggling to keep the very idea of the Peace Corps alive. It has always been the Peace Corps philosophy that if things must be cut back to meet spending limitations, the volunteers must be kept in the field as long as possible. We are adhering to that philosophy, and yet recalling volunteers and cancelling projects may still prove necessary. These are indeed moments of truth for the Peace Corps.

As you can see, we are fighting as hard as we can to keep the Peace Corps alive: we are redoubling our efforts to explain to the Congress what the Peace Corps has done, and can do; we are attempting to place before them a clear picture of the critical moments ahead.

We must win. The moment has not yet arrived when the United States will allow the Peace Corps to die out because small amounts of money are not made available to support all the benefits to mankind the Peace Corps can and does deliver. I expect the Peace Corps will emerge from this fight stronger, and even more importantly, that it will emerge from the fight with renewed commitment of support from both the American people and their representatives in Congress.

Sincerely,

JOSEPH H. BLATCHFORD.

ELIZABETH, ILL.,
January 12, 1972.

Hon. JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

SIR: I am writing to urge your support for the restoration of funds cut from the Peace Corps budget. As a returned Peace Corps Volunteer (I served in Ghana, West Africa, from 1967 to 1969), I am deeply angered at the financial priorities which have been pursued in this case.

How can the United States Congress possibly justify spending the exorbitant amount of money which continues to be poured into Southeast Asia—and simultaneously propose cutbacks in a program whose sole objective is the peaceful ideal of helping people to help themselves?

Just one of the recent bombing runs into North Vietnam would exceed in costs the total amount spent by the Peace Corps in an entire year. How very ironic are America's present priorities!

I hope that you will speak out against the unwarranted and uninformed criticisms of the Peace Corps which Representative Otto E. Passman has made. I frankly acknowledge that the Peace Corps is not perfect, but I firmly believe that the Peace Corps remains the one most valuable program in America's entire foreign aid policy. Again, I urgently ask your help in restoring needed funds so that the vital work of the Peace Corps may continue.

Sincerely yours,

GERALD W. SPEER.

THE RICHMOND RULING—A MONSTER UNLEASHED?

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BAKER. Mr. Speaker, the recent ruling of U.S. District Judge Robert R. Merhige, Jr., of Richmond, Va., which will permit busing of schoolchildren across county lines, is alarming indeed. Its implications for individual freedom of choice and States' rights are far-reaching.

This decision must be appealed and reversed.

When we ignore political and jurisdictional boundaries to achieve an arbitrary racial balance, we disrupt the delicate mechanism of our Federal system, which has existed since the beginning of our Republic.

Neither the Constitution nor any other Federal law require this busing. In fact, article X of the U.S. Constitution, the famous "reserved powers clause," leaves control over education to each State.

When we ignore the Constitution and tamper with the autonomy and integrity of State and local governments, we may be unleasing a monster which will run rampant over the rights of all Americans. The giant hand of the Federal bureaucracy which sweeps away first city and county lines, as in the Richmond decision, may later attempt to destroy State lines as well. Given speed of modern transportation, what is to prevent this grasping hand from swooping down upon children in rural areas and setting them down in an urgan ghetto hundreds of miles away—after a 3- to 4-hour bus ride?

This inequitable and illegal court order now stands as the law of the land and must be upheld until overruled at a higher judicial level. In the name of freedom and commonsense, let us hope that second decision comes promptly. The entire future of American education and our way of life are at stake.

The Chattanooga News-Free Press, which has consistently defended the neighborhood school system and opposed court-ordered massive busing of our young people, displayed solid knowledge of the law and dedication to constitutional principles in its editorial on the Richmond case:

RIDICULOUS RULING

Those who are inclined to tell a lie have been warned that, aside from moral considerations, lying is bad because one lie often requires another. So it is with court decisions. Aside from legal considerations, one bad ruling often leads to another.

Now U.S. District Judge Robert R. Merhige Jr. of Richmond, Va., has come forth with one of the most indefensible but potentially far-reaching court rulings possible, completely without constitutional or legal foundation.

In a nutshell, and that expression is quite pertinent to this case, he has ruled that the busing of school children to a consolidated education system of Richmond and Henrico and Chesterfield counties must be undertaken simply because the racial composition of the counties is such that if each is left on its own, it will not have the degree of racial integration that Judge Merhige desires.

It should be understood from the first that there is no complaint that any of these counties is failing on its own to meet every legal requirement for racial equality in its schools.

What troubles the high-handed judge is that Richmond's schools are 60 per cent black while the schools of the two neighboring systems are 90 per cent white. So the judge has ordered racial discrimination to combine the school systems just because he wants more mixing.

The Constitution does not require it. The judge should have no power to require it.

The original school desegregation ruling of 1954, which was extreme in concept, was without constitutional foundation and was rendered by perhaps the most liberal Supreme Court in American history, did not require balanced racial integration. It simply outlawed racial discrimination to produce racial segregation. Subsequent congressional action outlawed racial balance orders by courts or other officials. Yet here is a district judge forcing separate school systems into consolidation for the sole purpose of racial discrimination for racial balance.

"The consolidation of the respective school systems is a first, reasonable and feasible step toward the eradication of the effect of the past unlawful discrimination." Judge Merhige declared. Thus he makes two errors: 1. All school systems already were in compliance with prevailing court rulings banning discrimination. 2. No power has been delegated by the Constitution to any court to legislate any such remedy as Judge Merhige dictates.

His ruling will be appealed. It must be. Is it possible that this extremism in judi-

cial dictatorship might provide the new "test case" on forced busing by which a more constitutionally oriented Supreme Court may undo the despotism of the forced busing tyranny? Is it possible this could lead to establishing a constitutional system of equality before the law for all, freedom of choice for all, protection of all from such dictation as Judge Merhige has resorted to in accelerated deterioration of judicial integrity as one bad precedent has led to another?

KWETHLUK PROTESTS BIA PERSONNEL CUTBACK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BEGICH. Mr. Speaker, it is certainly true that many aspects of the Federal services made available to the American public will suffer by virtue of the employment cutback standards proposed by the administration as a part of the new economic program. Such cutbacks will have a particularly undesirable effect in those areas where the present level of Federal governmental services are already only minimal to meet the needs. In the opinion of the people of Kwethluk, Alaska, this situation exists with regard to the Bureau of Indian Affairs personnel presently assigned to the village. Their sentiments are expressed in the petition which I believe will be of interest to other Members of the House:

PETITION

KWETHLUK, BIA SCHOOL ADVISORY SCHOOL BOARD

To whom it may concern:

We, the people of Kwethluk, the Kwethluk Advisory School Board, and the Kwethluk Village Council members do not wish for the Bureau of Indian Affairs to reduce its present employees for the year 1972 as has been proposed to meet the employment cutback demands of President Nixon's economic move. We deeply feel this reduction will set our educational standards in Alaska Native Villages back instead of going forward as we all want.

FRANK NICORI,
Advisory School Board Chairman.
NICK EPCHEAK,
Advisory School Board Secretary and Kwethluk Village Council Vice President.
EVAN OLICK, SR.,
Advisory School Board Member.
Mrs. MADRONA FISHER,
Advisory School Board Member.
Mrs. LELA EVAN,
Advisory School Board Member.
DAVID K. NICOLAI,
Kwethluk Village Council President.
Mrs. ELENA TRIPLETT,
Kwethluk Village Council Treasurer.
JOSEPH GAY,
Kwethluk Village Council Secretary.
JOHN ANDREW,
Kwethluk Village Council Member.
YESHO FISHER,
Kwethluk Village Council Member.
NICOLAI ANDREW,
Kwethluk Village Council Member.

LIST OF SIGNATURES

Henry Frank, Nevada R. Enon, Alfred Togayak, Alexander Necore, Nastasia Larson, Harry Larson, Paul Alexel, Richard L. Long, Willie M. Andrew II, Mary Grey Long, Nicolai K. Nicolai, Anna K. Nicolai, Adam Andrew, John Nose, John L. Alexie, Matthew Spein, Pete Boros, Andrew Olicle, Yako Hayes, Nick Fahr, Katherine Ayapan, Coretta Maird, and Igrata Olah.

Alfred Alexie, James Michael, Phillip Grey, Alexie Alexie, Martha M. Nicolai, Elizabeth A. Nicolai, Balassa Nicolai, Mary O. Evan, Katie W. Mann, Mary Phillip, Gielea Alexie, Peter Nick, Elena E. Olick, Flora Fisher, Minnie Nick, Alfred Evan, Evan Kopuk, Paul Dabinski, Sophie A. Grey, Necolai E. Nicolai, Ivan Michael, Katherine Andrews, Lucy M. Frank, Jacob Jackson, and Abraham Alexie Sr.

Maggie Grey, Elizabeth Andrew, Lena Angrecian, Kathy S. Alexie, William Frank, Nick Alfred, Vera Michael, Elina Egoak, Katherine Epchonk, Xernice Nicolai, Daniel Mildred, Nellie Fiher, Nichols Malik, Elizabeth W. Paul, Elia Grey, Natalia Jackson, Henry Jackson, Timothy Mann, Elizabeth Owens, Wassilie P. Nicolai, Evan Paul Sr. Annie N. Michael, and Annie K. Alexie.

Anesia Nick, Alexie Nore, Paul G. Nicolai, Xenia Nicori, Wassilie Macai, James Grey Sr., Evan Olick Sr., Martin Alexie, Philip Phillip, Nick N. Nicolai, and Raymond Sjoak.

LEARNING AND TEACHING CAN BE FUN

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BRINKLEY. Mr. Speaker, I would like to bring to the attention of my colleagues the following article written by Mrs. Madge Methvin, editor and publisher of the Vienna, Ga., News, for it points out so vividly that "learning and teaching can be fun." The article reads:

THIS JOHNNY CAN WRITE—AND HOW!

A few years ago a nationally known educator came out with a book entitled "Johnny Can't Read" and also held forth Johnnys and Marys of today couldn't write either. It disturbed a lot of people; parents and teachers—and now we are seeing a lot of changes in education, in a return to the old phonetics methods of teaching reading and spelling, as well as many new methods and materials for remedial reading, with considerable federal spending for the boosting needed.

A big boost to our hopes for the sad situation we have long observed in news releases brought to us by school students in their reports on school news came this week. We were shown this essay written, believe it or not, by a third grader, and in a writing far more legible than our own. He is Lyle Woodruff, son of Mr. and Mrs. Larry Woodruff, and grandson of the Bury Woodruffs and he goes to school at Tucker, near Atlanta. We break our long-standing rule of publishing no essays or poetry, which has saved us a lot of headaches about space and selectivity, and bring it to our readers, many of whom are very discouraged about our schools and the type of education we are getting from them. The essay follows:

"WHAT IT IS LIKE TO BE JELLO

"Here I am being made! What a pride it is to be made! What color am I? Wow! I'm Green. They're boxing us. I'm in a truck with all the other boxes of green jello. Whoops! I fell out! Here comes the cherry truck. He sees me! He picked me up. Here I am with all the cherries. They make fun of me because I am green. We're almost to the supermarket. Now I am on the shelf.

"Here comes somebody. He grabbed me. Oh boy. Here I am in the shopping bag. We're on the way home. I'm in the cabinet. It's dark in here. They're taking me down! They're mixing me with hot water, now cold water. I'm in the refrigerator. Brrr—I'm cold. I have some new friends. Milk, ketchup, dressing and casserole are my best friends. Grapefruit is the bully. We have fun. Milk acts like he is going to be a bully, too. He always squirts us.

"Cream is my girl friend. One day somebody took cream and me out. They put me in a bowl with cream on top. I have never been so close to Cream. I am in the spoon. Wobble, wobble. Gulp! Down I go. I am no longer solid. Now I am a green river. Round and round! Yipes! A big pit! Yummie—Splash."

On his paper was this teacher notation: "Larry, This is great. I would like you to read this to the class." Wouldn't you love to have been there to see those kids faces light up and hear their delighted giggles over this piece of imaginative whimsy? Learning and teaching can be fun, too.

FEDERAL ELECTION CAMPAIGN REFORM

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CEDERBERG. Mr. Speaker, I want to take this opportunity to bring to the attention of the entire House membership a most concise and thorough statement by our colleague, Congressman JIM HARVEY, on the conference report on Federal election campaign reform—S. 382—which this body is likely to consider for final approval this week. Congressman HARVEY'S complete statement, which follows, highlights the major provisions of this historic legislation.

I would particularly like to quote his concluding paragraph wherein he states:

In conclusion, let me say that the final version of this legislation is far from perfect. One newspaper properly entitled a story about its history "Chronicle of Compromise." The final version passed by the Senate and soon to come before the House certainly is a compromise, but it is also a noteworthy accomplishment. I urge adoption of the Conference Report.

I believe that this statement by JIM HARVEY, who serves on both the House Committee on Interstate and Foreign Commerce and the House Administration Committee, both of which acted on campaign spending reform legislation, and who was a conferee on S. 382, should be of great interest to all of us. His complete statement follows:

CONGRESSMAN JAMES HARVEY DISCUSSES CONFERENCE REPORT ON CAMPAIGN SPENDING BILL

Just prior to the adjournment of the first session of this Congress, the conference on the campaign spending bill concluded its work and issued its report. I was honored to serve as a conferee on this very important matter, and now that the House is about to take final action on this bill, I would like to state, for the Record, some of my thoughts on the final action of the conferees.

Last spring, and again during the recent House debate, I indicated that I was strongly in favor of legislation that would strengthen disclosure and reporting requirements and also provide for an income tax credit for political contributions. These two steps, I believe, would instill confidence in the voters

and increase political participation, the cornerstone of a democratic political system. At the same time, I did not feel an extensive bill to limit contributions and spending was necessary. I still do not. Yet, a majority of the American people and many of my colleagues in the House and Senate feel that such steps are desirable, and despite the hardships that the reported legislation will cause, I will yield to their wishes and support the conference report.

The thrust of the bill, I am happy to say, is toward strengthening the reporting and disclosure provisions, but not in what I consider to be the strongest possible way. I had hoped to see an independent Federal Elections Commission as the Senate bill recommended. It was not the will of the conference committee, and thus the House language on reporting was accepted. The bill also did not provide for any form of tax credit for political contributions. As it turned out, such a step was unnecessary; the recently approved "Revenue Act of 1971" contains a provision permitting a $50 per person deduction for such contributions.

There are several other points discussed in conference that I would like to bring to the attention of my colleagues at this time. All indicate that this report reflects the compromise so necessary to a successful conference.

(1) *Section 315 of the Communications Act of 1934:* The Senate, as you will recall, required that Section 315 of the Communications Act be repealed for all Federal elections. The House agreed to my amendment to the Macdonald amendment to the Hays bill which, in effect, left Section 315 as it is now. During the conference, the Senate receded from its position and agreed to accept the House version pertaining to Section 315.

(2) *Reduced Media Rates:* The House receded from its position and agreed to accept the Senate version on reduced media rates. This provision provides that during the 45 days preceding a primary election and the 60 days preceding a general or special election, a candidate should be entitled to the lowest unit charge of the station for the same class and amount of time for the same period. I disagreed sharply with the action of the conference committee, because I believe that the language in the House bill, which limited candidates to the "actual charges made by such station for any comparable use of such station for other purposes," is far superior. More important, I do not feel that candidates, whether incumbents or challengers, should be entitled to special privileges or special treatment as far as rates are concerned. It is the essence of the conference, however, to give and take, and since the Senate felt very strongly on this issue, it was necessary for the House to recede.

(3) *Newspaper rates:* The Senate agreed to accept the House version on newspaper rates. The language in the House bill provided that the charges made for the use of space shall "not exceed the charges made for comparable use of such space for other purposes." I agree with the action of the conference on this issue, and I believe that similar action should also have been taken for the broadcast media. Given the final decision of the conferees on newspaper rates, my question now is, "How do I return to my constituents and justify the different treatment afforded to the broadcast media in contrast to newspapers and magazines?" I presume that my only answer is to point out, as some of the Senate conferees did, that the broadcasters are licensees of the Federal Government and as such, occupy monopoly positions. At the same time, these monopoly licenses are sold and resold under very profitable circumstances.

(4) *Direct Mail:* The House agreed to recede and delete that portion of the House-passed bill which included direct and computerized mailings under the spending limits. The conference did, however, agree to keep that portion of the House bill which included telephones, the paid telephonists and automated equipment, under this limitation. I very much agree with this action because to have included the cost of direct mail in either a Congressional, Senatorial or Presidential campaign would have been grossly unfair. The cost of first class postage is itself eight cents, and given the ten cent limitation, the candidates would hardly have had enough left to pay for the cost of typing the letter. Perhaps more important in the eyes of the press and those who consider themselves to be the "watchdogs of the Congress," is that the inclusion of direct mailings under the ten cent limitation would definitely have labeled the campaign spending bill an "incumbent's" bill. To limit a challenger's mailing while doing nothing to impose similar restrictions on the use of the Congressional frank would certainly have been termed "pro-incumbent."

(5) *Elections Commission:* The Senate receded and agreed to accept the House language which removed the provisions for an independent elections commission. The House, as you will recall, substituted for the elections commission the Clerk of the House, the Secretary of the Senate and the Comptroller General as the reporting agents for House, Senate and Presidential candidates, respectively. I disagreed with this change, but the action of the conferees clearly reflected the strong views that had been set forth in the debate in the House. Once again, it was necessary to yield on this provision in order to have the conference agree to a final bill.

In conclusion, let me say that the final version of this legislation is far from perfect. One newspaper properly entitled a story about its history "Chronicle of Compromise." The final version passed by the Senate and soon to come before the House certainly is a compromise, but it is also a noteworthy accomplishment. I urge adoption of the conference report.

BUFFALO'S ROBERT I. MILLONZI NAMED MAN OF THE YEAR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DULSKI. Mr. Speaker, a personal friend of mine of many years standing has been singularly honored by our home community.

Robert I. Millonzi, a distinguished attorney and public servant—well known in New York State and the Nation's Capital, as well as in Buffalo—has been named Man of the Year in the first award made by Focus magazine of the Buffalo Courier-Express.

The award is designed to honor the individual who has done the most during the year in behalf of cultural enrichment in the Buffalo area.

No better selection could have been made for this initial award, because Robert Millonzi has been conspicuous in support of the arts in Buffalo for as long as anyone can remember.

I recall well when I was on the Common Council, before coming to Washington, and the cooperation which he gave in the valiant, but futile, effort to save Buffalo's last major legitimate theater, the Erlanger.

Where music, drama, artwork is concerned in Buffalo, Robert Millonzi is somewhere in the picture, doggedly working to make and keep Buffalo truly a cultural center.

It is not a one-man job, of course, but there must be a catalyst, a dynamo to keep others moving forward. In Buffalo, you spell that factor Robert Millonzi.

During the Truman administration, he was appointed to the Securities and Exchange Commission and later served with distinction on United Nations groups dedicated to programs of economic and social development.

On the national scene, he is a trustee of the John F. Kennedy Center for the Performing Arts, having been renamed to a 10-year term in 1968.

The cultural story in Buffalo in 1971 was the appointment of Michael Tilson Thomas as conductor and music director of the Buffalo Philharmonic Orchestra. It was Robert Millonzi who was the driving force behind convincing Mr. Thomas he should come to Buffalo.

Buffalo and western New York is indeed fortunate to have Robert Millonzi on its cultural team and his recognition by the Courier-Express is well deserved.

Mr. Speaker, as part of my remarks, I include an excellent story on Mr. Millonzi by the well-respected Courier-Express columnist, Mrs. Anne McIlhenney Matthews:

FOCUS NAMES MILLONZI AS MAN OF YEAR; COURIER-EXPRESS MAGAZINE'S FIRST AWARD SALUTES BUFFALO'S PATRON OF THE ARTS

(By Anne McI. Matthews)

Being first is no novelty to Robert I. Millonzi.

Millonzi is the first recipient of the Focus Magazine Award.

The Focus Award is designed to honor the man or woman who has made outstanding contributions, through participation, leadership or patronage in the arts or entertainment in Western New York.

Millonzi is the man behind the cultural story of 1971—the appointment of Michael Tilson Thomas as conductor and music director of the Buffalo Philharmonic Orchestra.

Millonzi, a long-time patron and promoter of the orchestra, was the driving force behind the acquisition of this brilliant young conductor by Buffalo. It was Millonzi who first seriously conceived of bringing Thomas to Buffalo; it was Millonzi who made the treks to Boston, where Thomas was associate conductor, and it was Millonzi who announced at a meeting of the Buffalo orchestra's executive committee in his home that Thomas was ready to take over here.

The appointment of Thomas made music news throughout North America, and burnished Buffalo's reputation accordingly. This may well be the crowning achievement for Millonzi as a patron, and as a cultural leader. But Millonzi is no stranger to honors.

On the occasion of the 10th annual citation dinner at the 20th anniversary of the Buffalo Council on World Affairs in June 1968, he was given a plaque for his contribution to "human achievement and international understanding." In many ways it was a masterpiece of understatement because it stressed the big picture image of Robert Millonzi and not the true picture of the smiling, quiet, man of great charm who can almost fade into the woodwork in his passion for doing big things in a big way but always, if possible, choosing the way of anonymity.

A TRUE MAN OF ACTION

He is primarily a man of action. If you want a job done and well done you give it to Robert I. Millonzi and mark it "mission accomplished." In world affairs, national affairs, city affairs and particularly in the realm of music and the performing arts he is a formidable entrepreneur.

From his father, Philip, a founder of the Community Music School, Millonzi inherited a great love and appreciation of music and as a direct result of his leadership in the Buffalo Philharmonic Orchestra Society, (he is a former president), Buffalo has achieved the securing of Thomas to replace Lukas Foss as conductor.

Another result of this is the finest audience season the Buffalo Philharmonic orchestra has had in many years. Crowds even attend rehearsals.

Millonzi is interested in all aspects of art. In 1968 he was reappointed to a second 10-year term as a trustee of the John F. Kennedy Center for the Performing Arts. He is also interested in the new Niagara Frontier Center for the Performing Arts in Lewiston.

One of the greatest honors given Millonzi was his designation as Public Member, U.S. Delegation to the Economic and Social Council of the United Nations in 1967. This designation has the assimilated rank of an ambassador.

Millonzi's office in the sixth floor of the Western Savings Bank Bldg. at Main and Court is a testimonial to the high regard that Presidents Harry S Truman and Lyndon B. Johnson had for him especially and there are many historic other documents on his walls from prominent persons.

NAMED TO U.N. GROUPS

Truman appointed him a member of the Securities and Exchange Commission and to the ECO-SOC which is one of the main executive bodies of the United Nations and has supervision of all U.N. programs of economic and social development. In 1967 he was one of two public advisers of the U.S. delegation to the U.N.'s Economic and Social Council (ECO–SOC) session in New York. In the same year he was named to Buffalo's Human Relations Commission.

Last year he was named vice chairman of the Concerned Citizens on the Arts organization. He is also an Honorary Fellow of the Harry S Truman Institute for National and International Affairs.

Millonzi is the senior partner in the law firm of Diebold and Millonzi which headquarters on the sixth floor of the Western Savings Bank.

His association with Charles Diebold dates back 40 years to when they were fellow students in the Law School at the University of Buffalo. Diebold spread his hands when I told him of the Focus Man Of The Year distinction and said it—as he always does—simply.

"There is just no way to describe the high esteem I have for this man," he said. "The words don't come. We are partners and we operate like brothers. We have been together in the thin days and the thick days, the good times and the problem times. He has a tremendous vitality and a tremendous mind and I am forever impressed with his many and varied talents and abilities."

Millonzi and his wife, the former Eleanor Verduin live at 75 Meadow Rd. One daughter is Mrs. Victor Raiser II of Chapin Pkwy. and another daughter, Miss Elizabeth J. Millonzi lives in Boston.

Millonzi was graduated from the University of Buffalo with a BA degree (Honors) in 1932. He was graduated from the University of Buffalo Law School, LL.B in 1935.

AFFILIATIONS ARE MANY

He was admitted to practice, New York State Supreme Court in September 1935 and also admitted to practice in Federal Court and the Tax Court of the United States. In 1952 he was admitted to practice in the United States Supreme Court.

He is a Fellow of the American Bar Assn.; a member of the New York State Bar Assn.; the Erie County Bar Assn.; the National and State Title Assns.; and the American Judicature Society.

From 1940 to 1943 he was counsel to the New York State Dept. of Agriculture and Markets. In 1951–1952 he was commissioner, U.S. Securities and Exchange Commission. In 1952–1953 he was consultant, Reconstruction Finance Corp., Washington.

He was a lecturer at the University of Buffalo School of Law on Corporate Finance. He is a member of the Administrative Law Section of the American Bar Assn. He is a member of the Committee on Public Utility Law (formerly Atomic Energy), New York State Bar Assn.

He is director and counsel of the First Empire State Corp., Buffalo; director and regular member of the Executive Committee, Manufacturers and Traders Trust Co., and trustee and counsel, The Western New York Savings Bank, Buffalo.

He is a director and was one of the founders of the Buffalo Council on World Affairs; a member of the Governing Committee of the Buffalo Foundation and a Life member of the Museum of Science.

He is a member of the Buffalo Historical Society; a former member of the Board of Trustees and life member of the Fine Arts Academy (Albright-Knox Gallery), a member of the Council on International Studies, State University of New York at Buffalo.

TRIBUTE TO GOLF GREAT BOBBY JONES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MICHEL. Mr. Speaker, during the holiday recess the world, and particularly the world of golf, lost one of its giants when the great Bobby Jones passed away on December 18, 1971. To those millions who enjoy playing the game of golf, he was indeed a living legend and his unbelievable feat of winning four national championships in the same year, 1930, is unlikely to ever be equaled.

A story written by Will Grimsley of the Associated Press recounts some of the highlights of the life and career of Bobby Jones and I insert it in the RECORD at this point:

"GENTLEMAN GOLFER" WITH A TEMPER

(By Will Grimsley)

Robert Tyre "Bobby" Jones, Jr., was recognized as the "gentleman golfer" but he shared one universal trait with fellow devotees of the game—he was a club thrower.

As a youngster, Bobby had an ungovernable temper. He ranted when he missed a shot and often showed his disgust by sending one of his wooden clubs flying through the air.

He was a round-faced chubby youngster of 14 when he made his debut in the U.S. Amateur at Marion Cricket Club outside Philadelphia in 1916. He created quite a stir when he led the field through the first round of qualifying and won two matches before bowing to the defending champion, Bob Gardner, 5 and 3.

However, his petulance and bad temper drew sharp criticism from the press, who labelled him a "hot head" and "spoiled brat."

Jones learned to harness his emotions in later years en route to his phenomenal record of 13 national championships and Grand Slam in 1930 and became an example of good sportsmanship and the highest ideals of the game.

Associates recalled recently some of the highlights in the career of the golfing immortal, who was buried in his home city of Atlanta. Jones, 69, died Dec. 18 after years of battling a spinal ailment that produced slow paralysis.

"Bob often jested about his early temper tantrums," said Fred Corcoran, former director of the PGA tour and director of the World Cup matches. "He wasn't a cry baby or a poor sport. He was a perfectionist. He got mad when he failed to execute a shot the way he thought he should."

Describing his opening match in 1916 against Eben Byers, Jones later commented good-naturedly in one of his many books:

"Mr. Byers and I both played very wretchedly, and I think the main reason I beat him was because he ran out of clubs first."

Jones, who played in the wooden-shaft era, became in the ensuing years a master craftsman although even in his championship days he became so nervous before an important match that he was unable to hold food on his stomach.

A scot writer once wrote of him:

"Mr. Jones stands over the ball just as if he were engaged in ordinary conversation. There is no straddling of legs, no tying of muscles into a knot, no extravagant poses, nothing to suggest that he is thinking or doing anything in particular . . . of the millions of golfers in the world, I do not suppose there is another who swings a club back so smoothly or so sweetly."

In 1925, playing in the U.S. Open at Worcester, Mass., Jones called a penalty shot on himself which cost him the championship.

It happened on the 12th hole of the final round. As he left the green, Jones signalled to a U.S. Golf Association official.

"My ball moved as I address it," he said. "I didn't see it move. Neither did anyone else."

"I did," said Jones resolutely, refusing the proffered reprieve. He lost the tournament by a shot.

In the 1929 Open at Winged Foot in Mamaroneck, N.Y., Bobby unleashed a phenomenal string of five 3s, including two birdies and an eagle, from the 10th through the 14th holes, finished with a back nine 31 that still stands as a record. The card is under glass at Winged Foot.

As Jones entered the locker room, he heard officials discussing 9 a.m. and 2 p.m. starting time for the 36-hole playoff the next day.

"Al is a Catholic and he probably would like to go to Mass," Jones said. "Why don't we make it 10 and 3?" the officials acceded.

At church the next day, Jones and his wife, Mary, sat next to Al Espinosa. Then he went out to win the playoff by 23 strokes.

Jones always had great admiration for Gene Sarazen, the doughty pro of the same age. They were of opposite backgrounds. Jones was the son of a well-to-do Atlanta attorney. Sarazen was an ex-caddie, offspring of poor Italian immigrants. Sarazen and Jones had many battles, Sarazen beating out the Atlanta Wonder Boy for the 1922 Open.

Jones remained an amateur, steadfastly spurning offers to turn professional. A great admirer of Jack Nicklaus, whom he saw at the age of 12 and pinpointed for greatness, Bobby once wrote Nicklaus a letter urging him not to turn pro.

Hailed for his feats by U.S. fans, Bobby was idolized overseas, particularly by the Scots and Japanese. He recalled that once, visiting Japan, he lost a $5 bet to the Japanese star, Tommy Miyamoto. Many years later, he learned that Miyamoto had taken the $5 bill and framed it.

"If I had been forwarned of Miyamoto's intentions," Jones said, "I would have paid him by check."

The late Walter Hagen, king of the pros

in the Golden Twenties when Jones was the amateur emperor of golf, was confronted with a touchy question once during a locker room gab session.

"If you had to put up $10,000 to put on one golfer to win an important match," the Haig was asked, "who would it be?"

Hagen stroked his chin momentarily and replied:

"Bob Jones—he has to be the greatest."

Forty-one years have passed since Jones scored the most monumental one-mean feat in golf—the Grand slam, winning the U.S. and British Opens, U.S. and British Amateurs in a single year—and forty-eight hours have passed since Jones was laid to rest in his beloved Atlanta, but golf buffs still debate the question:

"Was Bob Jones the greatest of them all?"

Jones himself scoffed at such comparisons, lauding Ben Hogan, Arnold Palmer and Jack Nicklaus as men who came along in the procession of bigger-stronger-better athletic specimens, but he left a record that is staggering.

Over an eight-year span—from 1923 through 1930—he won 13 U.S. and British national championships. In the last nine years of his career, he played in 12 Open championships, nine American and three British, and finished no worse than second in 11 of them.

At 28, still in his prime, he quit competitive golf. At that time, he was eight years younger than Ben Hogan was when Hogan won the first of his four Open Crowns. Jack Nicklaus, at 31, like Jones a Boy Wonder, a standout amateur before he turned professional, has accumulated 11 major crowns. Three of these are Masters, not rated national championships.

Jones' best 72-hole score in the Open was 287 at Interlachen in Minneapolis in 1930. Eleven years later Hogan won the Open in Riviera in Los Angeles with 276, a score subsequently bettered by Nicklaus and Lee Trevino with 275.

Jones, however, played in only a few selected tournaments a year and lacked the challenge of tough year-around competition. Also, he played with wooden-shafted clubs on courses which had not been barbered to foster low scores for crowd appeal.

"Bob Jones was supreme," said Francis Ouimet, the scholarly Bostonian whose 1913 triumph over England's Harry Vardon and Ted Ray is credited with triggering the golfing explosion in the United States.

"I am convinced if Bob had come along 15 or 20 years later he would have rolled out birdies as easily as he did pars."

Charles "Chick" Evans, who played championship golf after he was 60 and who was one of Bobby's keenest rivals, called Jones "the master shotmaker."

"He was at his best when conditions were tough and when one missed stroke cost a tournament—he was incomparable," argued Evans.

O. B. Keeler, the late Atlanta golf historian who became known as Jones' Boswell, attributed the difference in scoring to improved equipment and softened courses.

"The player in Jones' days had to know his club intimately and play every club with regard to severe playing conditions," Keller said. "The modern player merely steps up and bangs away.

"It's the difference between a craftsman and a slugger."

What was the secret of Jones' success?

"Perfection in style and spirit," argued Ouimet. "It was monotonous and discouraging the way he hit practically every shot exactly as it should be hit.

"This perfection rattled opponents. They started gambling and changing their games. I know I was that other person often enough."

Jones was a strong driver—it was the key to his game. If he had a weakness, it was with the mashie-niblick, equivalent to the present nine-iron. Yet, outside of his putter The Calamity Jane, it was his favorite club.

"Concentration was Jones' strong point," said Keeler. "He played his shot promptly and without apparent worry or anxiety. Although highly nervous, he had complete command of himself at all times."

Jones once played with Sam Snead, the winner of more than 100 pro tournaments, and Snead sought advice on the proper way to fade the ball.

"I don't know," said Jones.

"My policy always has been to hit the ball straight. If you can hit the ball straight, I don't think you'll get into too much trouble."

THE RETIREMENT OF MR. WALTER TROHAN

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. METCALFE. Mr. Speaker, Mr. Walter Trohan, former chief of the Washington bureau of the Chicago Tribune, has retired after 25 years as the bureau chief.

Mr. Trohan has been one of this country's most prominent political reporters, covering the White House, the House of Representatives, and the Senate, as well as other departments in the Federal Government.

He was a conscientious reporter, often being the first newspaperman to scoop news stories that made national headlines.

He was the lone reporter on the first press plans charter flight with President Roosevelt to South America in 1936. He was the only reporter to follow Under Secretary of State Summer Welles, from start to finish, on the 1940 peace mission which took them on both sides of the battlefront. He covered President Roosevelt in four election campaigns, as well as other presidential candidates at the time. He also accompanied "Ike" on his "flying carpet" trip to three continents in December 1959.

Mr. Trohan's list of "firsts" and outstanding performance in the field of journalism, goes on and on.

His list of activities outside the field of journalism, is just as impressive. He is a trustee of the Robert A. Taft Memorial Foundation, a member of the Advisory Council for Liberal and Fine Arts of the University of Notre Dame, and a member of the Editorial Advisory Board of Civil War History, a quarterly published by the State University of Iowa. He has been awarded an honorary Lit. D. degree by Lincoln College, Lincoln, Ill. He is a member of the National Press Club, Overseas Writers' Club, White House Correspondents' Association, and Gridiron Club, an exclusive organization founded in 1885 and limited to 50 of the 1,500 newspapermen in the Capitol.

Walter Trohan's journalistic talents and experience will surely be missed on the firing lines of newsmaking events the world over. We wish him a long and satisfying life in his retirement.

MR. R. A. "ROONEY" STIPES, JR.—FRIEND OF HIGHER EDUCATION

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SPRINGER. Mr. Speaker, my good friend and esteemed fellow townsman, R. A. "Rooney" Stipes, Jr., of Champaign, Ill., has had more to do with the growth and development of tax-supported higher education in our State than any other private citizen.

So I was greatly pleased to learn that the University of Illinois Alumni Association has given him its first distinguished service award. No one is more deserving of this great honor.

Rooney retired in November after serving more than 20 years as a member of the board of governors of State colleges and universities in Illinois. During the past 7 years he was the chairman of that board, which is the governing body of five major institutions of higher learning—Eastern Illinois University at Charleston, Western Illinois University at Macomb; Chicago State University and Northeastern Illinois University, both in Chicago, and Governors State University in Park Forest South.

The two decades from 1951 through 1971 marked the most dramatic period of growth of higher education experienced in Illinois. Enrollments mushroomed, academic and nonacademic staffs multiplied, campuses expanded, and construction of buildings and other facilities increased beyond all expectations.

Over these long years Rooney worked unselfishly and with dedication to the immense benefit of the universities under the board's jurisdiction, to their faculties and students and to the people of the State of Illinois.

"He brought with him," said a resolution adopted at the board's November 17–18 meeting, "a wealth of experience, commonsense, ingenuity, intelligence, and initiative, all of which enabled him to provide outstanding leadership for the board." His complete candor, honesty, and integrity earned him an unexcelled reputation among those who served as members of the Illinois General Assembly during his 20 years with the board.

Rooney's retirement also marked the end of almost 20 years service as president of the board of trustees of the State universities retirement system. As president of this board and chairman of its executive committee he gave generously of his time and efforts in considering and making decisions relating to investments, applications for benefits, and other administrative matters under the retirement board's jurisdiction.

Rooney Stipes, a successful businessman in private life, can look back on a career of voluntary service in the public interest that has seldom been equaled and never excelled in the long history of the State of Illinois. His shoes will be hard to fill.

SMUG VIEW NO ANSWER ON DEFENSE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CHAMBERLAIN. Mr. Speaker, in a report filed earlier this month by the Armed Services Investigating Committee attention was drawn to the recent penetration of our defense perimeter by Cuban aircraft which have raised basic questions as to the adequacy of our air defense system. This report has not gone unnoticed, as is clearly evident from the editorial appearing in the January 14 edition of the State Journal of Lansing, Mich., entitled "Smug View No Answer on Defense." The thoughtful views that it expresses deserve to be carefully weighed by all branches of our Government and I particularly commend them to the attention of my colleagues:

SMUG VIEW NO ANSWER ON DEFENSE

Recent charges by a House subcommittee that most of the southern coast of the U.S. is virtually devoid of adequate air defense and air surveillance ought to shake up a few people in Washington and bring some fast remedial measures.

The House armed services investigating subcommittee based its report largely on a probe of circumstances last October when a non-scheduled Cuban airliner, a slow one at that, lumbered into New Orleans entirely undetected by the U.S. air defense command.

This was not the only incident. In October of 1969 an armed Cuban MIG–17 jet suddenly dropped in undetected at Homestead Air Force Base in Florida, landed and parked next to the President's aircraft, Air Force One.

Pentagon officials, apparently having a hard time explaining the lapse in air defense security, allowed as how the possibility of an enemy attack from the south is extremely remote and said there is no way anyone could launch a bomber attack without the U.S. knowing about it.

Maybe so, but one is reminded of the same kind of smug reassurances from the military in 1941 when war clouds were gathering in the Pacific.

Top strategists all but ruled out the possibility of a Japanese air attack on Pearl Harbor, home of the Pacific fleet. It was said the Japanese would never take such a gamble. Most military brass in Washington rested comfortably with the theory that radar and continuing U.S. air surveillance around the Hawaiian Islands would make such a surprise attack impossible.

Historians have long since documented the tragic blunders of Pearl Harbor, including the fact that radar operators picked up the oncoming Japanese armada, but their warnings were disregarded by lower echelon officers who simply could not believe reality on a pleasant Sunday morning.

It would be nice to believe that it could not happen again. But events of the past few months suggest there could indeed be a gaping hole in the air defense system for the southern part of the nation.

The House subcommittee deserves congratulations for bringing this to the attention of the nation. Leaving the back door open negates what is otherwise supposed to be a foolproof defense system and is an invitation to big trouble.

TRIBUTE TO ROBERT TYRE JONES, JR., "BOBBY JONES"

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. FLYNT. Mr. Speaker, Robert Tyre Jones, Jr., "Bobby Jones," died December 18, 1971, at his Atlanta home from a crippling illness that had plagued him since 1948.

The name, the legend, and the man that was Bobby Jones dominated golf for 50 years. He was a national champion 8 years in succession—U.S. Open Champion in 1923; U.S. Amateur Champion in 1924 and 1925; U.S. Open and British Open Champion in 1926 and 1927; U.S. Amateur Champion in 1927 and 1928; U.S. Open Champion in 1929. In 1930 he accomplished what no other man has ever accomplished, the legendary "Grand Slam" winning all four major championships, the U.S. Open and Amateur and the British Open and Amateur.

Beginning competitive golf at the age of 13, Jones retired from the competitive strain in 1930 after winning the "Grand Slam." In 1934 he assisted in the founding of the famed Masters Tournament at the Augusta National Golf Club. In the early years of the Masters Jones' reappearance in competition was a signal event in golf's year. Gradually, the tournament grew, and an invitation to the Masters became the most coveted prize in golfdom.

Bobby Jones' accolades in golf reveal only part of the man. Jones was an astute scholar and capable lawyer. Although his illness finally forced him to a wheelchair, he still made daily trips to his office, never giving in to his affliction.

One of the greatest tributes paid to Jones came from his close friend, Grantland Rice, who was to sportswriting what Jones was to golf. In 1936 when Jones played a one-round exhibition at St. Andrews, the birthplace of golf and scene of his victory in the British Open of 1930, the legendary Rice wrote the following article:

LOS ANGELES, Jan. 15.—It may seem to be a trifle odd to give precedence to a retired champion playing an exhibition game above title competitions. Yet, to my mind, the one-day visit and the 18-hole round that Bobby Jones played over the old course at St. Andrews last July was the top of golf for 1936. Only those present could appreciate what it meant in the way of drama, thrills, tradition, and you can add adoration if you care to get the true picture of what happened.

In the first place, there were no advance notices of any sort. Bob called up the night before from Glen Eagles to ask if he could bring up a friend and play a round. It has been six years since his last appearance at St. Andrews—part of his grand slam tour. Under these conditions, it had occurred to no one that any sort of crowd would be present. At the most, a hundred or so might get the news and follow for a few holes.

It was all quite different when Bob came out to the first tee. He suddenly came through the gate and stepped into the presence of 6,000 Scots who in some way or another had heard he was to play. He also stepped into the middle of one of those ovations that few people ever get when it comes to such complete sincerity it can never be mistaken.

Bobby Jones was back—back at St. Andrews—back on the old course after six long years. "If we had only known a day in advance," one of them said, "we'd had 25,000 here today. They would have walked in from a hundred miles away." And they would.

Even as it was, Bob had a bigger crowd at St. Andrews than either the open or the amateur attracted on any one day. For this reason—golf is the life blood of St. Andrews, and Bobby Jones to those Scots is the king of golf still. "He should be king of Scotland," one of them told me. "That's where he belongs."

We expected them to watch him drive off and that a few would follow. But the 6,000 set out in pursuit. Some of them were lugging or tugging kids along who were no more than four or five years old. Others were carrying babies. The ages of this gallery ranged from three to the upper seventies. This was the middle section of a hard trip for Jones, with no great amount of sleep or rest, and he had played little golf in several weeks. Yet he caught the spirit of the occasion to such an extent that he went out in 32—four under par. This was the thrill this gallery wanted. On the eleventh hole, his caddie suggested a 4 iron in place of the No. 5 Bob had in his hand. His shot to the green almost hit the pin but bounded over into heavy trouble, costing a five on a par three hole. This broke the spell, but, even as it was he finished in 71, two under par.

This one-round exhibition drew more newspaper notices than most championships ever know. For days afterward, there were columns piled on columns in the leading papers of Scotland, the smaller dailies and the weeklies. Many of Scotland's leading golf writers used up two and three columns each day describing each type of shot played.

When he finished there were tears running down the faces of men 60 and 70 years old. They understood. Here was Scotland—the spirit of Scotland—the tradition of Scotland—embodied in one man. And one lady, standing next to Mrs. Bobby Jones, not knowing who she was, remarked to a friend as Bob came to the final green to sink a 30-foot putt for a three, "what a fine face he has—how good looking—he doesn't look a bit like a Yank."

I saw Tony Manero and Harry Cooper fight out their brilliant duel at Baltusrol in the open where Manero raced around in 67 strokes to break all open records for four rounds. I saw Johnny Fischer finish with three consecutive birdies to beat Jock McLean on the 37th hole at Garden City in the amateur final.

They were performances to remember. But after all, each was just another round. But this one-round stand at St. Andrews was something entirely different. It brought a lump to your throat when you watched the faces of that gallery, when you read its emotions from their eyes. Scotland, you may know, doesn't get hysterical. If there is one race in the world that keeps its feet planted solidly on the terrain of the great mother, meaning earth, it is the Scots. But Scotland on this occasion let itself go. Its emotional outburst was completely unashamed.

Here was its favorite person from a somewhat narrow world that has so few worthy of any extended acclaim. And 6,000 Scots let him know it, holding nothing back in the way of tribute. Here was the type of art, skill, character, and sportsmanship represented in Scotland's favorite son. And the fact that he came from Georgia meant nothing at all. To this gallery, he was a product of bluebells

and heather, sand dunes and wind—he was Scotland.

Mr. Speaker, we have all suffered a great loss. The world has lost an international ambassador of goodwill and a great sportsman. Bob Jones will be missed.

NOBEL PRIZE WINNER—DDT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GOODLING. Mr. Speaker, there are some supposed environmentalists in our society today who are crying out for the acceleration of a program designed to outlaw the use of DDT and other pesticides.

Dr. Norman E. Borlaug, a 1970 Nobel prize winner, has made some comment on this matter, and his remarks serve to dissipate the clouds of confusion that currently enshroud this subject. Dr. Borlaug endeavors to boil this matter of pesticide use down to its fundamental fine points, and because his effort provides an urgently needed practical perspective on this subject of pesticides control. I insert his article in to the CONGRESSIONAL RECORD and commend it to the attention of my colleagues.

NOBEL PRIZE WINNER . . . DDT

The following article is from a statement by Dr. Norman E. Borlaug, 1970 Nobel prize winner and director of the Wheat Program of the International Center for Maize and Wheat Improvement, before a recent EPA hearing on DDT. The article has appeared in numerous publications and contains some very thought-provoking information.

"Environmentalists today seek a simple solution to very complex problems. The pollution of the environment is the result of every human activity as well as the whims of nature. It is a tragic error to believe that agricultural chemicals are a prime factor in the deterioration of our environment.

"The indiscriminate cancellation, suspension, or outright banning of such pesticides as DDT is a game of dominoes we will live to regret.

"DDT, because it is a name popularly known to most segments of the public, has been the first target. Once that is accomplished, the so-called ecologists will work on hydrocarbons, then organophosphates, carbamates, weed killers, and perhaps even fertilizers will come under the assault of their barrage of misinformation.

"If this happens—and I predict it will if most DDT uses are cancelled—I have wasted my life's work. I have dedicated myself to finding better methods of feeding the world's starving populations. Without DDT and other important agricultural chemicals, our goals are simply unattainable—and starvation and world chaos will result.

"Perhaps more than any other single factor in the world today, DDT has made a unique contribution to the relief of human suffering. I need not reiterate its vital importance in the control of malaria.

"DDT critics will say, of course, that only domestic uses of the chemical are being reviewed in the hearings at which I appeared today. But I have spent my life working with the nations of the world to help them feed themselves. I know how they will react if we terminate uses of DDT in this country and, in effect, label it "poison." If it is not good enough for your purposes, they will reason, then it shouldn't be used in our countries. The impact will be catastrophic. All the urging and reasoning by me and other scientists will fall on deaf ears. Cancel DDT in the United States and you will see a chain reaction of cancellations throughout the world.

"Science without common sense is worthless, and environmentalists are not using common sense when they examine DDT and its effect on wildlife in this country.

"To my knowledge, there has not been one shred of reliable evidence that DDT has put any species of wildlife in danger. Ecologists point to diminishing counts of such birds as the bald eagle and peregrine falcon. These smaller counts are a result of many factors, and a crowded habitat is perhaps the most important. Some species of wildlife simply cannot adapt to the spread of man into areas which were once uninhabited.

"The argument that pesticides are upsetting the balance of nature is utter nonsense. Today we have 1 million to 1¼ million species of animals and 350,000 species of plants existing in the world. But throughout the history of the world, over 130 million species once existed. In other words, today only one per cent of the species is left. The rest have perished for a variety of reasons. People who blame DDT and other pesticides for the elimination of species are ignoring geological history. Is DDT, which has only been in existence for 25 years, to be blamed for this too?

"The agricultural chemical industry has been the whipping boy of environmentalists, whose views have been so short-sighted that they haven't bothered to examine some key facts:

"1. To produce food for ourselves and other nations, we required 290 million acres of farmland last year.

"2. To get the same yield while relying on the technology we used thirty years ago—when most of today's pesticides and fertilizers were non-existent—we would have required nearly 600 million acres, or twice the amount used last year.

"3. This would have resulted in a huge loss of forest and grass lands which not only would have further crowded some animal species into extinction but would have caused other problems as well.

"4. Pesticides, therefore, have actually helped prevent the development that environmentalists fear most—diminishing species of wildlife.

"What we need in this country is a positive approach to the solution of these problems instead of the negative reactions that now prevail. Legislating against the problem will not make it disappear—it will only postpone the issue to a time when it will be insurmountable. Instead, let's take a positive approach. Let's allocate more money to research so we can find the best means to reestablish our wildlife for the future.

"But even more important, let's get our priorities in perspective. As much as I favor wildlife, man must come first. We must feed ourselves and protect ourselves against the health hazards of the world. To do that, we must have agricultural chemicals. Without them, the world population will starve."

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. McCLORY. Mr. Speaker, last week, the President of the United States ordered the withdrawal of an additional 5,900 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 148,100 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

COMPTROLLER GENERAL'S MONTHLY LIST OF REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BROOKS. Mr. Speaker, the Comptroller General's Monthly List of Reports covers a wide range of Federal activities on which the General Accounting Office has conducted audits and made recommendations for improvements. The compilation has been required for 1 year thus far and already it has shown its utility in keeping the Congress better informed on financial and management aspects of the Federal department and agency operations.

The list of reports issued during the month of December 1971 follows:

WASHINGTON, D.C.,
January 7, 1972.

The President of the Senate.
The Speaker of the House of Representatives.

Public Law 91–510, the Legislative Reorganization Act of 1970, directs the Comptroller General, in Section 234, to prepare and transmit each month to the Congress, its committees, and Members a list of reports of the General Accounting Office of the previous month.

Reports issued or released in December 1971 are listed on the attachment.

The title of each report, file number, date of issuance and agencies reviewed or affected are provided.

Copies may be obtained from GAO's Report Distribution Section, Room 6417. Telephone: code 129–3784 or 386–3784.

ELMER B. STAATS,
Comptroller General of the United States.

GAO REPORTS ISSUED OR RELEASED IN DECEMBER 1971

PART I. REPORTS TO CONGRESS, COMMITTEES OR MEMBERS

Commerce and Transportation

Management of selected aspects of the strategic and critical stockpile. Office of Emergency Preparedness, General Services Administration. B–125067 of December 9.

The Office of Emergency Preparedness determines the minimum quantity of a material which should be stockpiled and the General Services Administration buys, sells, and maintains the stockpile. GAO found that improvements are needed in the management of certain strategic and critical materials.

Three—molybdenum, cordage fibers, and vegetable tannin extracts—no longer need to be stockpiled and should be eliminated. Other materials—rubber, cordage fibers and, to a lesser degree, magnesium, tin, high-carbon ferromanganese, and antimony sulfide ore—are deteriorating in quality. Although stockpiling law provides for the rotation of materials—none of the materials which are subject to deterioration have been rotated since 1962.

Community Development and Housing

Inquiry into the low-rent housing project at 108th Street—62nd Drive, Queens, New York, proposed by the New York City Hous-

ing Authority. Department of Housing and Urban Development. B–118718 of December 1, released by Congressman Benjamin S. Rosenthal, December 3.

GAO found that—

HUD has no written assurance that the Authority will bear any abnormal foundation costs,

Cost of the piling is uncertain,

The site of the project borders on the six-lane Long Island Expressway (selection of sites near hazards such as expressways was to be avoided),

Existing schools may not have sufficient capacity to serve the project's children, and

The estimated total development cost of the project falls within the limitations prescribed by HUD.

Benefits could be realized through reuse of designs for public housing projects. Department of Housing and Urban Development. B–114863 of December 2.

Most of the 2,500 public housing projects approved and subsidized by HUD since July 1965 have been designed individually. In private construction such as housing, motels, or schools, designs are often reused. GAO estimates that, if 50 percent of the housing projects placed under construction in fiscal year 1970 had been based on existing designs rather than on designs individually developed, about $31 million could have been saved.

Approximately 1,400 individual project designs could be made available to local housing authorities; allowing them to avoid stereotyped or monotonous projects. Most local housing authorities interviewed by GAO were willing to make greater use of existing designs.

Education and manpower

Office of Education should improve procedures to recover defaulted loans under the guaranteed student loan program. Department of Health, Education, and Welfare. B–117604(7) of December 30.

The Guaranteed Student Loan Program enables students attending colleges or vocational schools to finance part of their education by borrowing. In cases of default the Office of Education, which administers the program, is liable for unpaid balances of loans.

Over 1 million loans amounting to nearly $1 billion had been insured under the program. As of September 30, 1971, 15,427 loans were in default and 8,963 had not been processed.

The rapid buildup of unprocessed defaults is clear evidence that the Claims and Collection Section of OE is inadequately staffed and GAO noted that improvements were needed in debt-collection operations, in handling bankruptcy cases, and that there was lack of a uniform refund policy.

General government

Government executive lunchrooms fail to pay their way. Departments of Agriculture, Justice, Treasury, Transportation, the Interstate Commerce Commission, and the National Science Foundation. B–168033 of December 7, released by Senator Margeret Chase Smith, December 8.

Except at Agriculture, Government employees were used full or part-time to prepare and serve meals. The cost for each meal substantially exceeded the price charged for the meal. The high cost is attributable principally to the labor costs incurred in preparing and serving a relatively small number of meals.

Cost Escalation of FBI Building. Department of Justice. B–169974 of December 8, released by Senator William Proxmire, December 10.

Based on an escalation factor supplied by GSA, GAO projected the cost of the building at January 1, 1972, to about $109.6 million. The original estimated cost (construction only) was about $20 a gross square foot. This cost had increased to about $34 by April 1971.

The average cost for each gross square foot for five recent Government buildings in Washington is about $39. Construction costs for eight commercial buildings in the Washington area, adjusted to April 1971, ranged from $23.10 to $61.36 a gross square foot and also averaged about $39. Special features to be included in the FBI building are not found generally in office buildings. GSA estimated the cost of these features to be about $10 million.

Examination of financial statements of Federal Prison Industries, Inc., fiscal year 1971. Department of Justice. B–114826 of December 14.

The Government Corporation Control Act requires the Comptroller General to make an annual audit of the Federal Prison Industries, Inc. and to report to the Congress. This year's report contains no recommendations or suggestions.

Contract award procedures and practices of the Office of Economic Opportunity need improving. B–130515 of December 15.

The Office of Economic Opportunity (OEO) has been awarding a large number of its contracts to carry out anti-poverty programs in the final month of the fiscal year—a period when constraints can result in contract award problems. GAO has reviewed OEO policies, procedures, and practices on this matter, finding various administrative and management problems.

OEO recognized these difficulties and has convened a high-level task force to reexamine and assess OEO's planning process, as well as the various phases associated with project definition, project management, and source solicitation and selection. Several committees and Members of Congress have expressed specific interest in OEO's contracting activities.

Improvements needed in the administration of contracts for evaluations and studies of antipoverty programs. Office of Economic Opportunity. B–130515 of December 28.

In carrying out its function, OEO has been a pioneer in advancing the state of the art of evaluating social action programs—an important, complex, difficult task. During fiscal years 1968 through 1970, OEO entered into 237 evaluation and study contracts amounting to about $30 million.

GAO examined the management of these contracts and this report illustrates the need for exercising careful control over such contracts to ensure that the results obtained are objective and useful and are effectively utilized.

Income security

Allocation of funds for the public employment program under the Emergency Employment Act of 1971. Deaprtment of Labor. B–163922 of December 17.

The purpose of the Act is to provide unemployed and underemployed persons with temporary employment in public service jobs during times of high unemployment. The Act authorizes a total of $1 billion for fiscal year 1972 and $1.25 billion for 1973. This report—the first of several—discusses how $600 million was allocated under Section 9 of the Act; first by the Federal Government and then by the States. GAO believes that the allocation of funds by States to local areas primarily on the basis of population without considering the degree of unemployment in the areas is questionable.

International affairs and finance

Reorganization proposals relative to foreign aid and foreign military sales programs. Department of State, Agency for International Development, and Department of Defense. B–172311 of November 24, released by the Senate Committee on Foreign Relations, December 1.

This report identifies areas in which the administration's proposed reorganization of foreign aid and foreign military sales programs may fall short of, or do not expressly address, recommendations from past GAO audits. It points up issues arising from proposed legislative changes; brings up several matters for consideration by the Committee and the Congress; and suggests legislative language to remedy some of the matters discussed.

Allegations of mismanagement of a Peruvian highway project financed with U.S. assistance funds. Agency for International Development, Export-Import Bank, and Department of Transportation. B–172661 of December 2, released by Senator Williams Proxmire, December 26.

AID and Eximbank put up $35.1 million for a $47 million trans-Andes highway and the Government of Peru provided the rest. The 139 mile project is far behind schedule and no work has been done on a 57 mile stretch. Both U.S. contractors have stopped work on the highway, and are being sued by the Government of Peru on charges of poor workmanship, collusion, and fraud. U.S. foreign aid officials failed to supervise the project effectively.

Coordinated consideration needed of buy-national procurement program policies. Office of Management and Budget. B–162222 of December 9.

Although the "buy-national" program has been in existence for a number of years, information has not been accumulated to apprise its effects on the balance-of-payments deficit or to determine what it has cost to obtain balance-of-payments benefits. The report questions whether it is in the national interest to pay premiums of millions of dollars annually to retain procurement dollars in the U.S. without some form of reporting system to determine whether balance-of-payments benefits are being achieved.

National defense

Close air support: Principal issues and aircraft choices. Department of Defense. B–173850 of December 8.

The Army, Navy, Marine Corps, and Air Force all participate in close air support or the reinforcement of ground troops by close-in delivery of ordnance from low-flying airplanes. The services have differed over equipment to employ, tactics to use, and the priority of this type of mission. The Army's AH–56A Cheyenne helicopter, the Marine Corps' Harrier, and the Air Force's A–X are under consideration. They may duplicate each other or be substantially overlapping in capabilities.

A powerful operational test and evaluation authority is needed in the weapon acquisition cycle to give the Congress greater assurance that only proven equipment will be passed on to the troops and that fewer disappointing weapons will be in the arsenal should hostilities break out.

Improvements needed in establishing requirements for, and uses of, medical professional personnel in the military services. Department of Defense. B–169556 of December 16.

GAO reviewed the use made by the Army, Navy, and Air Force of their medical personnel at a time of national shortage of medical personnel. The report makes two essential points: (1) Medical professionals could give more time to patient care if command, administrative, and nonprofessional duties were assigned to nonprofessional personnel, (2) Imbalances exist in the number of medical professionals authorized and assigned in each service, and in certain medical specialties. Better distribution of medical manpower would be possible by apportioning medical specialists according to needs on a regional basis.

Need for long-range planning for avionics development programs. Department of the Army. B–174248 of December 28.

Because the standard lightweight avionics equipment (SLAE) package—committed for use in several new Army aircraft systems—

experienced problems in development which affected airframe programs, GAO reviewed the SLAE program to determine the underlying causes for its shortcomings.

Lack of adequate planning for avionics to meet the needs of the Army's light observation helicopter was the primary cause of development problems encountered. To ensure the timely development of avionics equipment, the Army should prepare a long-range avionics plan to support its long-range aviation plan.

Natural resources

Coordinating deep-ocean geophysical surveys would save money. National Oceanic and Atmospheric Administration, Department of Commerce; and Department of the Navy. B-133188 of December 8.

GAO wanted to know whether it would be feasible for the Commerce Department's agency and the Navy to coordinate deep-ocean geophysical surveys of the same areas and what benefits might result. It found that the Federal government could save $20 million by the early 1980's if the deep-ocean geophysical surveys to be conducted by NOAA and the Navy are planned and coordinated. Both agencies are aware of the other's geophysical surveying activities but have no formal mechanism for coordinating the surveys. Initial steps to correct the situation were taken by the two agencies; more specific procedures were yet to be established.

II. REPORTS TO HEADS OF DEPARTMENT AND AGENCIES

Need for the Peace Corps to improve its controls over unused transportation tickets and travel advances. (To the Director, Peace Corps.) B-156996 of December 8.

In this follow-up of a 1967 audit, GAO found the Peace Corps had still not established satisfactory management controls over unused tickets and travel advances. Although GAO called attention to weaknesses in controls over unused transportation tickets as early as 1967, controls still are inadequate, and the Government continues to suffer monetary losses.

Implementation of the coordinated Federal wage system in selected wage survey areas. (To the Chairman, Civil Service Commission.) B-164515 of December 10.

Recommendations made to ensure a more equitable and effective pay system for "blue-collar" employees.

Army National Guard drill pay system generally effective and accurate. (To the Secretary of the Army.) B-125037 of December 16.

The system could still be improved by centralizing and fully mechanizing drill pay processing and the Army could save an estimated $105,000 annually.

Inferior painting done by contractors at military installations. (To the Secretary of Defense.) B-156106 of December 20.

Deficiencies resulted from—

Inadequate pre-award investigations as to contractor qualifications,

Inadequate Government and contractor inspection during and upon acceptance of work,

Inadequate paint testing, and

Failure to prepare and distribute reports of contractors' unsatisfactory work.

Administration of debt and payment claims. (To the Commandant, Coast Guard.) B-117604(12) of December 20.

As a result of GAO's audit, the Coast Guard said more effective procedures have been developed and implemented for collecting, terminating, or suspending collection actions.

The price of steam sold from Government heating plants does not cover all costs. (To the Administrator, General Services Administration.) B-174701 of December 22.

The rate charged for steam sold in the Washington, D.C. area does not include depreciation, repair, and improvement costs—a loss of about $259,000 for fiscal year 1970.

Benefits from centralized management of leased communications services. (To the Secretary of Defense.) B-169857 of December 22.

There is no independent evaluation or centralized control over these functions which cost some $187,000 annually.

Pricing of fixed-price architect-engineer contracts. (To the Secretary of Defense.) B-152306 of December 22.

A small number of contracts showed noncompliance with the Truth-in-Negotiations Act; the details were turned over to the contracting officers for follow-up.

Bonneville Power Administration's method of computing interest understates expense. (To the Secretary of the Interior.) B-114858 of December 30.

In GAO's opinion, the financial statements of the Columbia Power System are presented fairly with the exception of Bonneville's interest computations and subject to any future adjustments.

Two ways to improve the use of warehouse space on the west coast. (To the Secretary of Defense.) B-169968 of December 30.

More efficient use of warehouses could be obtained by the Department of Defense not storing obsolete or questionable materials, and by not constructing new, unneeded buildings.

Greater balance-of-payments benefits, and lower interest costs, possible through better management of excess foreign currencies. (To the Secretaries of State and Treasury.) B-146749 of December 29.

GAO made three recommendations regarding the management of excess foreign currencies, not all of which were agreeable to the Departments involved.

PERSONAL EXPLANATION

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BLATNIK. Mr. Speaker, due to illness and recovery time, I was unable to be present in the House for rollcall votes taken from November 17, 1971, through December 16, 1971. I was recorded in live pairs on some votes and my position for or against certain legislation was declared. However, on the remainder of the votes, I secured only a general pair. While this indicates I was following the course of legislation, it does not indicate my position.

In order that my positions on these issues be a matter of public record, I include in the RECORD, at this point, a table indicating the rollcall number, date, RECORD page, and my position for or against.

The table follows:

Roll No.	Date	Page in Bound Record	Pair
402	Nov. 17, 1971	41840	For.
406	Nov. 18, 1971	42052	For.
407	do	42060	For.
408	do	42062	For.
409	Nov. 19, 1971	42210	For.
410	do	42220	For.
418	Nov. 30, 1971	43411	For.
431	Dec. 6, 1971	44934	Against.
432	do	44936	For.
435	do	44939	For.
443	Dec. 8, 1971	45519	For.
450	Dec. 9, 1971	45871	For.
453	do	45886	For.
458	Dec. 10, 1971	46026	For.
459	do	46033	For.
461	Dec. 13, 1971	46577	For.
465	Dec. 14, 1971	46790	For.
466	Dec. 15, 1971	47136	For.
467	do	47147	For.
469	do	47154	For.

SOME FACTS ON SPENDING

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. COLLIER. Mr. Speaker, back in 1932, while he was campaigning for the presidency, Franklin D. Roosevelt described Herbert Hoover's administration as "the greatest spending administration in history." Similar words are now being hurled at Richard Nixon. They ought not to go unchallenged.

True, expenditures did climb during Hoover's 4-year incumbency of the White House as compared to the 8 years of the Harding-Coolidge era. Hoover was President during the early years of the great depression and by instituting programs for relief and recovery naturally spent more than did his immediate predecessors. The following tabulation shows the amounts spent during the 12 fiscal years during which these three Chief Executives served:

(Amounts in millions)

1922	$3,289
1923	3,140
1924	2,908
1925	2,924
Total	12,261

Harding-Coolidge, $3,065 average.

1926	2,930
1927	2,857
1928	2,961
1929	3,127
Total	11,875

Coolidge, $2,969 average.

Total	24,136

Average entire 8 years, $3,017.

1930	3,320
1931	3,577
1932	4,659
1933	4,598
Total	16,154

Hoover, $4,039 average.

Candidate Roosevelt, who had dubbed the Hoover regime "the greatest spending administration in history," became President Roosevelt and soon forgot the economy pledges of the platform on which he had campaigned. During his unprecedented three terms he broke all previous records for Federal spending, as the following tabulation demonstrates:

[In millions]

1934	$6,645
1935	6,497
1936	8,422
1937	7,733
Total	29,297

First FDR term, $7,324 average.

1938	6,765
1939	8,841
1940	9,589
1941	13,980
Total	39,175

Second FDR term, $9,794 average.

1942	34,500
1943	78,909
1944	93,956
1945	95,184
Total	302,549

Third FDR term, $75,637 average.

Total	371,021

Entire 12 years, $30,918 average.

Harry S. Truman succeeded Roosevelt and spent more in 8 years than his predecessor had in 12:

[In millions]

1946	$61,738
1947	36,931
1948	36,493
1949	40,570
Total	175,732

FDR-Truman, $43,933 average.

1950	43,147
1951	45,797
1952	67,962
1953	76,769
Total	233,675

Truman full term, $58,419 average.

Total	409,407

Entire 8 years, $51,176 average.

Expenditures continued to climb during Dwight D. Eisenhower's two terms:

(Amounts in millions)

1954	$70,890
1955	68,509
1956	70,460
1957	76,741
Total	286,600

First term, $71,650 average.

1958	82,575
1959	92,104
1960	92,223
1961	97,795
Total	364,697

Second term, $91,174 average.

Entire 8 years, $81,412 average.

Spending kept climbing during the tenures of John F. Kennedy and Lyndon B. Johnson:

(Amounts in millions)

1962	$106,813
1963	111,311
1964	118,534
1965	118,430
Total	455,138

Kennedy-Johnson, $113,785 average.

1966	134,652
1967	158,254
1968	178,833
1969	184,548
Total	656,287

Johnson full term, $164,072 average.

Total	$1,111,425

Entire 8 years, $138,928 average.

(NOTE.—In 1940 a change was made from an administrative budget to a consolidated cash statement and in 1954 a change was made from the latter to a unified budget. This causes some distortion but will not negate the point that spending increases will be automatic unless serious efforts are made to remove built-in mechanisms that trigger the increases.)

Fiscal years begin July 1, presidential terms January 20 (March 4 prior to 1937), and Congresses January 3 (March 4 prior to 1935). This tabulation uses the first fiscal year for each presidential term—the one beginning the first July 1 following the inauguration.

As I have detailed the facts regarding spending by eight Presidents, four from each major political party, my friends on the other side of the aisle have doubtlessly been saying to themselves, "Yes, but Roosevelt had a war on his hands and had to spend a lot of money." Granted, Mr. Speaker, and so does Mr. Nixon, a war that had been going on for some years before he assumed the Presidency and from which he is laboring mightily to withdraw.

The point that I have been attempting to get across by reciting these figures is that every President in my time has inherited a tremendous burden of spending from those who have gone before him. No matter how hard he works to curtail spending, he can avoid the title of "the greatest spending President in history" only by performing major surgery on the budget.

He must do more than eliminate waste, end duplication, and consolidate similar activities. Programs that are no longer needed must be terminated, programs that are not constitutional responsibilities of the National Government must be shifted to the State and local governments, and programs that are not proper functions of any branch of Government must be turned over to the private sector.

All this will require the wholehearted cooperation of the President, the Congress, State and local governing officials, and private individuals, organizations, and businesses. Otherwise it is inevitable that Richard M. Nixon, who inherited the multitude of programs established by his extravagant predecessor, will set new records for spending. His vetoes, like Mr. Eisenhower's, can be overridden by a profligate Congress.

During the last 3 years we have heard a great deal about a reordering of priorities. Let us by all means reorder our priorities and put first things first.

Before we vote for a renewal of existing authorizations or the assumption of new burdens and the accompanying appropriations for financing them, let us ask ourselves whether the programs under consideration are necessary. If they are necessary, let us ask ourselves whether they are constitutional. If they are constitutional, let us ask ourselves whether we can afford them.

Existing programs that are unnecessary and unconstitutional should be terminated and proposals for new programs in those categories should be rejected. Programs which we cannot afford should be postponed until we can afford them or sufficiently reduced in cost so that we can afford to undertake them.

While pursuing the goal of economy in Government, we must not practice false economy. Cutting expenditures for the defense of the Nation, when pursued beyond the elimination of waste, would endanger national security. Self-preservation demands the highest priority; if we fail to preserve our national independence everything else will quickly and inevitably go down the drain with it.

In conclusion, Mr. Speaker, let those who hurl the epithet, "the greatest spending President in history," at Mr. Nixon cease their destructive tactics and instead enlist in a campaign to cut spending. Let them strive mightily to remove the built-in mechanisms that trigger future increases in spending, increases that will plague any future President, regardless of his personal or political party identity.

100,001 CARICATURES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MURPHY of New York. Mr. Speaker, caricaturist Jack Rosen recently completed his 100,000th caricature of a wounded war veteran, a most unique accomplishment and one that has been recognized by the National Cartoonist Society.

Over the years, Jack Rosen has brought humor and joy to wounded vets in hospitals throughout the country, and his only reward has been the grateful smile of a fallen GI.

I include for the RECORD a New York Post article detailing the remarkable career of this dedicated man from Brooklyn, so that my colleagues might take a glimpse at this extraordinary man:

FOR THE VETS, HIS PUNCH LINE IS A SQUIGGLE

"I got itchy fingers," warned the world's fastest man on the draw.

Jack Rosen's fingers tightened around the handle of his favorite weapon. He took aim between the eyes of his next hospital victim.

Zip! Zip! Zip! Zag!

It was all over in 20 seconds. Rosen carved another notch in his No. 2 lead pencil and dropped it into his pocket.

"I bet I draw that man's caricature faster than you can write down this sentence," he boasted. He was right.

THE WORLD'S FASTEST

The National Cartoonist Society regards Rosen as the world's fastest caricaturist. And after 40 years, the 57-year-old Brooklyn man had just proved the point by completing his 100,000th caricature of a wounded war veteran—this one in the orthopedic ward of the Veterans' Administration hospital on E. 24th St.

The distinction went to former Army Sp/5 Fred Zurheida, 33, still undergoing therapy for the multiple sclerosis he contracted on a Vietnam jungle patrol in 1966. The wheelchair vet accepted the humorous impression of himself with a guffaw of instant recognition, the same happy response Rosen has been getting since his first GI caricature of a World War I veteran stranded in a Houston VA hospital in 1934.

Times have changed, of course. Rosen's 100,000th subject, like many Vietnam vets now, is vociferously antiwar, sporting a peace button on his chest. Rosen, too, says he's gone from hawk to dove on Vietnam—especially since he traveled to Saigon in 1967 on a Defense Dept. tour of hospital wards in the war zone.

"This is my life, my greatest enjoyment, to give the unfortunate side a break," says the retired sketch artist, formerly a security man at the Waldorf-Astoria. "I did 3200 caricatures in Vietnam. I couldn't stop. You should have seen me, jumping from bunk to bunk like a monkey." Rosen can sketch every patient in a 60-bed hospital ward or orphanage within a half-hour.

"I used to be faster, but my fingers aren't as good any more," he sighed.

Rosen often sketches as many as three wards a day. He pays for his own pencils and sketchpads. Making others smile is his only reward.

"In Vietnam, I did a boy's caricature many times. He'd look up at me and give a little smile then fade out. Two minutes later, he'd be dead."

Rosen labors under no pretensions that he is a serious artist. "I'm an entertainer!" he laughs.

Nor does he consider himself on the same level of artistry with political caricaturists like his friend David Levine, or Ronald Searle.

PENCIL AND KNISH

"He's a genius," says Rosen. "A great painter, too. We're both Coney Island buffs. We go to the beach together, David with a paintbrush in one hand a knish in the other. But by the time he does one caricature, I do 150!"

Rosen, of 8701 Shore Rd., hopes to make more overseas tours in the future, concentrating on children's hospitals and medical facilities for veterans.

"When Bob Hope does a show, the boys have fun for an hour or two," says Jack Rosen. "But when I draw their portrait in funnyface, they have fun with it for weeks and weeks."

In the VA orthopedic ward, Jack Rosen turned his sketchpad to former Pfc Louis De Gregorio, whose hospital designation is "BKA." That stands for "below knee amputee."

"You're not going to get mad at me if I draw your picture," Jack Rosen teased the young soldier, who shook his head with a bashful grin. "If anyone did this to me, I'd knock his block off," Rosen kidded, and then put pencil to paper, sketching an exaggerated nose and ears for the 100,000st time.

CONGRESSMAN SCHERLE INSISTS THAT RIGHTS AND FREEDOMS OF INDIVIDUAL WORKERS BE MAINTAINED

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GROSS. Mr. Speaker, my good friend and colleague, BILL SCHERLE, of Iowa, gave an excellent speech in Des Moines recently when he addressed a statewide meeting of Iowans for Right To Work.

In view of the national emergency caused by transportation and dock worker strikes, especially damaging to the industry of agriculture, Congressman SCHERLE's address pointed up once again the importance of right-to-work legislation.

I am pleased to insert the text of his speech in the RECORD at this point:

It is a great pleasure to be with you here this afternoon. The Iowans for Right-to-Work have always been staunch supporters of sound, sane labor legislation, and you have worked diligently for years to gain acceptance of these principles both among the general public and in the state and national legislatures. You know that I have been right behind you in your efforts. It has always been one of my primary goals, first as a State Representative, then as a member of Congress and your representative on the Education and Labor Committee, and now as a member of the Appropriations Committee, to promote sensible, equitable labor laws. For this is one of the most vital areas in which a lawmaker can exert his influence. Eighty million Americans are members of the nation's work force. They and their families depend on us to insure that their rights and freedoms as individuals are preserved and protected from any and all encroachments.

There are some (with ready access to the mass media) who would accuse us and those who agree with our views, of being anti-union, anti-labor, anti-worker. They do not understand our position very well—or perhaps they deliberately distort it because it threatens their special privileges—and so it is essential for us to carry our message clearly and effectively to the people whose interests we cherish, to the working people of America. No one respects the prerogatives of the individual worker more honestly or sincerely than those who would protect his most basic and inalienable right, the right to work. No one accords a higher status to labor than those who would preserve the independence and freedom of the working man. Anyone who examines our position objectively would understand that, far from being opposed to labor unions, we heartily endorse the labor movement, and are concerned to insure that it retains its original purpose as an effective champion of workers' rights. One reason we oppose compulsory unionism, in fact, is that it works to the detriment of responsive and responsible union leadership. As one union member put it: "Good unions don't need compulsory unionism—and bad unions don't deserve it."

Advocates of right-to-work laws base their position on one fundamental principle: a belief in the dignity of labor and the integrity of the laborer. We are fortunate in this country to enjoy a heritage which recognizes the dignity of honest work. Americans have never been handicapped by an aristocratic disdain for the fruits of hard labor. Our early folk heroes were men of enterprise and initiative who pitted their own strength and ingenuity against the forces of nature—and won. The cultivation of these pioneer virtues has made us the most prosperous nation in history. Nevertheless, as America turned gradually from an agrarian based to an industrialized economy, the individual worker found that he lacked the political clout to defend his interests in an increasingly mechanized technological environment. He found that he needed to organize to make his voice heard. The labor union movement, which answered his need, thus played an essential part in the development of American democracy. The private sector, like the public sector, requires a balance of power if it is to thrive. The growth of this movement provided a necessary counter-weight to the burgeoning power of big business.

Today, however, the pendulum of social change has swung in the opposite direction. The labor unions—the institutions themselves, that is, not the workers they are supposed to represent—have grown in economic power and political influence to the point where they can virtually control the national life. This is not the purpose for which they were founded, and it serves no interest beyond the self-aggrandizement of the labor czars who run their unions like so many feudal fiefdoms. In retrospect we can see that the actions of the Democratic administration during and immediately following World War II proved detrimental to the economy and the country as a whole. At the beginning of the war, only 22% of the nation's union members were covered by compulsory unionization regulations. By the end of the war, fully 77% were obligated by mandatory membership requirements. These concessions were made to labor leaders, as you know, in return for their pledge not to strike during the wage-price freeze. The fact that a parallel situation exists today, where the government needs labor's support for its economic policies, raises the potential danger of similar concessions being granted to similar demands.

Having granted favored legislative status to the unions through the 1935 National Labor Relations Act, the nation now finds itself facing an octopus of political and economic domination. The balance of power in the private sector needs to be re-weighted by recognizing the legitimate claims of a third interested party—the American public. The interests of this group have never really been eloquently or even adequately defended in the long series of battles between management and labor. Yet the public is as nearly and directly affected by crippling strikes and the inflation which results from exorbitant wage hikes as the business community.

Life in most of our big cities has degenerated to the level of a bitter, tastless joke. Time and again, the machinery of urban existance grinds to a virtual halt because the labor bosses decree that essential services will be withheld until their demands are met.

We in Iowa who are close to the agribusiness community are perhaps more fully aware than most people of the effects of the nation-wide dock strike, but its impact will be felt throughout the nation. The idle docks have caused special hardships to the agricultural sector of the economy, but when the farmers suffer, the rest of the economy will eventually be penalized also. The situation is especially critical this year which produced a bumper crop of corn. The blessing of abundance as usual hurt the farmer in the marketplace where oversupply has depressed prices below the cost of production. The dock strike delivered the final coup de grace to the farmer's hopes of a reasonable return for his efforts. Unable to ship their stocks out of the country, commodity buyers have reduced prices still further. Worst of all, the loss of overseas sales this year may mean the contraction of foreign markets for American food products for some time to come, as foreign competitors move in to supply what the U.S. has forfeited by default.

What this will do to the American balance of trade for this year economists shudder to think. Agricultural exports reached a record high of $7.8 billion last year, and contributed more than $6 billion to our commercial trade balance. The administration had hopes of surpassing those figures this year. A healthy level of agricultural exports is essential to the President's program to stabilize the economy, reduce inflation and restore soundness to the dollar. The high-handed tactics of the longshoremen's labor leaders have probably torpedoed these ambitions for the present.

Farmers meanwhile are sustaining serious losses at home. A partial estimate of the sales sacrificed during the West Coast walkout includes $50 million worth of soybeans, feedgrains valued at $58 million, and meat representing $5 million. These figures, moreover, do not even include losses from the East Coast and Gulf ports strikes, which cost farmers $1 million daily.

The pressures of union demands are aiding foreign competition to the disadvantage of the American workers in other ways as well. The trend to U.S. investments abroad is on the increase, and most businessmen blame it on high labor costs at home. Union officials, of course, denounce companies which export jobs as callous profiteers, and refuse to recognize their responsibility for the exodus. But the fact is that the rate of increase in wage settlements and fringe benefits in the United States has more than doubled over the past five years. You cannot open your morning paper these days without reading of some new extravagant pay hike. The Presidential Pay Commission notwithstanding, some major unions are still managing to extort wage settlements of up to 15%, thus flagrantly flaunting the Board's announced 5.5% guideline. But AFL–CIO President George Meany's proposed salary increase really exceeds all bounds: he has requested a ruling on a 28% pay boost for himself from $70,000 to $90,000!

Most economists concede that the chief reason for opening plants abroad using American materials, machines and management techniques is to make use of cheaper foreign labor. The average hourly labor cost in the United States in 1970 was $4.10. Com-

parable foreign labor costs range from one-quarter to one-half that amount—a considerable savings for a manufacturer seeking to economize. And most companies which move overseas are not unpatriotic penny-pinchers. Many are businessmen bankrupted by excessive union demands and the related inflation in the cost of equipment and materials. Their profits are so marginal that they would be forced to shut down operations entirely if they remained in the United States.

You don't have to be an expert on business trends, however, to understand inflation. Every housewife knows that her allotted food budget no longer buys what it used to. In the last two decades the dollar has lost more than half its present value. Worth 74.8¢ in 1950, it dropped more than a quarter in a mere twenty years, to 46.3¢ in 1970. Now no one contends that labor unions are entirely responsible for all this. Wasteful federal spending certainly has contributed in large part to the present dollar dilemma. But economists concur in the opinion that the continuing pattern of wage increases far in excess of gains in productivity must bear a substantial portion of the blame for inflaiton.

Unfortunately the extent of labor's influence does not end with inflationary wage demands. Compulsory unionism with its massive organization and mandatory dues collection provides a strong vehicle for the purveyance of political power not only within the union's hierarchy and in the economic sector, but in contests for elective office at the local, state and national level as well. A respected political observer and labor columnist, Victor Riesel, states that "labor leaders poured out well over $60 million" in support of Hubert Humphrey's 1968 quest for the Presidency. The true impact of the AFL–CIO effort in that campaign can only be realized in the final summary figures compiled by Theodore H. White in his respected study, *The Making of the President, 1968:*

"The ultimate registration, by labor's efforts, of 4.6 million voters; the printing and distribution of 55 million pamphlets and leaflets out of Washington, 60 million more from local unions; telephone banks in 638 localities, using 8,055 telephones manned by 24,611 union men and women and their families; some 72,225 house to house canvassers; and, on Election Day, 94,357 volunteers serving as car-pool drivers, materials distribution, baby-sitters, poll-watchers and telephoners."

Although many people do not know it, present law forbids such practices. Banks, corporations and labor unions are all prohibited from making contributions or expenditures in connection with federal elections. This law was amended in 1947 to cover political expenditures by labor. Its stated purpose was:

(1) to reduce the undue and disproportionate influence of labor unions upon federal elections;

(2) to preserve the purity of such elections against the aggregated wealth by union as well as corporate entities; and

(3) to protect union members holding political views contrary to those supported by the union from use of funds contributed by them to promote acceptance of those opposing views.

Unfortunately these objectives have not been met and the law has been flagrantly flouted. Labor unions, of course, are not alone in this. The provisions of the Corrupt Practices Act regulating contributions to political campaigns are disregarded by virtually everybody including those federal officials assigned to enforce them. As you undoubtedly know, the House of Representatives recently passed the Federal Election Reform Act which is designed to correct some of these abuses. One privileged group, however, emerged from these Congressional deliberations with its sacrosanct privileges intact. Representative Phillip Crane of Illinois introduced an amendment banning the use of compulsory union dues for partisan political purposes. As might have been expected, the union bosses' Congressional cohorts rushed to their defense and roundly defeated the measure. A like amendment introduced earlier this year in the Senate met a similar fate.

Nor are the unions content with this display of muscle. Organized labor (as distinct from the individual members of the rank and file) has already done all it can to thwart President Nixon's new economic policy, balking belligerently at every step of the way. More ominous yet, George Meany has declared war on the White House and has already begun a drive to trounce him in 1972. Meany's boorish arrogance to the President at the recent AFL–CIO convention in Miami betokens just a taste of the onslaught to come. The labor sachems' childish and tasteless temper tantrum was remarkable, not so much for its hostility to Mr. Nixon and antipathy for his policies, which could have been anticipated, but for the utter contempt publicly displayed for the high office of the Presidency.

Well, what's to be done? This kind of rampant power must be curbed, and it is up to us in Congress to try to do it. As all of you know, the heart of the problem is compulsory unionism and the automatic access to money and power it assures for union leaders. I have therefore co-sponsored a bill to prohibit precisely this. Nineteen states including our own now have right-to-work laws. As a state legislator, I defended Iowa's statute from repeal and, as a member of Congress, I am proud to sponsor a national right-to-work bill.

Compulsory union membership and coerced payment of union dues runs counter to the basic concepts of individual freedom expressed in the first, fifth, and fourteenth amendments to the Constitution, and seriously infringes on those rights. No person should be forced to belong to or pay money to any private organization in order to earn a living for himself and his family. Everyone should have the right to join a union, but he should also have the same right not to join. These two rights must be balanced if the individual is to be preserved. There is little difference between denying a person employment because of color, race, religion or sex and denying him employment because he will not join a union.

It is one of the astounding paradoxes of our times that those who cherish the designation of "liberal" should nevertheless be in the forefront of those pressing for nationwide compulsory unionism. It is an index of the unbridled power of the unions that this legislation will probably win Committee approval. Even if it did, it could never gain the acceptance of a majority of the House. Opposition in the Senate, where the officeholders beholden to big labor include such nationally prominent figures as Presidential hopefuls Humphrey and Kennedy and Presidential dropouts Bayh and Hughes, would even be more unyielding.

The general public, however, is quite a different matter. Individual citizens, who do not depend for their continued job security on toadying to the labor chiefs, have expressed themselves on the subject with surprising vehemence. An independent nationwide poll conducted by the Opinion Research Corporation early this year revealed that 62% of the American people believe that a man should be able to hold a job regardless of whether he belongs to a union. This figure includes 53% of the union families polled. Seventy-two percent of those questioned favor retention of section 14–B of the Taft-Hartley Act which authorizes state right-to-work laws; only 13% wanted it repealed.

Other surveys show deep-seated dissatisfaction on the part of the union members with their leaders' recent actions. Half of those queried said that union chiefs represented only their own views when they criticized President Nixon's new economic policy. A majority (52%) of the public disapproved of the union bosses' position and 46% of union members agree with them. A much bigger proportion (63%) of the union respondents were opposed to Meany's disgraceful conduct in Miami and a whopping 86% resented his $20,000 pay raise. On broader questions, the union leaders fared even more poorly. A considerable "confidence gap" seems to have opened up between the rank-and-file and their bosses. Two out of three members of union families give their leaders negative ratings on their performance, both in advancing the interests of union members and in meeting their public responsibilities. Among the general public, the union chiefs' image was even more tarnished. 73% of adult Americans feel they have fallen down on their public responsibilities and poorly represent the workingman. On other issues relating to unions, the response was equally negative. Sixty-nine percent of the American people and 61% of union families believe that the recent strikes have hurt the country, and 64% of both groups recognize the casual connections between higher wage demands and higher prices.

Obviously the mood of the nation has changed. Where previously union leaders could count on public sympathy for their cause, they can no longer rely even on tolerance. People are fed up to their eyeballs with strikes. The arm-twisting, self-serving, short-sighted tactics of the unions no longer receive the support, or at least the acquiescence, they once did. And Congress, ever sensitive to the mood of its constituency, is soft-pedaling labor legislation. Even labor's strongest Democratic backers on the Education and Labor Committee are laying low this year. No hearings have been scheduled on such traditional union targets as 14–B and situs picketing.

With organized labor's star on the decline in the public view, they are concentrating instead on what we may characterize as "home and mother" bills. The trend is all towards legislation which benefits individual workers rather than bolstering the power of unions as such. Chief beneficiaries of the bills currently under consideration are workers from low-income, minority and ethnic groups, the underdogs of society with whom, presumably, everyone can sympathize.

Just as Congress earlier this year approved legislation to compensate victims of black lung disease, so it will soon consider bills to raise the minimum wage and expand its coverage, as well as proposals establishing an agricultural workers' "bill of rights" and limiting the employment of minors in agricultural work. In the same vein is a bill transferring jurisdiction over cases involving discriminations against minority groups from the Office of Contract Compliance in the Department of Labor to the Equal Employment Opportunity Commission.

Now the merits of all these individual bills may and will be hotly debated, but their significance in the aggregate offers considerable encouragement to our cause. The exclusive concentration on such measures means that the unions are worried. They know that their prestige has declined and are trying to refurbish their tarnished image by allying themselves with humanitarian causes. Their failure to retain public sympathy may mean at long last that people are beginning to realize the need for right-to-work legislation. And—who knows?—that bill we introduced this year may prove to be the historic forerunner of a similar measure that will ultimately be approved by both Houses of Congress.

LAIRD FOR HIGHER OFFICE, SHEBOYGAN EDITORIAL SUGGESTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, a few weeks before President Nixon gave his warm endorsement of Vice President AGNEW, a Wisconsin daily independence, the Sheboygan Press, strongly suggested that Secretary of Defense Melvin Laird be considered for the Republican nomination for Vice President.

The Sheboygan Press editorial noted:

Mr. Laird possesses unusual characteristics as a potential candidate. Prior to his accepting (under extreme Nixon pressure) the defense role, he had served with distinction in the House of Representatives since 1952. He is highly regarded in both Houses of the Congress and in the inner sanctums of the Republican party. He would do much to restore a proper understanding of the legislative role in the presently murky corners of the White House. He has gained an unusual understanding of the world and defense situation in these last four years. Mr. Laird has greatly magnified his national image in his tour of duty in the Defense Department and his leadership there, his accomplishments and credibility have never been challenged. His political skill and astuteness are unanimously recognized and his complete loyalty to his old Marching and Chowder Club fellow member Richard Nixon has never been questioned. And he is only 48 with a long future ahead of him.

For the information of my colleagues I insert the full editorial as part of my remarks.

The editorial follows:

WHY NOT LAIRD?

There is no secrecy about the contention of many Republicans that Vice President Agnew would be a distinct drag upon the Nixon reelection ticket. There is almost complete unanimity that if Mr. Nixon is to be successful, the road must be smoothed as much as possible. It is also true that to a good many of the G.O.P. faithful, the Vice President is the last fearless, uncompromising, articulate voice of real conservatism left in the land. Whether or not the slashing attacks of Agnew upon the media and upon any who dare to disagree have been by Nixon direction is immaterial. It is no secret, either, that Mr. Agnew publicly discusses his future and insists loyally and consistently that the decision is Mr. Nixon's alone and that the only criterion for that decision should be whether or not he can help Mr. Nixon. Even the most bitter of the Agnew critics must admit that he is a good soldier ever loyal to the Commander in Chief.

There is no secret, either, about the intention of Secretary of Defense Melvin Laird to resign his present position some time in 1972. The Wisconsin native, son of a former Wisconsin state senator and whose mother served with distinction as a university regent, himself a former member of the Wisconsin legislature and long time congressman from the 7th district, says four years in the defense spot is long enough. Neither is there any secret in the nation's capital, in the Armed Forces, in the nation that Mel Laird is regarded as one of the best secretaries of defense this nation has ever had and that he has done and is doing an outstanding job in that spot.

Why not Secretary Laird for vice president along side Mr. Nixon? Granted that we do not often get into the task of choosing Republican candidates but this seems to be such a natural that Wisconsin should wait no longer to start the drive though Mr. Laird himself may not be too enthusiastic.

Mr. Laird possesses unusual characteristics as a potential candidate. Prior to his accepting (under extreme Nixon pressure) the defense role, he had served with distinction in the House of Representatives since 1952. He is highly regarded in both Houses of the Congress and in the inner sanctums of the Republican party. He would do much to restore a proper understanding of the legislative role in the presently murky corners of the White House. He has gained an unusual understanding of the world and defense situation in these last four years. Mr. Laird has greatly magnified his national image in his tour of duty in the Defense Department and his leadership there, his accomplishments and credibility have never been challenged. His political skill and astuteness are unanimously recognized and his complete loyalty to his old Marching and Chowder Club fellow member Richard Nixon has never been questioned. And he is only 48 with a long future ahead of him.

Can Mr. Nixon twist the Laird arm once more and get him to take one more difficult assignment for the party and for the nation? Can he convince him that such an assignment would be an excellent stepping stone for the presidential nomination in 1976? We hope so and if the raised voices of Wisconsin can help, we are glad to raise our voice. Laird for Agnew? Fine, we say!

MARSHA SWARTZ: OUTSTANDING MANPOWER LEADER AND HUMANITARIAN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. PATTEN. Mr. Speaker, one of the most talented and dedicated women in the Nation, Marsha Swartz, of Highland Park, N.J., was appointed to a key manpower post in the New Brunswick-Perth Amboy labor area, in New Jersey.

What made Marsha Swartz' appointment so unique is that she was the first woman in New Jersey selected as a full-time coordinator for manpower programs, a major position that requires a great many talents—ranging from administrative ability, to great human understanding. She is blessed with these qualities—and more—and has earned the respect and admiration of those who know her.

Mr. Speaker, I was especially touched by a statement Marsha Swartz made when her appointment was made:

People have four basic needs—personal respect, social justice, economic opportunity, and political representation—which, when put together, add up to human rights.

Marsha Swartz has always excelled in her work, so I know she will be an outstanding Manpower Coordinator. As far as human rights are concerned, she has fought for them all her life because she believes in them with all her heart and soul. In fact, many of the gains that all citizens—especially workers—enjoy today, were made possible by persons like Marsha Swartz—a woman of outstanding ability, leadership, and courage.

At this point, I insert the article that appeared in the Home News, of New Brunswick, N.J., when her appointment was announced:

MANPOWER LEADER A WOMAN

Mrs. Marsha J. Swartz of Highland Park, has been named full-time coordinator for Manpower programs in New Brunswick-Perth Amboy labor market area.

The announcement was made by the Middlesex-Somerset County Area Manpower Planning Council, a coordinating organization established nationally by executive order in August 1968 and located at the Institute of Management and Labor at Rutgers University.

Mrs. Swartz is the first woman coordinator in New Jersey of a Manpower program and was hired through a process of selection by the council's personnel committee. Her position was made possible by a Perth Amboy model city special grant which will become effective Aug. 2.

She will coordinate the efforts of all the Manpower agencies in the labor area with the services available from adult educators, employers, unions, community agencies and organizations, and interested citizens for the purpose of providing job and training opportunities for employed, under-employed and unemployed workers.

Referring to her new job as the sixth full-time coordinator in the state, Mrs. Swartz said, "People have four basic needs—personal respect, social justice, economic opportunity and political representation—which when put together add up to human rights.

"I understand the complex and many-sided problems of both the minorities and the majorities in the country. I hope I can contribute to the opportunities for all in my new job."

INTRODUCTION OF A BILL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. JACOBS. Mr. Speaker, I have today introduced a bill which would permit as direct evidence prior inconsistent statements by witnesses in trials in the District of Columbia.

The hearsay rule against the use of statements by third parties in trials is based on the absence of such parties for the purpose of cross-examination.

Such disability does not obtain in the case of the prior inconsistent statements of persons actually present and performing as witnesses.

It occurs to me, then, that this is nothing more or less than commonsense legislation.

The same reasoning seemed commonsense to the U.S. Supreme Court in the recent case of *California* v. *Green*, 399 U.S. 149 (1970).

PRICE AND WAGE CONTROL AUTHORITY EXTENDED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHMITZ. Mr. Speaker, on December 10 the House of Representatives passed H.R. 11309 to extend and amend the Economic Stabilization Act, authorizing price and wage controls, which it originally passed July 31, 1970. One of my first newsletters as a Member of Congress, No. 70–5 concerned this act, which I voted against even though at the time we were solemnly assured by the White House that President Nixon never intended to use the vast powers we were giving him.

The Economic Stabilization Act was extended earlier this year and now will be extended again, until April 30, 1973, if it wins final congressional approval as expected. Although the imposition of price and wage controls involved a Presidential declaration of national emergency, the President has acted in this matter not on the basis of any preexisting executive orders applying to national emergencies, but solely under the authority granted by this act and now renewed by its extension. The defeat of H.R. 11309 would have freed our economy once again by next April.

The House Banking and Currency Committee, to which the Economic Stabilization Act amendments of 1971 were referred, approved this bill despite a well-researched and carefully reasoned dissent by three of its Republican members: Benjamin B. Blackburn of Georgia, Philip M. Crane of Illinois and John H. Rousselot of California. I subscribe whole-heartedly to their minority report. My three Republican colleagues remind us that in his address to the Nation on the rising cost of living October 17, 1969, President Nixon said:

> We are not considering wage or price controls. My own first job in Government was with the old Office of Price Administration at the beginning of World War II. And from personal experience, let me say this: Wage and price controls are bad for business, bad for the working man, and bad for the consumer. Rationing, black markets, regimentation—that is the wrong road for America, and I will not take the Nation down that road.

Since when—and why—did price and wage controls become the right road for America? I have yet to hear President Nixon answer his own impressively stated argument of October 17, 1969.

The three Republican authors of the House Banking and Currency Committee minority report on this legislation went on to quote the lead editorial in the December 6, 1971 issue of Barron's financial weekly by John Davenport, former editor of Fortune magazine. Referring to the price and wage control program, Mr. Davenport said:

> This is the very kind of power which Mr. Nixon was committed to reduce on coming to office, and the real case against controls goes beyond whether they break down, as some hope, or whether they *seem* to produce results. The real case against controls is that for the first time short of declared war (indeed, at a time when the war in Vietnam is being wound down), the government has chosen to slap on to a trillion-dollar economy regulations which their authors admit are wholly arbitrary, and which do nothing to get at the real underlying causes of inflation and unemployment. In the process, they may fatally erode and weaken both now and in the future the whole free market economy, which, along with respect for private property, has been the basic underpinning of our higher liberties and our whole constitutional system of strong but limited governments.

We can still check inflation and preserve the free market, Mr. Davenport declared, "through fiscal prudence and a limitation of the money supply to a reasonable yearly increase" coupled with "a wholesale revision of present labor laws which give unions their power."

Speaking on the House floor just before final passage of the bill, 12-term Republican Congressman H. R. GROSS of Iowa summed it up in these scathing words:

> This is a sad day in the annals of a once proud and free nation . . . President Nixon can ask for, and Congress can enact economic and monetary control measures from now until doomsday, but unless there are drastic reductions in expenditures, inflation and the slide to financial collapse will continue. Last year the Federal deficit was more than $25 billion. It is freely predicted that at the end of the current fiscal year it will be $30 to $35 billion. No stabilization act can save the American people from this kind of folly and irresponsibility. Mr. Chairman, never did I think I would live to see the day when this proud Nation would tolerate controls and regimentation in time of peace. It bespeaks moral decadence—a tragic loss of integrity and courage.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

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

Other Americans are being ordered to do so today.

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

H. RES. 630

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

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

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

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

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

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

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

A NEW FRONTIER FOR BLACK ELECTED OFFICIALS: YOUTH DEVELOPMENT THROUGH PARK AND RECREATION SERVICES

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, in June of 1971, mainly as the result of poor planning and a lack of foresight on the part of the administration, it was necessary for the Congress to request, in a rush action, additional funds for the Neighborhood Youth Corp and for other national summer youth programs to operate. As a result of this retarded action, and because of the collage of agencies involved in the initial allocation of the funds, the moneys that were allotted were not properly distributed in a manner designed to make the best use of the manpower and the available local recreational facilities.

Mr. Speaker, we must avoid another year of "cram" legislation for summer youth programs. The Congress must act early in this session if we are to provide the proper authorizing and funding legislation—legislation that will enable all American youth to have the summer jobs and recreational facilities they so desperately need.

At this time, Mr. Speaker, I would like to insert in the RECORD a paper that was presented by Clarence M. Pendleton, Jr., director of urban affairs at the National Recreation and Park Association before the Conference for Black Elected Officials, convened by the congressional black caucus, November 18, 1971. "Penny" Pendleton is both deeply concerned with the future plans for our Nation's youth facilities and with the Gov-

ernment's role in helping to shape those plans.

The paper follows:

A NEW FRONTIER FOR BLACK ELECTED OFFICIALS: YOUTH DEVELOPMENT THROUGH PARK AND RECREATION SERVICES

(By Clarence M. Pendleton, Jr.)

Few elected officials in America are concerned about the social development of their youthful constituents. In the case of black youth, the problems are more serious, but this area has not been adequately attacked by black elected officials—especially in devising new and unique approaches.

Youth—both black and white—have been turned off by the establishment. Many are tuning out. They need reassurance that the system is not all bad—that there are opportunities for human growth and development within society.

Black elected officials are generally more sympathetic to social conditions. Black youth could regard you as living proof that the races can work together, and you could be their representation to correct many of their social development problems. If you move in the area of "change" you could be their link to the future.

One key area often overlooked by black elected officials is the operation of park and recreation services. Park and recreation departments offer both facilities and programs which elicit and sustain human contact. Given a fighting chance, they could play a decisive role in the social development of youth. To date, in most cities, this potent force for building social bridges has been pathetically underutilized and underfunded.

Each summer since 1967, lawmakers at all levels of government, including blacks, have supported actions which provide about 25 million dollars each summer for short-term social control fun and games activities, and related jobs, for about 7 million disadvantaged youth, as the primary method of responding to their needs—to keep them from burning down the cities, if you will. Each year, you literally beg the federal power structure to continue supplying these fire-extinguishing funds for the upcoming summer, even though every evaluation of these programs has indicated they do not accomplish their purposes. These programs operate only two months out of twelve; they duplicate and compete with many existing programs. As a result, little progress is made toward enhancing youth development. When you continue support of these fragmented, short-term, duplicative programs, you are, in essence, really responding to your own needs to keep things cool. In satisfying your own thing, you are stifling the growth of your youthful constituents. You are indicating, once again, that the system does not understand them or their needs.

What is needed is for you to focus on year-round programs. Needs of youth are ongoing. They cannot be turned on and off like a faucet. Not only does year-round programming provide a continuing base for social development and awareness, it also negates the need for you to participate in the annual summer-funding hassle, with its uncertainties and disappointments. You should be pushing hard for legislation which will provide maximum recreation and job related activities throughout the year—not only for blacks—but for all youth.

Whereas fun and games are crucial to the mission of the park and recreation system, there are additional areas where this system can provide services which will aid social development. There is hardly an issue on your agenda which could not be helped toward solution by the park and recreation system. Take the matter of welfare and child care. Park and recreation facilities can house extended day care programs. Many mothers are anxious either to enter manpower training programs and/or go to work so they can come off welfare, but many cannot because child care facilities and services are inadequate for their needs. A human enrichment program, operating in recreation centers and community school sites between 3 and 8 P.M., could allow mothers to work a full day with the assurance that their children are receiving proper care and supervision. Perhaps, as part of the program, a hot meal could even be served to mothers and children at the end of the day. Such a program would enhance the self-concept and expand the social horizons of mothers, children, and the youths who would be employed as program assistants to the trained leaders.

Another example is to expand the use of therapeutic recreation programs. Under the leadership of qualified therapeutic recreation specialists, youth could be trained as therapeutic recreation aides to work in hospitals assisting in the rehabilitation of patients from the pediatric to the geriatric wards. Recreation center programs could include important services in preventive medicine—with physical fitness and other related health programs. Both of these examples could provide cost-savings to government and personal budgets.

There are many other human problems to which the parks and recreation system can contribute solutions—prison reform, education, pollution, housing, manpower training and employment, to name a few. There are many agencies and organizations ready and anxious to work with you in developing solutions to these problems. One such organization is the National Recreation and Park Association, a service, research, and education organization of professionals and lay citizens, whose major mission is to generate understanding, within the general public, that park and recreation programs are critical human services and activities.

First and foremost you must emphasize new goals for park and recreation programs which are more substantial than merely fun and games—goals that help to realize the great potentials for social growth and adjustment that are inherent in park and recreation experiences. As black elected officials you have a golden opportunity to enhance the social development of the nation's youth and adults—black, brown, and white.

A LADY OF THE PRESS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MURPHY of New York. Mr. Speaker, recently, Mrs. Marian Leifsen was officially named managing editor of the Home Reporter and Sunset News of Brooklyn, N.Y. This appointment reflected a recognition of her excellent performance as a journalist, and in a broader sense recognized the substantial contribution she has made to the community during the time she has been associated with this valuable Brooklyn newspaper.

I include for the RECORD an article which appeared in the Home Reporter announcing Mrs. Leifsen's appointment, and I wish her great success in the challenging assignment ahead:

MARIAN LEIFSEN NAMED MANAGING EDITOR OF HOME REPORTER

Marian Leifsen has been named Managing Editor of the Home Reporter it was announced this week by Publisher J. Frank Griffin.

Mrs. Leifsen is believed to be the first woman to be named to an executive post on a major weekly community newspaper in New York. She has been functioning as the Acting Managing Editor here since last May, when former Executive Editor Charles Otey left to join the law firm of Bromsen, Gammerman, Altier and Wayne in Manhattan.

Five years ago, Mrs. Leifsen joined The Home Reporter as a free lance journalist and a short time later became a staff writer and police reporter. She later assumed the position of Assistant to the Editor.

With hundreds of major stories to her credit, Mrs. Leifsen, is well known for her coverage of the narcotics crisis in Bay Ridge. The most recent story, written in collaboration with Dennis McHahon, prompted a crackdown by police on the heroin traffic on Third Ave. "It was your story that prompted us," police said about the coverage.

Mrs. Leifsen is also known for "The Battle of P.S. 102", an intensive report written with Charles Otey on the effects of the 1968 U.F.T. strike in Bay Ridge. A New York Magazine story hailed the coverage as "the best single account of the anger and bitterness on local levels of any paper in the city."

Some of the community's most important news events were reported by Mrs. Leifsen, including the tragic story of the eleven day search for two little boys, Michael Ungaro and Chris Berggren who disappeared from their homes and were later found drowned in Dyker Park pond.

A native of Staten Island, Ms. Leifsen has lived in Bay Ridge for most of her life. She is a graduate of Bay Ridge High School and attended Long Island University and Brooklyn College.

Her children, Thomas 11, and Karen, 9, are students at P.S. 102, where Thomas was recently elected president of the general organization.

Ms. Leifsen has been active in various community activities including BREATHE (Bay Ridge Ecological Action Towards a Healthier Environment), the P.S. 102 PTA, Bay Ridge Independent Democrats and the Central Brooklyn Independent Democrats. She was instrumental in organizing a recycling drive in Bay Ridge and several years ago founded the Bay Ridge Writers Workshop.

She is responsible for many innovations in this newspaper including the creation of a page of news space devoted to block associations, as well as an environmental column. She is also responsible for helping develop the Park Slope News edition into a major community newspaper in its own right, a newspaper which Pete Hamill hailed as "the best I've seen".

Some of Ms. Leifsen's writing accomplishments included a script for the award-winning television series "The Fugitive." Her "Profiles" column, spotlighting community personalities, appears regularly in this newspaper.

In making the appointment, Mr. Griffin said,

"The decade ahead will make even greater demands on the community newspaper to close the information gap created by the death of our dailies and the shortcomings of television. The position of Managing Editor of the Home Reporter is not one that can be filled lightly. By education, by ability, by training and by dedication to the field of community journalism, Marian Leifsen is the right choice for this tough assignment."

CONCERNED CITIZENS FOR RESPONSIBLE FEDERAL WELFARE ADMINISTRATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WALDIE. Mr. Speaker, it has been brought to my attention that many welfare recipients are being forced to file lawsuits to protect their rights under the Federal law. Lawsuits of this nature would appear to be unnecessary in light of the existing authority granted the Department of Health, Education, and Welfare to enforce compliance with Federal laws and regulations pertaining to public welfare.

I would like at this time, Mr. Speaker, to place in the RECORD a letter from a constituent prepared by nine concerned citizens for responsible Federal welfare administration.

I think this letter reflects concerns that may very well be shared by many Americans.

The letter follows:

A LETTER FROM CONCERNED CITIZENS FOR RESPONSIBLE FEDERAL WELFARE ADMINISTRATION

We, the Undersigned, are active in local, state and national voluntary and governmental agencies and organizations concerned with public welfare.

We are deeply troubled by the failure of the Department of Health, Education, and Welfare to meet its administrative responsibilities, namely, to enforce state compliance with federal laws and regulations pertaining to public welfare.

To illustrate the breakdown of income maintenance and services caused by contradictory federal and state regulations and further confused by judicial fiat, we cite four specific examples:

1. The 1971 State "Welfare Reform Act" was passed with ample warning that immediate injunctions would be obtained on provisions known to be out of conformity with federal law. Parts of the law were implemented by state regulations on October 1, and court orders setting some of them aside were obtained almost immediately. These orders have not been uniformly recognized by the State Department of Social Welfare pending State appeals, and the State Department continues its position that noncompliance with State regulations by counties may result in loss of funds to Counties. As an example of this in Contra Costa County, the Welfare Director, obeying State regulations, has been charged with contempt of court.

2. Why is it necessary for welfare recipients to file law suits to force the state to comply with federal law? Why doesn't the federal agency enforce its own laws and regulations? Following are three examples from some 300 lawsuits on file against California welfare administrators:

Conover vs. Carleson challenges the state's arbitrary restrictions on allowances for work expense of recipients working toward independence through employment. The Social Security Act specifically allows necessary work expenses.

Villa vs. Hall challenges the state's deduction of a recipient's income from an arbitary amount, called "maximum grant", rather that from the state-determined standard of need as required by the Social Security Act, and as now required by the California State Supreme Court.

Kent vs. Carleson challenges the state's regulation that insists that a portion of a husband's income is available to support his wife's children who are not his. This is in direct defiance of a previous order of the U.S. Supreme Court and current Federal law which forbid counting income which is not actually available to support needy children.

3. Federal law and regulations require that recipient appeals be handled expeditiously and that payments be continued pending the decision when there is a question of fact. These principles are being violated: (1) Appeals are not heard promptly. There is a backlog of over 15,000 cases. Prior to the passage of the "Welfare Reform Act" this was caused by state regulations and directives promulgated contrary to law and intended to impose restrictions in areas where the legislature had refused to act. The numerous restrictive provisions of the "Welfare Reform Act" have substantially increased the backlog. (2) One of the persons signing this statement is a specific example of a case in which payments were discontinued illegally pending the hearing of her appeal. The employment of legal aid resulted in resumption of her payments pending hearing. Further, since the average fair hearing has been estimated to cost about $1,000, the total county, state and federal cost of a backlog of 15,000 cases alone would be about $15,000,000.

4. Why has the State Department of Social Welfare not been forced into conformity with the federal requirement to maintain a State Family and Children's Services Advisory Committee and a State Day Care Advisory Committee? Citizen participation as mandated would serve a useful purpose in the resolution of public welfare problems.

To summarize, it is our firm conviction that if the federal laws and regulations were enforced, there would be no need for most of this litigation. The vast majority of the lawsuits and appeals arise because people are short-changed as the intent of the federal law is subverted by the state. This is wasteful and deplorable, both in terms of money and human resources. Due to the breakdown in income maintenance, the elementary needs for food and shelter are not being met. Voluntary organizations find themselves unable to cope with what comes near to being a crisis situation.

We ask you to address yourselves to these problems.

Ann Lenway, Chairman; Ruth Anderson, Donald Fibush, Albertha Preston, Jane McKaskle Murphy, Charlotte Jones, Mary Charles, Keith Thompson, Father John J. O'Connor.

CHRISTMAS IN AMERICA, 1971

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHMITZ. Mr. Speaker, despite all the changes of the times and the years, Christmas remains the great American festival. Though America as a Nation has lost far too much of its once-strong Christian commitment, still America celebrates Christmas, lovingly, joyously, with immense enthusiasm, far more than any other holiday of the year. In that—despite all the often-mentioned abuses of tawdry commercialism—there is hope.

For this spirit of Christmas in America is not a love, a joy, an enthusiasm generated by government or society or ideology or even advertising. It comes essentially from the family, from little children; and this is profoundly fitting for this day which commemorates the day nearly 2,000 years ago when, according to the faith of Christians—which is my faith—God himself became a little child and part of a loving family.

The American family today faces a major, well-organized and sustained assault by avowed enemies, the first it has encountered in any significant numbers in our Nation's history. My Christmas newsletter last year was almost entirely devoted to documenting instances of this attack on the family and warning of the shattering consequences that would flow from its success. I pointed out then that:

The critics of motherhood lobby for free abortion on demand so that children conceived need not be born, and for government child care centers so that children who are born need not be cared for. It is hard to see how personal irresponsibility could go much farther.

Regular readers of my newsletter know only too well how much bad news I have to report in it as the months and the years pass and so many aspects of American Government and life slide further down the road of the decline of our Republic. It is, therefore, a special pleasure in this Christmas season of 1971 to be able to point to two really significant victories on the two fronts I specifically mentioned at Christmas time a year ago.

First, while there are still far too many abortions in our country, the drive for abortion on demand has been at least temporarily halted. No more major "liberalizations" of State abortion laws took place during the past year. And at the Federal level, the first significant rollback of permissive abortions occurred when the President ordered U.S. military hospitals to abide by the abortion laws of the State in which they are located, rather than providing what amounted to abortion on demand as they had been allowed to do from July 1970 to April 1971.

Second, the Government child-care bill which the antimotherhood lobby wanted so badly was pushed through Congress, at first without the knowledge of most of the American people, later against a rising tide of grassroots opposition; but as that tide reached its crest with the bill on the President's desk, he vetoed it December 9. Although just 2 months earlier the "Report on a Positive Presidency" praising his administration had included an item recalling his past support for "a range of programs running from the 'first 5 years of life' project and the National Center for Child Advocacy," his December 9 veto message stated:

For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family-centered approach. This President, this Government, is unwilling to take that step.

The voice of the people—of American parents, of that strong majority of Americans who still love and honor the family—had been heard and, for once, heeded.

And so in 1971, from Christmas to Christmas, on the ultimate battle line so beautifully symbolized by the nativity

scene in Bethlehem, the American family held its ground and hurled back the attackers in two critical engagements. For this we may indeed give thanks—to God, and to good American parents and citizens who let their President know what they wanted on both these issues, finally inducing him to do as they asked.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WHITEHURST. Mr. Speaker, the goal of the American Revolution Bicentennial Commission—ARBC—is to help forge a national commitment, a new "Spirit of '76," an attitude which makes relevant the ideals for which the Revolution was fought, a spirit which will unite the Nation in purpose and dedication to the advancement of human welfare as the United States moves into its third century.

Congress formed the Commission in 1966 and charged it to plan, encourage, develop, and coordinate activities celebrating the 200th anniversary of the United States. Much remains to be done to meet our goal, but much has and is being accomplished. With the impetus given by Chairman Emeritus J. E. Wallace Sterling, Chairman David Mahoney, and the ARBC leadership and staff are working with State and local organizations to meet ARBC responsibilities.

As an effort to help communicate bicentennial activity I am inserting into the RECORD the weekly news bulletin published by the ARBC communications committee, chaired by James S. Copley, and compiled by the communications staff.

The bulletin outlines in capsule form the programs and projects of the Commission, State commissions and other bicentennial-oriented groups across the Nation and around the world. It is written for quick scanning, giving an idea of activities during the past week. It is not intended to be an all-inclusive or indepth report. Those wishing such information may contact the Commission.

The bulletin reveals the wide scope of programs and the many organizations already involved in the bicentennial. It is my hope that this information will spark an idea among persons and groups not yet involved to adopt a bicentennial project of their own.

I will introduce copies of the bulletin published in the past weeks to give my colleagues background information in the planning and activity already underway for the bicentennial celebration. Members may want to encourage individuals and organizations in their districts to consider their own projects for the bicentennial. Most areas of the Nation have already been heard from in the bulletin.

While I have this opportunity, Mr. Speaker, I would like to mention one other aspect of the ARBC, one that is going to be brought to the attention of Congress in the coming weeks. The opportunities the Commission programs provide are boundless. The ideas have been outlined and put down on paper, and some are beginning to be implemented. Now comes the time for action. At this critical juncture Congress will decide whether the celebration will realize its potential and fulfill its promising future.

The ARBC has been struggling to accomplish its mission with a totally inadequate budget. A bill containing an authorization for the Commission will come before the House, hopefully within a few weeks. I urge prompt approval. The funds are desperately needed. Further, the Commission will need an expanded financial base in the coming fiscal year.

It is a deplorable situation for a prestigious commission of the Federal government, headed and staffed by talented, dedicated citizens planning for an anniversary that will come only once in the nation's history, to find itself stripped to the bare bones and unable to properly function through insufficient funding.

The American Revolution Bicentennial Commission is a child of Congress. It has performed its homework admirably. The time is rapidly approaching for Congress to supply the spiritual and financial support needed by the Commission to reach its potential. Congress must then face up to its responsibilities.

I include the ARBC News Bulletin for the week ending January 17 at this point in the RECORD:

AMERICAN REVOLUTION BICENTENNIAL COMMISSION, JANUARY 17, 1972

In an article entitled "1976 Bicentennial may trigger boom" appearing in the January 9 Washington Post, D.C. Mayor Walter Washington is attributed with saying that growing interest in bicentennial plans reflects a healthy development among city businessmen. It indicates, he thinks, that company executives no longer fear the city is dying. "Call it self-interest or whatever," he said, "but more businessmen are getting involved."

ARBC Director Jack I. Levant last week met Scouts of America, in a meeting to initiate a program of involvement of some 60,000 with George C. Freeman, a director of Boy Scouts in the efforts of the bicentennial. The program is expected to get under way in the very near future.

Philadelphia Mayor Frank Rizzo on Monday, January 10, appointed a 14-member committee to find another site for the 1976 exposition. Mayor Rizzo, who said the committee had 30 days "to propose a workable site," named Girard Bank chairman Stephen S. Gardner to head the panel. Mr. Gardner said the group would give "great and serious consideration to Fairmont Park" in its search for a new site.

Philadelphia State Senator Benjamin R. Donolow has ordered legislation drawn for a referendum in Philadelphia in the April primary to determine whether an exposition should be held in the city for the bicentennial. Senator Donolow said, "I think it is time we establish once and for all whether the people of Philadelphia do want this exposition." Donolow has not taken a public position of the question.

ARBC Philatelic Advisory Panel Chairman John C. Chapin, special assistant to the Secretary of Housing and Urban Development, has announced the names of three new members who will attend the third business meeting to the panel at ARBC headquarters on January 17. The new appointees add a youth, a woman and a black to the stamp group. They include John Thomas, a black resident of New York City (with a special interest in primitive and oriental stamps) who has been actively collecting stamps for 27 years: Barbara Williams, a Californian with an interest in sports and Olympic stamps and current president of sports Philatelists International; and David Halaas, a seventeen-year-old stamp columnist who is a member of the Junior Philatelic Society of America and creator of Ustampoll, an annual poll on commemorative stamps.

The Charlottesville-Albemarle (Va.) American Independence Bicentennial Commission presented Supreme Court Justice Lewis F. Powell, Jr., with a set of goose-quill pens and an engraved replica of former Chief Justice John Marshall's inkwell when he took office of January 7.

Joe Albi, a former state representative from Denver and president of the Cascade Investment Co., has been named executive director of the Colorado Centennial—Bicentennial Commission. Mr. Albi has announced that the Commission will soon take action on the selection of an official medallion and commemorative coin to symbolize Colorado's centennial.

In 1976 the town of Stoughton, Mass., will be 250 years old and will couple the commemoration of the anniversary with the national bicentennial. Stoughton proudly boasts that it is the birthplace of American liberty, basing this on the fact that on August 16, 1774, at the Doty Tavern in Old Stoughton the first formal meeting was held to write the principles of American independence. This document was carried on horseback by Paul Revere to electrify a discordant Congress at Philadelphia.

Alexandria, Virginia's bicentennial commission approved recently the use of a bagpipe band for official city functions and a Washington's Birthday "parade with a purpose." The commission unanimously approved the idea of a bagpipe and drum band "in keeping with Alexandria's Scots heritage." On Washington's Birthday a walk from Alexandria to Mount Vernon is designed to raise money for future bicentennial activities for youth, particularly the classes of 1974–76.

President Nixon has sent a letter to Ralph Bingham, Chairman of the Shenandoah (Va.) County Bicentennial Committee saluting the county on the observance of its 200th anniversary. The letter applauds the county for its great heritage and for its constructive civic value. The letter will appear in the Shenandoah Bicentennial magazine which will be released March 1. The commemoration will be observed through 1972 and each town in the county will have a month-long program to celebrate the anniversary.

Milton L. Wellenmann, executive director, Utah State Development Services Department and acting chairman of the Utah Bicentennial Commission informed the ARBC that Governor Calvin Rampton, as chairman of the Four Corners Regional Commission, has given assurance that the commission will allocate funds for a four-state bicentennial observance.

Vocational Industrial Clubs of America (VICA) has informed the ARBC that they, along with other vocational organizations, have organized in a youth effort which involves a five-year program called the "Spirit of '76." "This five-year program was developed out of a challenge from the White House for us to involve 1.5 million young people in the appreciation of America on tis 200th birthday," said Gary M. Diehl, Assistant Executive Director of VICA.

The Berks County (Pa.) commissioners are planning to study the county open space and recreation plan, which represents 16 months

of research and includes a recreation and open space plan for the city of Reading. According to Jacob Bowers, Executive Director of the commission, a big consideration in the plan is the bicentennial celebration. Hence, a number of proposals are oriented to getting things done in the next four years to entice tourists to Berks County.

Asbury Theological Seminary (Wilmore, Ky.) last month moved to get in tune with the bicentennial. The faculty set up a commission: to plan Asbury's 1976 celebration; to initiate historical research on the role of Christian Institutions in national growth; and to seek contributions for the Asbury Library that will boost its American History Resources.

Deputy Director Hugh A. Hall and Director of Communications Dan Buser last week met with Oklahoma Governor David Hall and Mrs. Gladys Warren, Chairman of the Oklahoma Bicentennial Commission to discuss various aspects of that State's role in the National Anniversary Commemoration. Mr. Hall and Mr. Buser also visited Oklahoma Christian College to take a look at the American Heritage Program and a special mini course on the Declaration of Independence. Mr. Hall said that OCC could play a significant role in the State's celebration.

The next meeting on the ARBC Executive Committee will be at 9:00 a.m., Thursday, January 27, 1972, in ARBC headquarters, Washington, D.C.

VINCENT E. GALKA KILLED IN VIETNAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Spc. 4 Vincent E. Galka, of McKeesport, Pa., who was killed in Vietnam on December 26, 1971.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Specialist 4 Galka for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

VINCENT GALKA

Friends are being received today in the Craig Memorial Home for Specialist 4 Vincent E. Galka who died Dec. 26 in Vietnam where he was serving with the 101st Airborne Division of the U.S. Army at Camp Eagle near DaNang.

Resurrection service will be conducted by the Rev. Stanley F. Idzik tomorrow at 1 p.m. in St. Mary Church on Versailles Ave. Interment will be in the parish cemetery where military rites will take place. Requiem mass will be offered Tuesday at 10 a.m. in the church.

Son of Edward F. and Helen Maha Galka, he also is survived by a brother, Richard, and sisters, Kathleen and Joanne at home; and a grandmother, Mrs. Anna Maha of Port Vue.

Mr. Galka was born May 23, 1951, in McKeesport, was graduated from McKeesport Area Senior High School in 1969, had been employed in the tool room of the Christy Park Works, U.S. Steel Corp., and was a member of St. Mary Church.

UNIVERSITY OF TENNESSEE STUDENTS HELP CUT HOSPITAL COSTS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. JONES of Tennessee. Mr. Speaker, the students at the University of Tennessee College of Pharmacy are paving the way with a new scheme to lower hospital costs.

This system of utilizing student power to benefit both the students and the public will no doubt be copied and expanded by schools all over the country.

Drug Topics covered the system in their October 11, 1971 issue. The article follows:

PHARMACY STUDENTS WORK HOSPITALS; CITY PAYS COLLEGE PERCENTAGE OF MONEY SAVED

MEMPHIS, TENN.—Pharmacy students at the University of Tennessee are getting a bird's eye view of how a hospital pharmacy operates, making money for their school, and improving pharmacy services at a five-hospital complex here.

An agreement between the UT College of Pharmacy and the City of Memphis Hospitals provides that the college handle administration of hospital pharmacy services. Under the contract, 25% of the money saved the city by having students and faculty coordinate pharmacy operations is returned to the college.

The school needed clinical facilities and the hospital needed manpower for operations of their pharmacy, Dean Seldon D. Fuert told Drug Topics. "It was a natural," he said.

Having students take over routine pharmacy duties like inventory control has enabled the hospitals' nine pharmacists to practice full-time pharmacy.

Also, because the pharmacy service is so closely supervised, there is less chance of drug pilferage and waste. National studies show that hospital pharmacies in general have great pilferage problems—an expensive dilemma. Having the students on the premises with their advisors has practically eliminated that problem, according to the college.

Hospitals are saving money in another way, too—they don't have to go into the manufacturing business. As part of the student program, a small drug manufacturing plant has been set up at the school. The "plant" conforms with the Food and Drug Administration's good manufacturing practices and is periodically inspected by FDA.

The students are producing aluminum hydroxide capsules for use in hospital renal dialysis procedures. The capsules are not available from any pharmaceutical company, Dr. Fuert said, indicating that by making the capsules at school, the hospitals are saved the expense of manufacturing their own.

The program is succeeding. In fact, "we estimate that eventually we may save the City of Memphis Hospitals about $200,000 a year in actual savings for their bills for drugs," Dr. Fuert said. The idea for the joint agreement between the city hospitals and UT was formulated by Dr. Fuert about 1965. It was begun in July 1969 on a handshake agreement.

Use of hospital facilities "puts our students in a better environment to learn," Dr. Fuert said. It establishes a relationship between pharmacy students with the medical, nursing, dental students—"these people work together more harmoniously than we have ever seen before on our campus," he added.

There are about 100 senior students and 20 doctoral candidates (registreed pharmacists) participating under direction of 14 faculty members—registered pharmacists with faculty status.

The students spend about 220 hours at hospital as part of their clinical training, Dr. Fuert said. They average about six to seven hours per week on duty. There are anywhere from one to six students at any location at any one time, working with at least one faculty member.

UT has instituted several new programs at the city's hospitals. On one 30-bed floor in one of the institutions they have established a satellite pharmacy. The pharmacy operates round-the-clock and has a full-time pharmacist coordinator, one part-time pharmacist, and one doctoral student.

This is a unit dose operation, Dr. Sidney Rosenbluth told DT. Dr. Rosenbluth is in charge of the student's hospital training program. He explained that the students have an opportunity to screen patient records for possible drug interactions, run a 24-hour drug information service, and take patients' drug histories.

They also monitor drug therapy and discuss medication with patients being discharged from hospital.

The school has also set up an I.V. additive program, Dr. Rosenbluth said.

In the out-patient department the school has brought in three full-time faculty-pharmacists, and one or two doctoral candidates working four hours a day.

The students have reacted well to the program and "feel they are performing a service while they learn," Dr. Rosenbluth said. Before the agreement, students learned about being a pharmacist by play-acting on campus, he explained. "Now they are becoming productive members of the medical community while they learn from a real life situation," he said.

The only problem is keeping the service part of the program from becoming too great, Dr. Rosenbluth added. "We want them (the students) to be learning as well as participating in health care," he said.

A similar contract between the college and the West Tennessee Chest Disease Hospital, a state-owned facility, has just been signed. Dr. Fuert has hopes of signing another with a large psychiatric hospital, it was revealed to DT.

TRANSPORTATION LEGISLATION NEEDED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. FINDLEY. Mr. Speaker, the resumption of the west coast dockworkers strike yesterday is a stark reminder that we must find a way to help both workers and employers reach a solution to their differences in transportation strikes. While many Members of Congress are affected by the strike on the west coast, those of us who rely so greatly on the gulf and east coast ports for overseas shipments have a few days of nervous anticipation before the 80-day cooling off period expires on February 13 or 14 and we, too, once again are faced with the cessation of ocean shipments.

Farmers lost hundreds of millions of dollars during the dock strikes which began last July 1. Our cash grain producers have taken losses of 10 cents per bushel on their corn and up to 25 cents per bushel for the soybeans they were forced to sell during the strike.

Much has been said about the low

prices Midwest corn farmers received for their 1971 crop. Visits I just completed in my district this morning and the mail I have received for several weeks indicate farmers are much more upset about the lack of action on the part of Congress to end the dock strike and to prevent further costly strikes of this nature than they are about the price of corn.

During the congressional recess, I have developed a bill to deal with future strikes of this nature. It provides the procedures for reaching an early settlement of transportation strikes. I plan to introduce the measure soon and will be calling for cosponsors on this vitally important legislative item.

Transportation strikes affect all citizens of the Nation—not just the employees and their employers who are most directly involved. The current strike has done irreparable damage to our balance-of-payments situation. It has eroded our overseas agricultural marketing potential for years to come because many good customers, like Japan, have been forced to look to other nations to supply their feed grain needs.

In addition, it has caused other nations to look with skepticism at making long-range purchases from the United States because we seem to lack the ability to handle transportation emergencies like the dock strike. It is time that situation be changed and the bill I plan to introduce soon should provide the necessary first step in that change.

911: THE LIFE AND DEATH DIFFERENCE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. YOUNG of Florida. Mr. Speaker, in the event of a serious emergency, be it an automobile accident, a burglary, or a fire, we all know that mere seconds can mean the difference between life and death. Too often now, precious moments are lost when people, under the stress of an emergency situation, stumble through the phone book trying to find the number for the police or the fire department, or for medical help.

There is no need for this confusion which has caused many people great loss, in some cases, even their lives. For this reason, I am introducing today a bill which calls for the establishment of a "911" emergency number system nationwide for calls of this nature. This system has proven to be of great value in cities that have tried it, and I believe this lifesaving program should be available to all Americans, no matter where they reside.

In an emergency, prompt action can save lives and property. Whether a doctor, or a policeman, or a fireman is needed, he is needed as soon as possible. Also, a prompt report of a crime can vastly improve the chances of capturing the criminal.

In addition, this bill will make it unlawful for anyone to knowingly use this prescribed number for a telephone call that is not an emergency—it will be crucial to the success of this system not to have the lines tied up with prank calls and false alarms.

Action on this bill is needed as soon as possible so that this vital service might be made available to our country, for one can never tell when, or where, or for whom, this number might make a life and death difference.

GEORGE FIRTH RETIRES FROM ACTIVE SERVICE WITH OPEIU

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MOORHEAD. Mr. Speaker, a constituent of mine, an outstanding individual, and a friend, recently retired, and was duly honored by the union he served unselfishly for some 40 years.

In a moving display of affection, delegates to the recent convention of the Office and Professional Employees International Union gave a sustained standing ovation to George Firth, one of union's founders.

The convention then named George vice president emeritus, the first such honor ever bestowed by the group.

George Firth deserves this acclaim and more. He is one of those individuals that makes a science of being immensely effective and virtually invisible. His presence is felt in whatever activity he undertakes, yet he guides with a velvet glove.

Whether in union activity or in heading local political clubs, George is a master.

His union will miss his "inactivity," yet there are those of us who will profit from his availability for nonunion activities.

I include in the RECORD at this time some clippings from the OPEIU publication White Collar. They are a small chronicle of a big man:

DECEMBER 24, 1971.

Hon. WILLIAM S. MOORHEAD,
House of Representatives,
House Office Building,
Washington, D.C.:

Thank you, Congressman, for the calendar. Both my wife and myself are U.S. history "buffs", and never will get enough of Washington, in spite of the many, many times that we have been there. Therefore the calendar will be retained long after its prime purpose has been served. It is beautiful.

More than the calendar itself, we appreciate the fact that you remembered us and took the time to so well express yourself.

As things stand now, I will not be the chairman of the Oakland Democratic Club next year. Believe that we have at least one candidate for the office who will, if given the opportunity, be much more active than I could be in the affairs of the Club. Our mutual friend, Jim Young, was kind enough to re-nominate me, but since I have often said that I would always yield if and when a younger candidate was available, I declined and will support one of the other candidates. I will continue as a member of the Executive Committee, however, and do my best to keep the Club pointed in the right direction (i.e. in support of Bill Moorhead).

My wife and I hear your remarks every week, when Merle Pollis talks with you. We believe that this is a great bit of public relations for you, it doesn't hurt one bit. You come across good.

I am enclosing a recent issue of "White Collar" which recounts some of the convention actions. Obviously, I am very happy with this issue. Had considerable recognition during my active life with OPEIU, but the demonstration at this convention topped everything that I could have dreamed about. OPEIU is "my baby" no doubt, and I hated to leave the active position, but it is now "of age" and quite capable of progressing as a part of the AFL–CIO. Really, the union achieved this status many years ago, but I stuck around, . . . clucking like a mother hen.

When the time comes to again "do our stuff" in your next campaign, let me know.

In the meanwhile you may be hearing from my wife, she is trying to figure out how "Phase 2" has stopped the rise in the cost of living. As pensioners, we are now more conscious of these certain facts of life than we may have been before.

This is late for the beginning of the Season, but will close by extending our best wishes to you and your family and most efficient staff, for a Happy Holiday Season, and the best of everything for 1972.

Sincerely,

GEORGE P. FIRTH.

CONVENTION SALUTES RETIRING GEORGE FIRTH

On Tuesday morning of the convention, the session was moving up to the noon break with the Resolutions Committee, under Chairman John Kinnick, reporting. Resolution 45, calling for a vacation bonus, had just been concurred in. Then the convention took up Resolution 52, whose subject matter was Vice President George P. Firth.

Suddenly a lot of delegates realized that Firth was 67 years old and that he was going to retire. As he always has been a wiry, agile type, this was flabbergasting news to many. Emil Steck, of Buffalo, who later was elected to the Executive Board to replace Firth, spoke on the resolution, and many seconds, led by Rose Cohen of Pittsburgh, were offered. Then came a rising ovation, many wet eyes, with Firth the only man seated in the big hall at the Hotel Deauville. More tributes:

Arthur P. Lewandowski, Director of Organization, speaking for the staff: "A large part of our stature is due to the efforts of George P. Firth."

President Howard Coughlin: "I have known this wonderful man since 1942 when we met in Chicago at the founding convention of the International Council of Office Employees Unions."

Secretary-Treasurer Howard Hicks: "George was the guiding light in the formation of the Pacific Northwest Council of Office Employees, back in 1937, which later became the Pacific Coast Council, including Denver and Salt Lake—and in turn became the Western States Council."

Hicks recalled that he and Firth appeared before the Resolutions Committee of the 1941 AFL convention in Seattle calling for establishment of an International Union. The committee recommended that President William Green and Secretary-Treasurer George Meany consider the matter and take appropriate action.

In the spring of 1942, Green and Meany called a meeting in Chicago of federal locals to form the International Council of Office Employees, out of which the International Union charter grew in 1945. The names of four men present at the 12th Convention, Howard Coughlin, Howard Hicks, J. Oscar Bloodworth, and George P. Firth, appear on the charter.

Responding succinctly, with just a tinge of emotion in his voice, Firth characteristically credited others, among them his wife, for whatever he had been able to achieve.

The convention then voted him the title of Vice President Emeritus—the first man in the union to be so honored.

KIRCHER SEES ORGANIZING BECOMING MORE MILITANT

The changing nature of the vast work force was a "challenge to all of us," William L. Kircher, AFL–CIO Director of Organizing, told the 1971 convention.

Of the need for more militancy in organizing, Kircher said, "We may have to demonstrate our majorities (to employers) in elections by saying we will go out on the picket line on order that you can count us."

"We are coming out of the namby-pamby phase where organizing is concerned," he asserted. "In our organizing postures we must give credit to people for having more guts to obtain their right to collective bargaining."

The challenges to union organizing lay in the following figures, he said:

Up to 48,000,000 job openings by 1980 (30,000,000 because of retirements, etc.);

18,000,000 new jobs, of which 6,000,000 are expected to be clerical.

"By 1980, clericals will be 19 percent of the work force, nearly one in five, while professional, technical and kindred workers will be approximately 16 percent of the work force. . . . These figures will disabuse you of the notion that there are no further fields to conquer," the AFL–CIO leader declared.

Referring to recent agricultural organizing successes in the west under Cesar Chavez, Kircher commended OPEIU leaders in Los Angeles, Gwen Newton among them, for help in circularizing farm workers with an OPEIU label. Kircher also paid tribute to the long endeavors of retiring OPEIU Vice President George Firth in the white-collar organizing field.

UNION LEADERS RETURNED TO OFFICE; CORBEIL AND STECK ARE ELECTED VP'S

Emil Steck, Local 212 Business Manager in Buffalo, N.Y., and Romeo Corbeil, of Montreal, Regional Direector for Eastern Canada, were elected as new OPEIU Vice Presidents by the 12th Convention to succeed George P. Firth (retired), of Pittsburgh, Pa., and William J. Mullin, of Hawkesbury, Ontario, both of whom declined to run again.

Steck will represent Region 2 and Corbeil Region 1 on the Executive Board.

President Howard Coughlin was joined by other Executive Board members in voicing their deep appreciation to both retiring board members. George Firth, they recalled, had made major contributions to the cause of white-collar workers and the OPEIU during his more than 25 years as a Vice President and full-time International Representative.

Since his retirement a year ago, Firth had continued as principal historian for the OPEIU and was responsible for the striking historical display at the Convention, showing the union's growth, viewed with unusual interest by the attending delegates.

He had also been engaged in a number of projects to benefit future students of OPEIU history, and has also assisted many Local unions in establishing historical facilities of interest to their members.

Warm tributes also were paid to Bill Mullin who had served ably on the Executive Board for two consecutive terms during which his advice was invaluable in making decisions on problems of OPEIU members in his Canadian Region.

OPEIU officers reelected unanimously without opposition were: Howard Coughlin, President; J. Howard Hicks, Secretary-Treasurer; Vice Presidents: J. Oscar Bloodworth, Ronald F. Bone, John P. Cahill, John Kelly, John B. Kinnick, William A. Lowe, Frank E. Morton, Gwen Newton and Edward P. Springman.

The only contests were in Region 7 where incumbent Vice Presidents Billie D. Adams and H. R. Markusen were opposed by Catherine Lewis, of Local 333, and Arnold Shamis of Local 49. Adams and Markusen were reelected by large majorities.

IN DEFERENCE TO POPE GREGORY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BOLLING. Mr. Speaker, after a plethora of predictions for the year 1972 from many sources with widely differing opinions, the column by George W. Ball on this subject is both thoughtful and sound. It appeared in Newsweek of January 10 as follows:

IN DEFERENCE TO POPE GREGORY

(By George W. Ball)

It was Pope Gregory XIII who fixed a date soon after the winter solstice to mark the beginning of the new year, and in recent times omniscient journalists have exploited that date as an excuse to ponder and pontificate.

For the most part, such pontification has followed a stylized pattern. The passing of the old year is hailed as the end of an era; the prognosis for the new year is invariably bright. "There will, of course, be problems, but we are well on the way, etc."

Well, I am not all that sanguine. I do not know what the next twelve months will bring forth, but I am certain we are not at the end of an era. What we should realistically anticipate is more of the same—but with a difference, since history adds its own fresh whimseys. Yet, though all we can confidently expect is the unexpected, I would note at least two particularly unstable areas—two foci of danger—that demand special vigilance. One is Belgrade, and the other the United States Congress.

MEDITERRANEAN SCENARIO

Belgrade because the past fortnight's uprisings in Croatia foreshadow the disintegration of Yugoslavia once the 79-year-old Tito is no longer available to hold it together. With an energetic assist from the KGB and other agents whom Moscow has enlisted in Eastern Europe, ancient hatreds are being stirred to the point where the momentary success of a local insurgency could provide an excuse for separatist leaders to call for help from the Soviet Army. The scenario has, I suspect, already been scripted in Moscow, where the elimination of the schismatic Communist regime in Yugoslavia is a long-cherished ambition. It would complete the consolidation of the Kremlin's Eastern European empire, encircle an obstinately prickly Rumania, and make chaos of the febrile politics of Italy, with its decaying political center and the largest Communist Party in the non-Communist world.

Nor would the impact of such an event be limited to the European mainland. It would be sharply felt in the whole Mediterranean basin where Soviet power is increasingly visible. This is where the vagaries of Congress are relevant, for if Congress finally yields to the Catonian call of certain key senators for the withdrawal of our troops from Europe, the logic and momentum of the legislative process will, sooner or later, remove the Sixth Fleet from the Mediterranean. After all, if we leave it to our allies to look after Western security on the mainland, why should they not take responsibility for what has long been thought of as a European lake?

MIDDLE EAST STRATEGY

Given the present neurotic state of American opinion, such a nightmare sequence can definitely not be ruled out. Most of our countrymen still regard the Middle East as an affair of Arabs and Israelis, forgetting that the Russians have made it an integral part of the great-power struggle. They ignore the fact that the only operative forces deterring Moscow from a unilateral reopening of the canal and the effective isolation of Israel are the presence of the Sixth Fleet, the continuing availability of effective American military power in Europe, and—most important of all—fear that they would feel the thrust of that power if they tried to turn their Egyptian beachhead into hegemonic dominance of the southern Mediterranean littoral.

In spite of an epidemic of piety—which has led many otherwise sensible Americans to a self-flagellating rejection of great-power responsibilities—the West cannot afford to lose much more strategic ground to a Soviet Union clearly in an expansionist phase. For what is worth prayerful note—at this turn of the year—is that, while we are systematically contracting our power, the Kremlin is pursuing a reverse Nixon doctrine—establishing forward bases, deploying its rapidly expanding fleet of ships and submarines in strange waters, extending its military reach, and expanding its political presence around the world.

To contend—in the face of these flamboyant actions—that we should deliberately reduce our own weight in a power balance that has served the West well for two decades seems curious indeed. But no great nation has been wholly immune from aberrant behavior; we were blind and stupid in the 1920s and, in the words of the late New York City mayor, Fiorello La Guardia, "when we make a mistake, it's a beaut."

So let us see what 1972 brings forth and try to be more sensible than we have sometimes been in the past—which, I suspect, is as much as one should reasonably hope for in this imperfect world.

TURNER N. ROBERTSON: A FRIEND WHO WILL BE SEVERELY MISSED

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. KYROS. Mr. Speaker, on this opening day of the second session of the 92d Congress, a gentle and extremely dedicated man is missing from the House of Representatives. My great personal friend Turner N. Robertson, majority Chief Page, has ended his career in the House after 32 years of faithful and exceptional service. This esteemed public servant was always gracious, efficient, and a valuable friend to all Members of Congress.

In my own 5 years in this Chamber, I have asked Turner so many, many times for assistance and advice on a multitude of matters, and he never once let me down. Not only was the smooth operation of the Page Service, so invaluable to each Representative, his responsibility, but in addition Turner also touched each Member through his warm council, his unfailing kindness, and his constant eagerness to help.

Turner now looks forward to many years of relaxing retirement, and he is to

be envied indeed, since few men can reminisce upon such a richly fulfilling and satisfying career of service. Turner has been written into the history of the House, and I am grateful of having had the opportunity to know and work with him.

I am certain that everyone who has ever known Turner wishes him a long and happy retirement, which he so richly deserves. He will be severely missed by all who ever came in contact with this remarkable and unforgettable man.

PETTY OFFICER DORIS MILLER HONORED IN DEDICATION OF NAVY BACHELOR QUARTERS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. McCLORY. Mr. Speaker, a most significant ceremony occurred recently in my congressional district in the dedication of the Doris Miller Bachelor Quarters at Great Lakes Naval Training Center.

The late petty officer, Doris Miller, was an American hero. His spectacular bravery under fire at Pearl Harbor on December 7, 1941, earned for him the Navy Cross. He survived that conflict and continued for many years as a loyal man of the Navy.

The significant aspect of the recent events at Great Lakes Naval Training Center is that this complex military living quarters is named in memory of what is currently described as a "black" American. Indeed, this is the first such recognition—and may be—in a sense—characteristic of the trend toward recognition of qualities of character without regard to questions of race or color.

It was my privilege to participate in this ceremony and to pay appropriate honor to the late Petty Officer Doris Miller, and to honor his mother—Mrs. Henrietta Miller—who journeyed from Texas to Great Lakes for the occasion.

In addition to the base commander and the Ninth Naval District Commandant Rear Adm. Draper L. Kaufman, there were many prominent participants in the dedication ceremony. Judge Archibald Carey of the Circuit Court of Cook County addressed eloquent remarks paying tribute to the late Petty Officer Doris Miller. Also participating, were the Reverend Elmer L. Fowler and Mrs. Beatrice Luther who presented Mrs. Henrietta Miller with a check in the amount of $10,000 resulting from voluntary contributions in the Great Lakes, Waukegan, and North Chicago communities.

I am confident that my colleagues will be keenly interested in this landmark development, and particularly in the eloquent words which were utttered by the late Petty Officer Miller's friend and partner in the Navy, Mr. Herbert G. Odom, and those of Admiral Kaufman. Accordingly, I am inserting copies of those remarks in the RECORD at this point. I commend them to all Americans:

REAR ADM. DRAPER L. KAUFMAN'S REMARKS, DORIS MILLER DEDICATION, DECEMBER 7, 1971

We are gathered here today for a very serious purpose. We are dedicating our largest and finest Bachelor Enlisted Quarters to the memory of a gallant and courageous Navy man. Why? First, because this Navy man, Doris Miller, on a Sunday morning just 30 years ago today displayed an incredible amount of courage, heart and unsuspected ability in the face of heavy, concentrated and bloody enemy fire. When Japanese bombs and machine guns were killing and wounding all around him, did he seek the safety of the armor plated bulkheads or walls so easily available. He did not. He deliberately exposed himself to the full brunt of attack in order to carry his Captain to a safe place and then he returned to an exposed position to man a machine gun whose crew had been decimated. This is what we in the Navy call "above and beyond the call of duty"—way, way above and beyond.

However, the dedication of this building is only the beginning of what we must do here today. Much more important is it that we dedicate ourselves to the elimination of prejudice, fear, hatred and discrimination that still prevail between two great American communities—the black race and the white race.

Did Doris Miller, who was black, think about color or race when he seriously endangered his own life to carry his white Captain to safety? Obviously not. Can we do less than he did? Obviously not. We too, must rise above and beyond the call of duty. As human beings under God and as citizens of a great country we cannot do less.

Ladies and gentlemen, I feel very strongly that this critical problem of accord and concord between Black Americans and White Americans that has festered like a cancer in this country since its creation must be solved and solved quickly. Furthermore, I believe that the United States Navy has the opportunity and therefore the sacred responsibility to lead the way. It is not enough that we follow the rest of our citizens. We, like Doris Miller, must rise above and beyond—way above and beyond.

Thus, the christening of this building is designed to do far more than bestow well deserved honor to a great Navy man. Primarily, it is designed to inspire each of us who work and live on this base to make a major effort every day and I repeat—a major effort every day to bring into brotherly harmony our two great communities of black and white Navy men so that we can actually reach the positive goal of Admiral Zumwalt, our great Chief of Naval Operations. He has said again and again that we cannot, we must not, have a Black Navy and a White Navy. We can only have a United States Navy.

I have just used and emphasized the the phrase—"make a major effort every day." I did so deliberately because this divisive problem of ours must be solved, can only be solved by a long long succession of small acts done by each of us every day—every hour of every day. Fine words, fine intentions, fine plans are not enough.

I am proud to say that we here at this Naval Base have made some considerable progress during this past year. This has been the result of major efforts made every day by many, many people under the quite inspiring leadership of the commanders of our many individual commands on this base. Particularly I should commend Admiral Turville, Commander of the Hospital, Captain Talbot the Commander of our Naval Training Center and his subordinate skippers—Captain Symons of Recruit Training, Captain Loveday of Service Schools, Captain West of the Administrative Command. But I should also commend the many members, black and white, of our nine CETO's or Committees on Equal Treatment and Opportunity—our officers and chief petty officers that run our Race Relations School that has become a model for military bases throughout the country, our Navy Exchange and Special Services people who have ensured that black products, magazines and books are available in our Exchanges, Commissary and Library, that black barbers and beauticians are available, the music and entertainment particularly interesting to our black Navy men and their friends is a significant part of our club life on the base. In addition I should mention all of our supply and procurement people who make a major effort every day to ensure that an appropriate share—and this means a much greater share—of our total buying goes to black business. Finally I must mention Captain Allen and his superb Housing Officer Mr. Waddell Brooks who have markedly improved the housing situation for our black servicemen in the surrounding communities. Of course none of this would have been possible without the sympathetic understanding and tremendous support given to us by the leaders of the Black Community in this whole area—leaders who are so well represented in this program by our great and good friends, those warm and loving friends, the Reverend Fowler and Judge Carey.

I have mentioned our accomplishments and progress of the past year or so. I am proud of these, yes, but they are not enough, not nearly enough. Last month we were visited by two congressmen. One of these gentlemen stated that there was far too much racial prejudice and discrimination on this base. Although I might not agree with him as to scope or extent, I wholeheartedly agree with his basic premise that there is too much prejudice and discrimination here. Any prejudice and discrimination is too much. Furthermore, it must be stopped and it can be stopped. There is no point whatsoever in hiding behind the bland statement that the armed forces merely reflect the prejudices of the country at large. That is no excuse. As I said before we have the opportunity and therefore the responsibility to lead our country—to show our citizenry an example.

Ladies and gentlemen, inspired by this memorial to a gallant black Navyman who risked his life to move his white Captain to a safer spot, we at Great Lakes promise you that we too will raise ourselves above and beyond the call of duty, we too will make a major effort every day to solve this, our nations' most serious problem.

MR. HERBERT G. ODOM'S REMARKS, DORIS MILLER DEDICATION

Admiral Kaufman, Mrs. Miller, honored guests, men and women of the United States Navy, ladies and gentlemen; having been a friend of the late Doris Miller, I am frankly happy to participate in this program marking the dedication of this bachelor enlisted quarters to his memory and in his honor. My pleasure is greatly enlarged through having as a co-participant, the venerable Mrs. Henrietta Miller of Waco, Texas; the mother of Doris Miller, a lovable matriarch, a sharecropper's wife, a living indictment, personification of the black experience. I feel humble and insignificant in her presence, because I know that she embodies and symbolizes, and exemplifies all that is in me which is good, and all that is in me that is strong, and all that is in me which is enduring, and all that is in me which is unconquerable.

It is commendable of this command and of the United States Navy that she is here and is being so honored! We, of the black community are highly appreciative on this occasion. But we do not construe it as a personal honor, an individual honor; rather, we view it as a debt acknowledged and a trib-

ute paid to all mothers black and white, who over the years, the decades and the centuries, have given their sons, whenever and where-ever the flag was threatened; from Bunker Hill in Massachusetts to Khe-Sahn, South Viet Nam. I wish to emphasize for the sake of those who may not know, that there were sons of black mothers at Bunker Hill.

The story of Doris Miller as a Navy man is a short one. His star hovered above the horizon for a very brief time and in that span he faced the thundering guns of war, was decorated by his country, and went to a watery grave.

We were never shipmates, but on two separate occasions our respective ships shared the same home port. That we should gravitate toward each other was natural. Being black was not our only tie; we shared many common experience bases. We were both rural in background; both country boys. Doris Miller was a sharecropper's son, even as I am myself. We had joined the Navy for the same basic reasons; not from patriotism, not for adventure, not to travel, but for a place to eat, and sleep, and to send a little much needed money home. My assertion that Miller did not join the Navy from patriotism might lead us to the question: "Was Doris Miller patriotic?" He had to be—he was poor wasn't he? Did you ever see a man who was both rural and poor who was not patriotic? I haven't. Whether the man is a peasant in France, a serf in Russia, or a sharecropper in Georgia; show me a rural man who does not own enough land on which to be buried and who lives in lacks and wants, and I'll show you a super-patriot. A man who will lay down his life at the drop of a hat for the one thing he can claim as his own; that mystical thing, that abstract thing called country. A man from this social strata is usually a mighty man in war and a brave and resolute foe to any enemy of his country. The ferocity and the tenacity of the sharecropper as a fighting man stemmed mostly from his fatalism, his singlemindedness, his ability to concentrate on annihilating the enemy. You see, of all American soldiers, the sharecropper was the one least concerned with coming back—back to what? Other Americans might have just a small corner of their minds preoccupied with such things as, "Who will come to own my land? Who will spend my money? Who will marry my wife?" The sharecropper had no such distractions. In the first place, he had no land, in the second place he had no money and he didn't worry about who would marry his wife, and there's good reason why. Just ask yourselves; who of all Americans save a sharecropper could go into battle, close in for hand-to-hand combat with an enemy whose bayonet is as long as his own; soothed by the feeling, comforted by the thought and calmed by the knowledge that his wife just couldn't do worse the second time around. Having been one myself, I believe that if the sharecropper really and truly loved his wife; after killing off what he thought was his fair share of the enemy, he might just deliberately get himself killed to give her that second time around.

The sharecropper is a vanishing breed today, thank God, but what a man he was; what a man! He could be hurt and he could be scared; he could be maimed and he could be killed—many of them were—but he could never be conquered. Thus I pay tribute to Doris Miller's dead father and to mine.

Doris Miller entered the naval service at a time when the virus of racism, injected in the Navy during the administration of Woodrow Wilson, was still running rampant. It was also at a time when the black enlistees were relegated exclusively to the duties of mess attendants. This was a cause of constant vexation, humiliation, protest and agitation on the part of the black press and public. When this dark, ignoble and regrettable chapter of our naval history is set in historical perspective, it would appear that what happened to the Navy was a byproduct of, or fallout from, the Jim Crow laws passed in all Southern States around the turn of the century—some just before and some just after. The Navy, standing out like a sore thumb; an island of integration in a sea of national separatism soon came under the jaundiced eyes of the segregationists, and when given the chance, they struck.

When Josephus Daniels was appointed Secretary of the Navy by President Woodrow Wilson, he publicly avowed to make the Navy "lily white." Forthwith, the book of merit, with respect to the black man was closed. He was suddenly a nobody, not even worthy of enlistment.

The gallant deeds and illustrative record of black men who fought and died with John Paul Jones, Stephen Decatur, Oliver Hazzard Perry, and David Porter were willfully disregarded, never mentioned officially, and buried in naval archives. Each of these exacting but unbiased commanders, along with many others left the record clear and plain. Each in his own way was lavish in praise of the black men in his command, citing in particular their courage, coolness under fire, and devotion to duty.

How was it, then, that during the time of Doris Miller's service, throughout World War Two, and even thereafter, intelligent men, educated men, men of high rank were seriously debating and somberly contemplating such things as: "Would the black sailor hold his post under fire, could he master the complexities of the modern warship, and its weaponry, and, strangest of all, would one black man take orders from another?" The explanation of this lies in the way a man is related to his beliefs. A man is shaped, molded, and limited by what he believes. He is belief expressed. A man will make manifest pitifully, that which he believes to be true. He will endow with a false reality, that which he believes to be true. And, too often, that which he believes to be true is that which he wishes was true. And, in turn, that which he wishes was true usually is that which enhances his ego. It is through this process that men are often trapped into believing their own lies.

Ironical as it may seem, the man whom fate for years placed in the unenviable position of having to defend the Navy's discriminatory policies, practices and attitudes was the very same man who pinned the Navy Cross on the chest of Doris Miller, Admiral Chester W. Nimitz. The Navy's hard and rigid position was that the black man was already serving in the capacity for which he was best suited.

If you should wonder or if you should ask if this incident caused the Navy to reevaluate its policies or reexamine its position, my answer would be no, no, a thousand times no! The remainder of Miller's sojourn on this veil of tears after his decoration bears this out. For instance, he remained in the rating of mess attendant 2nd class, although, later in the normal course of events he was promoted to mess attendant 1st class, which today is equivalent to the pay grade of seaman.

Miller's last ship, the Aircraft Carrier *Liscombe Bay*, was sunk by enemy action somewhere in the South Pacific on October 24, 1943. Miller and 700 of his shipmates were lost. At that time he was serving in the rating of officer's cook 3rd class.

And although his Navy Cross did not provide him a ticket out of the Messman Branch, he died like hundreds of other Messmen did—without rancor and without malice toward the Navy or his country.

Black people, including the family of Doris Miller, wish the Doris Miller saga to be kept in proper perspective. They especially resent any untimation that that he was exceptional among his peers, for this is indicative of a false perception of black people, their motivations, their capacities and their attitudes. Moreover it bespeaks the philosophy which made him a mess attendant in the first place. Doris Miller is revered in the black community not so much as a great hero, as he is, but as the boy who embarrassed the Navy. There was not a single black mess attendant at Pearl Harbor who would not have given his right arm to be top side, exposed to danger and firing a weapon.

The black man is like that and he always will be. No amount of wishful thinking can change him. His cultural background in Africa was warlike and he was no more changed by enslavement in America than were the Jews by their enslavement in Babylon or later in Egypt. Of course the black man learned survival tactics and learned them well. He resisted change by seeming to change. He feigned docility when this led to hand-outs, he pretended servility when this brought favors, he acted obsequious when he was rewarded for seeming so. But I know, and you know, and all Americans deep down in their hearts know, that the American of African descent in defense of his country is on the average an aggressive man, a combative man; attack oriented and fearless. He is not awed by violence and he is not paralyzed by peril. He is not intimidated by odds and he is not panicked by imminent death.

I submit to you, ladies and gentlemen, that the military annals of our country would be richer by far if these innate qualities, so essential to the military and so native to the black American had always been grudgingly acknowledged, fully appreciated and sensibly used. These qualities not withstanding, the American black is still a friendly man, an amiable man; a man of deep feelings and broad sympathies, always watching, looking and listening for the genuine in another man.

For insights into Doris Millers' actions at Pearl Harbor then, we must look to his cultural heritage. We must look back beyond the cotton fields of Spigleville Texas; back beyond the slave cabin in which is grandfather lived. Back, back, back to the continent of Africa. Here we would find a society where to be a male meant to be a warrior. We would find a social context where from the age of puberty on, one's very claim to manhood was predicated on not only his willingness, but his eagerness to seize the throat of the enemy of his tribe and an unquenchable desire to annihilate all those who would violate the sanctity of his peoples' territory.

This explains why, on that beautiful, sun-drenched Sunday morning which I remember so well, Doris Miller did not say to himself: "It is none of my business what is going on up here. I'm going to do what I've been trained to do, I'm going back down below and keep the coffee hot." It explains why he did not say to himself, "The captain does not love me, and I know it. The captain does not respect me, and I know it; so I will let him fall and I will let him bleed and I will leave him exposed to strafing." This was not possible, my beloved fellow Americans, because, regardless of how the captain felt; Doris Miller knew that with the impact of the first bomb on Pearl Harbor, he and the captain became "us", and members of the same tribe. Every man worthy of life will die that the tribe might live. On the other hand, it explains why, when the precious moment of action came, he seized it and thereby ridiculed, in a most effective way, those policies, practices and attitudes which assaulted his dignity and trampled his manhood.

The Navy today is far different from the Navy in which Doris Miller served and this is an understatement. The dark night of racial superstition—and racial prejudice is a superstition—was lifted by fiat of a president named Harry S. Truman. Truman, like Paraoh of old, decided at long last to let Doris Miller's people go.

As a member of both the black community and the naval establishment, as one who for twenty-six years proudly wore the blue, as one who saw the transition from the inside, and as a man who wears no other man's halter, I can say categorically that racial discrimination as a characteristic of official naval policy is dead and can never be resurrected.

Wherever discrimination is found, prompt measures are taken to eradicate it, and those who practice it surreptitiously, do so at the risk of damage to their careers. Wrongs of the past can never be righted but the navy moves aggressively to equalize opportunity and participation in every field, every program and at every level.

Much has been accomplished, but not enough. The record is good but it will be improved. The goal is set and we move steadily and determinedly to achieve it.

The Navy especially solicits the help of the black community in telling the Navy's story. Whatever the field, whatever the program, if it is Navy, it is for you. Too often a boy is looking for an opportunity and an opportunity is looking for the boy but their courses do not cross. Here is where you come in—make them cross. Do not emote over past exclusions while present opportunities go wanting and above all do not in point of fact, confuse past practices with present reality.

Today, along with you and along with the Miller family, the Navy too is sad that heaven did not grant and fate did not decree that Doris Miller should reach this promised land of integration, acceptance and opportunity. He was destined to die in the wilderness of inequity, subordination and rejection.

Providence did not ordain that Doris Miller should live to see how the Navy has vindicated his gallant deed. He saw no surgeon black and proud, steady of hand and calm of eye, lancing, binding, curing, healing in naval hospitals throughout this land. He saw no black eagle soar above, no black navigator chart his course! He saw no black man, glasses raised, scan the horizon from the skipper's seat. But somehow in some mysterious way, I like to feel that Doris knows that these things have come to pass, and that he hastened their coming. And by him knowing and from his knowing, and because of his knowing; somewhere on the ocean's floor, in his tomb of steel, painted grey; the poor farm boy from Spigleville; the sharecropper's son with a tiger's heart can rest in peace.

CONGRESSMAN MCCLORY'S REMARKS

When it comes to heroes in time of peace or war, there are no color lines, nor are there color lines which distinguish one human being from another in terms of genuine love or in terms of the basic character of a man or woman. Certainly, we are learning more clearly every day that the men and women of the Navy are to be measured on the basis of their individual merit as human beings.

One Navy hero who gave that last full measure of devotion to his nation and to the survival of his fellowman was Petty Officer Doris Miller whom we are honoring today in dedicating this beautiful enlisted men's Quarters at this, the greatest naval training center in the world.

Men and women of the Navy, I am proud, indeed, to participate in this ceremony and to pay humble and grateful tribute to Petty Officer Doris Miller—who was decorated for his bravery at Pearl Harbor—just 30 years ago, and who later gave his life—a great and noble hero of the Navy—and a man whom the whole nation honors and respects. I'm pleased to know that Petty Officer Miller's mother, Mrs. Henrietta Miller, has come here today from Texas to witness this ceremony and that his brother, James Miller, is also with us.

Others who are participating in this service today have recounted the events surrounding Petty Officer Miller's service and decorations.

I appear today in behalf of the Civilian Government of the United States, and of the 500,000 people of this Congressional District which I am privileged to represent in the U.S. Congress. In their behalf and in my individual capacity, I salute Petty Officer Miller and I join in honoring his memory in the dedication of this great and enduring monument.

ASSESSMENT OF 24TH COMMUNIST PARTY CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, I would like to bring a government study of the 24th Communist Party Congress to the attention of my colleagues. The congress was held from March 30 to April 9, 1971, and the study is based on information available through April 28, 1971.

It focuses on the Soviet Union, and assesses Soviet developments in several areas, including the party, the government, the economy, and its foreign relations with China, Eastern Europe, the West and the Third World.

This is a very comprehensive presentation, and one that deserves examination by my colleagues.

The study follows:

THE 24TH CPSU CONGRESS: AN ASSESSMENT

PART 1. INTERNAL AFFAIRS

I. The party

A. Brezhnev Now Stronger in the Collective

The 24th Party Congress (March 30-April 9) was largely a one-man show; the honors paid to Brezhnev by various speakers, the preeminence accorded him in the congress proceedings, in media reporting, and the membership and protocol rankings of the new leading Party bodies all confirmed previous indicators of Brezhnev's increasing strength as the top Soviet leader. But even the transfer of four of the top 25 political leaders to full membership on the Politburo does not apepar to have given Brezhnev and his coterie an automatic voting majority in the Politburo. Consensus politics will apparently continue to be practiced and will probably put much the same imprint on Soviet decision-making as has been observed during the post-Khruschev period.

Through skillful maneuvering, Brezhnev appears to have forged further ahead of his colleagues, particularly Kosygin. The addition of several of his outspoken admirers to the Politburo will probably dilute the responsibilities of the incumbents. It is possible that their promotions were made in anticipation of the departure or removal of some of his old colleagues (Pelshe, Suslov, Podgorny, and Kosygin are all over 65). The new men, however, appear to be competent but uninspiring Party bureaucrats, and their votes would not seem to herald marked change in Soviet policy. Moreover, Brezhnev's own predilections seems to be centrist in nature with, of course, a strong conservative bias. Since this stance has been reflected in Soviet policy under his secretaryship, his stronger position in the leadership does not appear likely to generate policy innovations over the near term.

B. Varied Treatment of Brezhnev's Pre-eminence

That the extent of Brezhnev's pre-eminence in the leadership is an unresolved issue was reflected both in the speeches at the 24th Party Congress and in those at the republic Party Congresses preceding it. In the latter, for example, new Politburo members Kunayev and Aliyev, First Secretaries of the Kazakh and Azerbaydzhan Party organizations respectively, placed themselves at the pro-Brezhnev end of the spectrum by referring to him as the "leader of the Politburo." Bodyul, First Secretary in Moldavia, also warmly praised Brezhnev, as did Usubaliyev in Kirgizia.

At the other end of the spectrum stood Kebin, the First Secretary in Estonia, who failed even to mention Brezhnev's name. Shelest, First Secretary in the Ukraine, Masherov in Byelorussia, and Mzhavanadze in Georgia also gave the General Secretary short shrift. The remaining republic First Secretaries fell somewhere in between the two ends of the pole.

At the 24th Party Congress itself such varied treatment was equally visible, though there appeared to have been some crossing of lines. Kunayev and Aliyev continued to lead the panegyrics, closely followed by Bodyul and Maslennikov, First Secretary of Gorkiy Oblast and a follower of Brezhnev protegé K. F. Katushev. Politburo member Mazurov's Belorussian colleague Masherov, too, now seemed to fall in line, mentioning Brezhnev four times in his speech and giving him personal credit for "huge efforts" in agriculture. Rashidov, First Secretary in Uzbekistan, also got on the Brezhnev bandwagon, giving the General Secretary personal credit for a number of successful programs and mentioning him warmly several times in other contexts.

With the exception of Masherov, all the above, plus Latvian First Secretary Voss, Chairman of the Central Auditing Committee Sizov, and Moscow Oblast First Secretary Konotop and Zolotukhin, First Secretary of Krasnodar Kray, both of whom are believed to be members of Polyanskiy's coterie, followed a pattern set by Brezhnev himself of referring to the "collectivity" of the leadership. In addition, most of them signaled their support for Brezhnev by vocally backing his call for changes in the Party statutes. Kochinyan, First Secretary in Armenia, Romanov, First Secretary of the Leningrad Oblast, and Ryabov of the Sverdlovsk Oblast, all chimed in with approval of the contemplated changes in the statutes.

Sisov, Maslennikov and Georgiyev, First Secretary of the Altay Kraykom, expressed or implied support for Brezhnev's exchange of party cards. Neither Kunayev or Aliyev expressly mentioned the exchange of cards at the 24th Congress but both had called, in earlier speeches at their respective republic Party Congresses, for dismissal from Party ranks of members who violated discipline or otherwise showed themselves unworthy of the title "Communist."

Kebin and Shelest were again the most lukewarm toward Brezhnev and his programs. Neither mentioned "collectivity," nor did they voice any support for the exchange of Party cards or change of Party statutes. Kosygin, Party cadres secretary Kapitonov, and Lithuanian First Secretary Sneehkus also failed to voice support for these latter initiatives. Grishin, First Secretary of the Moscow City Party Committee and just promoted to full membership in the Politburo, vaguely supported changes in the statutes but was otherwise rather unforthcoming with respect to the General Secretary and his programs.

Several speakers clearly stressed the Politburo when pinpointing the center of authority and initiatives, which is in sharp contrast to the long-standing practice of

describing the Central Committee as the focus of power. Foreign Minister Gromyko spoke about the Politburo's daily interest in foreign affairs, and Brezhnev made the unique public statement that the Politburo and Secretariat meet weekly. He said that the Politburo considered the most vital and urgent questions of foreign and domestic affairs, but he underplayed the importance of the Secretariat by saying that it dealt chiefly with personnel moves and checking execution. A noticeable fact was that the speakers who stressed the Politburo were often those who appeared to be very friendly toward Brezhnev.

Two subjects which had figured prominently in pre-Congress political activity apparently were taboo at the Congress: the two-volume collection of Brezhnev's works which has been widely published in the languages of several of the republics as well as in a Russian edition of a half-million; and the very controversial political formulation of the "Politburo headed by Brezhnev." This formula had appeared in the second half of 1970 during Brezhnev's stumping tour of Central Asia and was later widely circulated in the republic press in January 1971. Although this formula was carried in all but two of the 14 republics Party newspapers, it failed to appear at the 24th Party Congress.

Two "honored workers" at the Congress drew attention to Brezhnev's record as a front-line warrior in World War II, a subject which Brezhnev may feel receives too little mention in the heavy daily coverage of wartime reminiscences in the Soviet press. Collective farm chairman I. Mazunov harked back to the Red Square victory celebration of 1945 in which Brezhnev participated, and L. V. Smirnova, an ex-machine-gunner, confessed to tears of pride and joy when Brezhnev, "himself a former front-line soldier who passed through the flames of war," praised the work of veterans.

C. Changes in the Politburo

The only change in the Politburo made at the Congress was the addition of four full members, of whom Moscow City Party boss Grishin (56), Kazakh Party boss Kunayev (58), and Ukrainian Premier Shcherbitskiy (53) were previously candidate members. The fourth, F. D. Kulakov (53), the CPSU Secretary in charge of agriculture, has had a rapid rise; he now joins Brezhnev, Suslov, and Kirilenko in holding a CPSU secretaryship and full Politburo membership. Kunayev and Shcherbiskiy are believed to be closely tied to Brezhnev, and Kulakov has worked closely with both Brezhnev and Polyanskiy in agriculture. Grishin's political ties are less clear, but his rise was linked with Shelepin's slow decline in political fortunes. The addition of these new men lowers the average age of the Politburo full members from 63 to 61.

As was the case in 1966 at the 23rd Party Congress, Brezhnev announced the newly-elected Politburo members and Secretaries in an order of ranking other than the standard alphabetical order. For the most part, his listings are consistent with the apparent standings of political leaders. Kosygin was dropped from second to third place in Politburo ranking, which possibly reflects slippage in the role of the government as the Party encroaches upon the economic sphere. Podgorny rose to second place in the Party protocol rankings, but this is probably more the result of Kosygin's downward movement than of any significant accrual of power or status to Podgorny (it is also normal in official protocol that the President ranks ahead of the Premier). Suslov and Kirilenko retained their rankings as fourth and fifth, respectively. The failure to give any public recognition of Kirilenko's role as Breznev's general deputy was somewhat surprising.

More significant was the drop of RSFSR Premier Voronov from fifth to tenth place and that of Shelepin from seventh to eleventh place in protocol ranking, the lowest of the incumbents. After the 23d Party Congress Shelepin lost his CPSU secretaryship after being demoted in July 1967 to leadership of the Soviet trade union movement, and at the 24th Party Congress he has seen many of his former associates lose their CPSU Central Committee status subsequent to losing their domestic posts and being sent into diplomatic exile. Retention of Shelepin and Voronov on the Politburo, despite Brezhnev's reported animus toward the former, may in large part result from Politburo determination not to upset the political balance which has prevailed since the ouster of Khrushchev and suggests continued limits to Brezhnev's power.

Politburo listed by Brezhnev at the 1966 and 1971 Party Congresses; full members

1966	1971
1. Brezhnev	Brezhnev
2. Kosygin	Podgorny
3. Podgorny	Kosygin
4. Suslov	Suslov
5. Voronov	Kirilenko
6. Kirilenko	Pel'she
7. Shelepin	Mazurov
8. Mazurov	Polyanskiy
9. Polyanskiy	Shelest
10. Shelest	Voronov
11. Pel'she	Shelepin
	Grishin
	Kunayev
	Shcherbitskiy
	Kulakov

Demichev dropped from first to third place in the protocol list of Politburo candidate members and now ranks behind Andropov and Ustinov. Demichev may have slipped because of regime dissatisfaction with the effectiveness of ideology and propaganda, which is his area of responsibility. A consolidation of all ideological efforts in one section of the CPSU Secretariat was called for by Tadzhik Party boss Dzhabar Rasulov in his speech at the 24th Party Congress who said that such a move would eliminate unnecessary "parallelism." If this measure is carried out Demichev's position would be considerably undermined should someone else be named to head the consolidated section.

The increase in KGB representation on the new Central Committee and the protocol ranking position of Yuriy Andropov appear to be consistent with the regime's recognition of the importance of the political police as a pillar of the system.

Politburo listed by Brezhnev at the 1966 and 1971 Party Congresses; candidate members

1966	1971
1. Demichev	Andropov
2. Grishin	Ustinov
3. Mzhavanadze	Demichev
4. Rashidov	Rashidov
5. Ustinov	Masherov
6. Shcherbitskiy	Mzhavanadze
7. Kunayev	
8. Masherov	

The changes worthy of note in the ranking of CPSU secretaries are the rise of Kulakov from tenth to fourth place, which clearly stems from his advancement to the Politburo, and the exchange of the fifth and sixth places by Ustinov and Demichev with Ustinov the beneficiary. Katushev continues to hold a very junior ranking in the Secretariat, number nine of ten; despite top-level patronage he has not managed to rise even to the number seven ranking once held by Yuriy Andropov, his predecessor in the bloc liaison post. His relative youth and lack of seniority (only three years on the Secretariat) apparently are still restraining factors. This point was underlined in the December 19, 1968 issue of *Pravda* which used the unique formula—"Secretary under (*pri*) the CPSU Central Committee"—when referring to Katushev.

Protocol listing of CPSU Secretariat given by Brezhnev at 1966 and 1971 Party Congresses

1966	1971
1. Brezhnev	Brezhnev
2. Suslov	Suslov
3. Shelepin (removed September 1967)	Kirilenko
	Kulakov
	Ustinov
4. Kirilenko	Demichev
5. Demichev	Kapitonov
6. Ustinov	Ponomarev
7. Andropov	Katushev
8. Ponomarev	Solomentsev
9. Kapitonov	
10. Kulakov	
11. Rudakov (died July 1966)	

D. Protocol Revised for Chairing of Daily Sessions

Protocol snubs were experienced by four full members of the pre-expansion Politburo—Kosygin, Polyanskiy, Voronov, and Mazurov in that none of them chaired sessions of the 1971 Party Congress, although they had five years ago. Kosygin and Voronov received further protocol snubs which were discussed previously, but the common tie in this case appears to be that their responsibilities are governmental rather than Party.

The slights administered to the four government leaders in respect to chairing daily sessions of the Congress is in contrast to the scrupulous observance of the protocol governing Politburo speakers. At both the 23rd and 24th Party Congresses, the same four full members of the Politburo gave speeches: Brezhnev, Kosygin, Podgorny, and Shelest.

E. Future Leadership Changes Still Possible

The failure to retire senior Politburo members was consistent with the stand-pat posture of the 24th Party Congress, but it only postponed the inevitable. In view of the age of the senior political leadership, it seems quite clear that many of the present incumbents of the top Politburo posts will not be in office five years hence at the 25th Party Congress. The expansion of the Politburo from 11 to 15 full members may, however, be a prelude to an eventual rejuvenation of the top leadership. One possibility for change exists in the Ukraine since it is not clear whether the newly promoted Shcherbitskiy will remain as Ukrainian premier or will come to Moscow.

It is also possible that Pel'she, now 72, will remain in office as chairman of the Party Control Committee only long enough to supervise the exchange of Party cards and presumed cleansing of Party ranks announced by Brezhnev at the Congress. The often rumored departure of Kosygin did not occur. But at 67 he might be inclined to lay down the burdens of office once the Five-Year Plan is finally approved later this year.

F. New Central Committee Contains Few Surprises

As expected, the composition of the new Central Committee revealed few surprises. Most of the changes resulted from the Congress placing its stamp of approval on promotions, demotions, and transfers of personnel since the 23rd Congress. Others recognized retirements and death of incumbents and their replacement by rising younger officials. But one fact emerged clearly from the composition of the new Central Committee: no process of rejuvenation is underway if only because many of the shifts were promotions within the Central Committee. The increased tenure in the Central Committee reflects the strength of the bureaucracy but

does not seem to indicate any increased role in policy formulation in this regime except, perhaps, as a conservative constraint.

The overall size of the Central Committee increased from 360 to 396, including an increase of 46 full members and a decline of candidates from 165 to 155 (see Table 1). Actual turnover among full members was 37 percent: 19 percent were dropped and 17 percent were promoted from candidate status and from the Central Auditing Commission. The rate of change was higher among the candidate members and the Central Auditing Commission, although total membership in these categories fell slightly. Most of the 96 Central Committee members who were dropped had either died (e.g., Marshal Voroshilov), retired (e.g., ex-Ambassador to Poland Aristov), or had already been demoted (e.g., ex-KGB head Semichastnyy). Several, however, had not been known to be in difficulty and their loss of Central Committee status would seem to presage their removal from office (see below).

The occupational and geographic distribution of the new Central Committee closely parallels those of 1961 and 1966 (see Table 2). What changes are evident within categories are largely compensatory. The highest proportion by occupation was and is found among the professional Party workers (42.7 percent), the *apparatchiki*, the vast majority of whom live and work outside of Moscow (78.1 percent). Government is the next largest category (36.4 percent); in contrast to Party workers on the Central Committee, they are found primarily in Moscow (68.1 percent). Virtually all members of the USSR Council of Ministers are represented as are ranking government officials from each of the republics. Military and security apparatus representation in the Central Committee increased slightly but remained numerically small. The "others" category, comprising mostly plant directors and outstanding workers, also remained small.

Analysis of individual changes in the Central Committee shows that several officials associated with Brezhnev have prospered at the 24th Party Congress. Among those promoted were two of his personal assistants—G. E. Tsukanov and A. M. Aleksandrov-Agentov—but his assistant for agriculture, V. A. Golikov, did not receive this honor. Two key officials of the CPSU Secretariat—K. U. Chernenko, head of the General Section, and G. S. Pavlov, Administrator of Affairs—who are also considered close to Brezhnev, were both elected full members of the CPSU Central Committee.

The other members of the visible triumvirate also placed their aides on leading Party bodies. Two officials close to Kosygin—A. K. Gorchakov, head of the Secretariat of the Council of Ministers USSR, and M. S. Smirtyukov, Administrator of Affairs of the same body—were added to the Central Auditing Commission. Two assistants of Podgorny were similarly honored: L. M. Shevchenko, Podgorny's assistant, and P. F. Pigalev, head of the Department for Soviets of the Presidum of the Supreme Soviet USSR. Unlike Shevchenko, Pigalev was a hold-over on the Central Auditing Commission from 1961 although at that time he held a far more important post in the CPSU Secretariat.

Future changes within the CPSU Secretariat were signaled by the altered status of several officials. Four officials were dropped from the Central Committee: A. S. Panyushkin (66), head of the Cadres Abroad Section (and former Ambassador to the US); N. N. Organov (70), head of an unnamed section; S. A. Baskakov (60), deputy head of the Heavy Industry Section; and P. K. Sizov (55), head of the Light and Food Industry Section. Sizov appears to be linked by career with Kosygin.

The promotion to the Central Auditing Commission of I. P. Yastrebov, presently First Deputy Head of the Heavy Industry Section, apparently compensates for the departure of S. A. Baskakov. Two promotions of officials in the Propaganda Section—A. N. Yakovlev, First Deputy Head, and K. M. Bogolyubov, a deputy head—suggests that the regime may be on the verge of filling the top post in the section which has been vacant since V. I. Stepakov was assigned as Ambassador to Belgrade.

Changes are apparently planned also in the People's Control Committee, USSR, since the present Chairman, P. V. Kovanov (64), was dropped from the Central Committee; his deputy, V. M. Churayev, was also demoted from full membership on the Central Committee to the Central Auditing Commission.

A change in the government appears likely since A. P. Volkov (61), Chairman of the State Committee for Labor and Wages USSR, has lost his seat on the Central Committee. And a change in the Ukrainian Government also appears likely since N. A. Sobol's, a First Deputy Chairman of the Council of Ministers Ukrainian SSR, has lost his seat on the Central Committee. The loss of his candidate membership in the Central Commitee by N. D. Bubnovskiy suggests that he may lose his rank as First Secretary of the Khmel'nitskaya Oblast Party Committee in the near future.

Changes in the membership of the trade-union leadership seem likely; trade-union secretary N. N. Romanov and V. A. Podzerko, a secretary of the World Federation of Trade Unions, lost their seats as candidate members of the Central Committee. An official of the RSFSR Council of Ministers also lost his candidate member rank: Minister of Culture N. A. Kuznetsov.

The diplomatic establishment increased its representation on top Party bodies to a high of 23. Both the Foreign Office representation and the number of ambassadors to nonbloc countries increased; for the first time the ambassadors to Washington, Havana, and Chile achieved full membership on the Central Committee. The Soviet Ambassador to Paris lost his Central Committee seat, but this seems due more to age (69) and his possibly early departure than to any diminished interest in Franco-Soviet relations. It is rumored that Abrasimov, Soviet Ambassador to East Germany and a full member of the Central Committee, will be assigned to Paris.

TABLE 1.—OCCUPATIONAL COMPOSITION OF CPSU CENTRAL COMMITTEE, 1961, 1966, 1971

Primary occupation [1]	November 1961 (22d CP Congress)		April 1966 (23d CP Congress)		April 1971 (24th CP Congress)	
	Number	Percent	Number	Percent	Number	Percent
Full members:						
Party workers	87	49.7	90	46.1	100	41.5
Government	62	35.4	75	38.5	95	39.4
Military and security	14	8.0	16	8.2	24	10.0
Others	12	6.9	14	7.2	19	7.9
Unidentified	0		0		3	1.2
Total	175	100.0	195	100.0	241	100.0
Candidate members:						
Party workers	63	40.7	69	41.8	69	44.5
Government	54	34.8	59	35.8	49	31.6
Military and security	18	11.6	19	11.5	15	9.7
Others	20	12.9	13	7.9	15	9.7
Unidentified			5	3.0	7	4.5
Total	155	100.0	165	100.0	155	100.0
Total:						
Party workers	150	45.5	159	44.2	169	42.7
Government	116	35.1	134	37.2	144	36.4
Military and security	32	9.7	35	9.7	39	9.8
Others	32	9.7	27	7.5	34	8.6
Unidentified	0		5	1.4	10	2.5
Total	330	100.0	360	100.0	396	100.0

[1] Includes officials transferred to other, unidentified work or who were "retired" and those engaged in unidentified work who were elected in April 1971.

TABLE 2.—GEOGRAPHIC DISTRIBUTION OF CPSU CENTRAL COMMITTEE, 1961, 1966, 1971

Primary location [1]	November 1961 (22d CP Congress)		April 1966 (23d CP Congress)		April 1971 (24th CP Congress)	
	Number	Percent	Number	Percent	Number	Percent
Full members:						
Moscow:						
Party workers	21	24.1	23	25.6	23	23.0
Government	43	69.3	52	69.3	70	73.7
Military and security	11	78.5	15	93.8	19	79.2
Other	5	41.7	7	50.0	10	52.6
Total	80	45.7	97	49.7	122	50.6
Candidate members:						
Moscow:						
Party workers	12	19.0	16	23.2	14	20.3
Government	33	61.1	39	79.6	28	57.1
Military and security	11	61.1	11	57.9	7	46.7
Others	11	55.0	4	30.8	8	53.3
Total	67	43.2	70	43.8	57	36.8
Total:						
Moscow:						
Party workers	33	22.0	39	24.5	37	21.9
Government	76	65.5	91	67.9	98	68.1
Military and security	22	68.7	26	74.3	26	66.7
Others	16	50.0	11	40.7	18	52.9
Total	147	44.5	167	47.0	179	45.2

[1] Includes officials transferred to other, unidentified work or who were "retired", and those engaged in unidentified work who were elected in April 1971.

The only change in bloc representation was the promotion of the ambassador to North Korea to the Central Auditing Commission, thus restoring the rank the position formerly enjoyed. Several one-time associates of Politburo member Shelepin, namely the ambassadors to Copenhagen (N. G. Yegorychev), Canberra (N. N. Mesyatsev), and Nairobi (D. P. Goryunov), lost their seats on the Central Committee. A small mystery is connected with the naming of G. I. Fomin as a Candidate Member of the Central Committee; he departed Mexico City to retire from the diplomatic service in early 1970 and has not been seen since. Whether or not he is still connected with the Ministry of Foreign Affairs is unknown. The election of the Ambassador to Stockholm, V. F. Mal'tsev, to the status of candidate member of the Central Committee was apparently linked with the decision to make him Ambassador to Helsinki, which was announced at the end of April. Mal'tsev replaced Aleksey Belyakov who held no national Party rank and may be in difficulty.

Proportionately the largest change was in the security apparatus. In 1966 KGB head Semichastnyy was a full member and the ranking regular police chief, RSFER MOOP Minister Tikunov, was a candidate. In 1971, these demoted members of Shelepin's coterie were dropped, but overall security representation went up to five. KGB chief Andropov and MVD head Shchelokov, a Brezhnev man, were made full members, and Andropov's three deputies received national Party recognition; First Deputy KGB head Tsvigun and Deputy Chebrikov were named candidates, and Deputy Tsinev was made a member of the Central Auditing Commission.

Military representation on the Central Committee remained almost constant, but there were changes in composition. The commander of the Air Defense Forces (PVO), Marshal Batitskiy, was made a full member; in 1966 his predecessor was not made a full member and shortly thereafter was removed from office. Now all major force commands are once again represented on the Central Committee.

The deaths of several of the aged marshals apparently opened up positions which were filled primarily by heads of field commands, the relative importance of which also seems to have changed. Those facing China were upgraded. The commanding generals of the Far East Military District (MD) and the new Central Asian MD were made full members of the Central Committee and the head of the Transbaykal MD was named to the Central Auditing Commission. The commanders of the Group of Soviet Forces, Germany, and of the Leningrad MD were promoted from candidate to full members, while Kiev MD's representation was dropped from full to candidate status. Moscow's PVO, the Central Group of Forces (Czechoslovakia), and Transcaucasus MD's commanders were also made candidate members for the first time. The latter two apparently replaced the chiefs of the Carpathian MD and of the Baku PVO who were dropped, along with the Volga MD.

6. The Party: Changes in Statutes

On Brezhnev's initiative the Congress made three basic changes in the Party Statutes. The first materially broadened the Party's formal right to interfere in the work of ministries' and non-economic agencies. The second extended the intervals between Party Congresses and lesser Party meetings. And the third altered the traditional administrative-territorial structure of Party subordination of civilian Party units to take into account the formation of production associations.

Primary Party organizations now have the right to control the management of cultural, education, research and other institutions, in addition to their long-standing right of control over the management of productive enterprises. This extension fills a long-standing gap in the system of Party controls and probably reflects in part leadership concern with the apparently growing disenchantment among intellectuals with Party structures. It is very much in line with the recent decree criticizing the Party unit in the Lebedev Physics Institute, the home base of Academician Sakharov and other prominent dissidents.

Of equal if not greater importance, Party organizations within ministries and comparable state agencies have been given the right to control their respective administrations and oversee the observance of Party as well as State discipline by all employees of the agency. Heretofore, ministerial-type Party organizations were specifically forbidden exercise of such rights; now they are only prohibited from directly interfering in the activities of enterprises and institutions subordinate to the ministry, which are, of course, already monitored by local Party organs. While ministerial-type Party units still will have somewhat less control than their counterparts in other organizations, the formal granting of even these limited rights represents a victory for the Party apparatus over the government bureaucracy.

These changes directly counter the thrust of the 23rd Party Congress against Party interference in the operations of non-Party activities. Then, "petty tutelage," defined as direct action by the Party apparatus in the affairs of enterprises and institutions, was roundly condemned, and the Party was directed to exert its influence only through primary Party organization formed within enterprises and institutions. This theme was totally lacking at the 24th Congress not because it is no longer practiced but evidently because it has not proved effective enough. Rather than formally sanction the practice, the Party chose to ignore it and concentrate instead on beefing up the rights of primary Party organizations. The decision to grant control rights to them, moreover, marks a fundamental shift in organizational philosophy. Up until now Party "control" was limited to productive operations in accordance with Marxian writ; now it is being extended to intellectual work as well.

The Congress also decreed an extension of the intervals between its convocations and those of lesser Party meetings. All-Union Party Congresses are now to be held at five rather than four-year intervals, ostensibly to have them coincide with five-year plan periods. Actually, the frequency proviso has usually not been observed, and the lengthening of the interval at the national level amounts largely to an *ex-post facto* approval of Congress timing.

At lower levels, all republic congresses are now scheduled for five years; heretofore, those republics subdivided into provinces had a four-year interval while those without provincial subdivision, a two-year one. Provincial Party conferences are now to be held twice within the five-year period rather than once every two years. Local Party convocation schedules remain unchanged except for those large organizations which have the rights of a county Party unit. At the lower levels at least, the lengthening of the interval has the effect of lessening the accountability of Party professionals to their so-called constituents.

Other statute changes included granting the right to intermediate-level Party committees to form primary Party organizations within the framework of several enterprises belonging to one of the new production associations even though the enterprises may be located in different administrative-territorial divisions but usually within the boundaries of one city. This represents a departure from the administrative-territorial approach in the management of civilian Party organizations; the military and security apparatus Party organizations follow the chain of command. It does, however, constitute an improvement over the muddled structure obtaining during the *sovnarkhoz* period when Party officials within a given *sovnarkhoz* frequently reported through different channels. Its adoption will strengthen the powers of superior Party units in whose territory production association headquarters are located at the expense of those which lack them.

H. Cleansing of Party Ranks

While Brezhnev noted with pride that the Party now numbers almost 14.5 million, or 9 percent of the adult population of the Soviet Union, he also expressed approval of the marked slowing down in its rate of growth in recent years,[1] and went on to call for an exchange of Party cards. He implied that the Party has become too large, unwieldy and undisciplined and that the exchange would be used to weed out apathetic as well as undesirable members. The Congress resolution confirmed that the occasion would be utilized to cleanse Party ranks. While a major Stalinist-type purge is unlikely, it is unclear how widespread or high up in the hierarchy this cleansing of ranks is expected to reach. Brezhnev's reference to the 17-year period which has elapsed since the last exchange, however, hints that a net decline in Party membership may occur, for 1953 saw the only such net decline in the post-Stalin period.

The exchange of Party cards could also be utilized against higher-ranking figures in the regime. Brezhnev struck an ominous note in his discussion of managerial deficiencies when he stated: "Nobody is appointed to leading posts forever, Comrades." Another hint that his cleansing of Party ranks might extend upward was contained in the revelation that the Party Control Committee attached to the Central Committee as well as is local counterparts would play a serious role in this operation. It is believed that the Control Committee's jurisdiction as a prosecutor and court of the first instance is limited to persons having Central Committee status. As a court of second instance, it of course encompasses cases at all echelons.

In this connection, Brezhnev noted in his final remarks, as broadcast but not published, that a number of communists who had been expelled in the past have petitioned for reinstatement. He did not identify them, but mention at this forum indicates that they were once high-ranking, and his use of the term "Communists" suggests that these appeals will be heard favorably. The most prominent persons within this category are members of the so-called anti-Party group, such as Molotov, at least several of whom were quietly expelled after their removal from office. Reinstatement would enable them to receive their not inconsiderable Party pensions and enable them to die with their Party boots on. The Congress agreed with Brezhnev's suggestion that the Central Committee take cognizance of the matter.

II. The Government

Relatively little attention was given at the Congress to Soviet state organs. Indeed, the manner in which the issue of expanded powers for local soviets was given short shrift by the leadership simply underscores the hollowness of the recent decrees on the subject.

The importance of law and the need for stricter enforcement of state and labor discipline, however, received considerable attention. At the republic congresses, every First Secretary without exception emphasized the "law-and-order" theme, as did many who addressed the 24th Party Congress. In his accountability report before the latter, for example, Brezhnev emphasized the importance of law and the equality of all before it. Law was envisaged, however, as a means to enforce stricter discipline, a persistent theme throughout his speech. The emphasis, therefore, was on the duties of the citizen before the state rather than on the individual's rights.

Footnotes at end of article.

Clearly concerned over the economic repercussions of violations of labor discipline, economic crimes ranging from embezzlement to petty pilferage, "parasitism" and low labor productivity resulting from cynicism, the regime is turning to stricter enforcement of the laws as a means to crack down on dissenters, nonproducers and those who siphon off public funds. This is unlikely to have any curative effects, however, since in essence it deals with the results rather than the causes.

On a related theme, Brezhnev, in his report, emphasized the prophylactic role played by the KGB in protecting Soviet society from the ever-present threat of imperialist subversion. The security organs had been strengthened by more ideologically mature cadres, he said. Brezhnev's remark that the Party was indoctrinating the KGB in the strict observance of socialist legality, however, was clearly designed to imply that while the hand of the KGB was being strengthened, the Party had no intention of allowing it to return to the excesses of the Stalinist period.

III. Other internal issues

A. Political-Military

Political-military relations appeared to be quite harmonious at the Congress. Hints of military concern over their share of the resource pie seen in articles and speeches by military leaders prior to its convocation were not apparent during the course of the Congress. Defense Minister A. A. Grechko continued to play up the imperialist threat, but at the same time he expressed gratitude for the Party's constant concern for the armed forces and for its "worthy attention to questions of further strengthening the country's defenses."

There were slight nuances between the Brezhnev and Grechko speeches. Grechko spoke of the objective necessity for a *constant* strengthening of the armed forces. Brezhnev asserted that "to strengthen the Soviet State means to strengthen its armed forces," but he did not promise increased allocations; rather, he said the military had been provided with the most modern weapons and implied that the future growth of military industries would depend upon the international situation.

The congress did not attempt to establish a doctrinal definition of the balance of force between East and West. Although Brezhnev and Gromyko seemed to be at pains to avoid appearing provocative by boasting of Sovet weapons, both referred to military strength as one of the underpinnings of Soviet policy and seemed to reflect satisfaction with improvement in the USSR's military position vis-à-vis the West in recent years. Most of the statements about Soviet spending on the military establishment were cast in terms of continuing Party concern to maintain the Soviet Union's defenses, suggesting that the Soviet Union had the forces it needed but without measuring them against Western forces. The exception was Defense Minister Grechko who, in rejecting any idea of Western negotiation from positions of strength, asserted that the USSR and the socialist countries were capable of meeting force with greater force. Although Brezhnev referred to equal consideration of the security interests of both sides and renunciation of unilateral advantages as the necessary conditions for success in SALT, he did not refer to equality or parity in weapons. The net impression left by the congress materials was one of awareness and satisfaction with increasing Soviet military strength, but an inability or reluctance to try to translate that into a pithy net assessment.

Nonetheless, the military had little cause for dissatisfaction. Brezhnev emphasized that they would get what they needed to defend socialist and communist gains. Moreover, the resolution of the 24th Congress gives somewhat more emphasis to defense than did the 23rd Congress in 1966. In 1966, the resolution called for the CPSU to sharpen the vigilance of the people and reinforce the country's defense potential. In 1971, the order is reversed. The new resolution calls first for "the utmost improvement" of defense might and then for sharpened vigilance. It adds that defense and vigilance are one of the Party's most important tasks.

There were no indications at all during the Congress of any alterations in the relationship between the political leadership and the military establishment. The more extensive commitment of Soviet prestige abroad, particularly than before upon the marshals for expert advice. There is no evidence, on the other hand, to indicate that their role in policy-making has increased.

B. Cultural Policies Unchanged

After almost seven years of progressive retrenchment from the relatively free-swinging Khrushchev days, the Congress found relatively little left to criticize on the cultural scene. Hewing closely to the conservative, middle-of-the-road policies of the recent past, Brezhnev expressed overall satisfaction with the dreary conformity which increasingly rigid Party control has clamped on Soviet culture.

Despite advance speculation, the General Secretary dealt only superficially with the perennial Stalin issue which remains so symbolic of the issues fermenting below the calm surface of society. Brezhnev declared the symbolic Stalin dead and buried, his legacy disposed of by past Party decisions. Solzhenitsyn and other liberal critics who rally round continuing de-Stalinization were lumped together with their ideological opposite numbers, the dogmatic neo-Stalinists and both were dismissed as falling to the left and to the right of the "principled" centrist position.

Chakovskiy was almost alone among speakers to devote considerable attention to the problem of internal dissent, which he characterized as "so-called 'intellectual' anti-communism" designed to "corrupt the Soviet intelligentsia, so to speak, from within." He lumped together all criticism, foreign and domestic, as part of the ideas "earnestly exported by our enemies," including (paraphrasing Solzhenitsyn) the "allegedly inevitable necessity for every genuine artist to find himself in opposition to the State." While cheering on oppositionists in capitalist countries, Chakovskiy denied that artists in socialist states have the same right to criticize their system, which he claimed is already based on social justice.

The final Congress resolution, though it finessed Chakovskiy's more substantive points, implied mild criticism of past cultural performance in urging the creative unions to pay "daily attention" to improvement of the "ideological standard and professional skill" of artists. But the Congress overall, while avoiding the more dire alternatives predicted by internal dissidents and many foreign communists, provided little indication of any change in the direction in which the Party has been moving in cultural policy.

C. Youth Problems Ignored

Ideological and social disaffection among young people regularly receives considerable attention in the press and was discussed at nearly all the republic Party congresses. Yet this issue was, like many others, swept under the rug in Moscow. Komsomol boss Tyazhelnikov gave an empty presentation replete with standard pledges of labor and loyalty. Though he recommended in passing the creation of a special council to coordinate scientific research into youth problems, without further elaboration it is not clear what his organization might consider to be the major trouble spots in youth work. Brezhnev's only substantive remark regarding youth contained a recommendation to further strengthen the "Party nucleus" within the Komsomol by requiring new Party members to continue working in the Komsomol until they receive a regular Party assignment. This would, of course, tend to increase even more the age gap between the leaders and the led in this ostensible youth organization.

D. Increased Attention to Nationalism

The issue of nationalism received somewhat greater attention at this Congress than at the 23rd, including a return to increased deference to the leading place of the great Russian people among Soviet ethnic groups. This may reveal continuing, even increased concern with the stubborn persistence of anti-Russian and localist sentiment. But no really new notes were struck which have not been heard many times before in other forum and the treatment does not seem to herald any substantive policy changes. Neither did the commentary on this problem—which may well be worsening—suggest that recrudescent nationalism constitutes a destabilizing factor at present.

Brezhnev set the tone with praise for the "special role" of the great Russian people which, though a standard formulation, is a theme he omitted in 1966. He went on to call for the "further gradual *rapprochement* of ethnic groups," and while maintaining that general state interests must be balanced with specific national concerns, he appeared to come down on the side of the former in expressing support for the "strengthening" of the USSR.

Brezhnev's rather vague remarks on the subject five years ago were largely limited to exhortations to friendship among peoples and respect for all nationalities, and contained only a passing reference to *rapprochement*. This time around, he deferred to a "spirit of deep respect for all nations" only as an addendum to a call for an uncompromising attitude toward nationalism and chauvinism. Brezhnev concluded with an expression of pride in the "new historical community—the Soviet people," and declared that the past five years had witnessed progress to strengthening the unity of Soviet society. He promised to continue to "develop the process of drawing together."

The comments of republic Party first secretaries reflected local variations in the problem of nationalism through the leaders of the Ukraine and Kazakhstan, the two largest republics after the Russian Federation, again this year largely ignored the issue. Representatives of the Turkic republics, where traditional colonial relationships most obviously still pertain, went to some lengths to demonstrate that they bore their yokes lightly. Kirgiz First Secretary Usubaliyev won the honors for groveling obeisance to the great Russians whom he praised for their "profound internationalism, great talent, brilliant intellects, generous hearts, unselfishness constant readiness for self-sacrifice, and magnanimity."

Uzbek Party boss Rashidov spoke of the Russian people as an "elder brother and faithful friend," while the new Turkmen First Secretary, Gapurov, refuted Western "slander" regarding "Soviet colonialism" in Central Asia. Another new first secretary, Azerbaydzhan Party leader Aliyev, may have reflected deep-seated concern over the issue (and perhaps some inclination to pass the buck) in asking for more theoretical work on the *rapprochement* of nations, research which would correct the "one-sided" ideological concentration on the development of individual republics.

Speakers from those republics with significant emigre populations overseas, i.e., the Baltic states and Armenia, placed somewhat

more emphasis on the external threat posed by imperialist encouragement of bourgeois nationalism. Lithuanian Party head Snechkus joined his Baltic comrades in denouncing the machinations of emigre organizations, while adding a reference to the use of nationalist "criminals' which probably reflects his embarrassment over the Lithuanian hijack case.

Though Latvian First Secretary Voss' predecessor, Arvid Pel'she, had prospered while largely avoiding the issue of nationalism five years ago, Voss addressed himself to the need to acknowledge the primacy of multinational interests and spoke of the "objective necessity" for the mutual exchange of workers among republics. Voss cautioned against both "thoughtless haste or artificial restraint" on the issue, but promised to "expose the bearers" of nationalistic views. In these comments he returned to the theme of an earlier *Pravda* article in which he assailed nationalist Latvian officials for opposing industrial projects which could bring in non-Latvian workers and dilute the native population.

Estonian First Secretary Kebin produced somewhat unique phraseology in promoting the "enrichment and flowering of the multinational Soviet culture" while omitting any attendant genuflection to *rapprochement* of peoples or the pre-eminence of Russian culture. Incidentally, Kebin was almost alone among republic first secretaries in indicating no real concern with nationalistic manifestations in his speech to his own republic congress.

It was perhaps typical of the avoidance of many issues at the Congress that no speaker mentioned the agitation of the Crimean Tatars for repatriation to their homeland and of many Jews for emigration to Israel. These are, of course, two of the most troublesome nationality problems facing the present regime. Zionism was mentioned by several speakers, most notably by *Literary Gazette* editor Chakovskiy, but only in an international context.

Another cluster of issues closely connected with the nationality question was sidestepped by delaying publication of the preliminary 1970 census results until the delegates had all gone home. The census revealed that a number of ethnic groups have registered a net decline in numbers while others have entered into incipient population decline. The Jews, down a surprising 5.2 percent since 1959, are the most prominent losers in the former category, and the hard-pressed Latvian and Estonian minorities in the latter. While ethnic Russians retained an overall majority, the percentage of Slavic peoples as a group in the USSR declined under the onslaught of the explosive Central Asian birth rates.

Advance knowledge of these widely divergent demographic trends may well have underlain the anxiety over nationalism apparent in the Congress deliberations. The Central Asian demographic challenge may also have spurred Brezhnev's announcement of new measures to make it easier for working mothers to bear and care for children and provision of cash payments for children of poorer families. Though these measures may have the effect of raising birth rates overall, the assistance to working mothers will have a stimulative result primarily among European populations in which a high proportion of women are employed.

IV. The economy

A. New Economic Five-Year Plan Continues Established Policies

Continuity, the banner word epitomizing the scenario and the outcome of the recently concluded 24th CPSU Congress, was manifest also in the economic plans for the current five-year period. The CPSU directives for the drafting of the Ninth Five-Year Plan (1971–75), published in February after 30 months' delay and approved with only minor changes by the Congress, chart no novel departures from the policy trends established during the first five years of the present leadership. Most major indicators of economic growth are slated to increase at rates about equal to or below both the planned and actual figures for 1966–70, and there is no evidence of any major reshuffling of resources among the three principal claimants—defense, investment, and consumption.

The apparent moderation in setting the targets and a lack of novel policy departures are in accord with the regime's generally conservative posture and seem to represent a compromise along established lines. The lack of detail compared to the past allows for flexibility in implementation but may also suggest a continuing lack of agreement. For a number of reasons, however, even the seemingly moderate targets may turn out to be too ambitious.

B. Review of Main 1970 Results

Both the directives and the principal speakers reviewed the main economic results in 1970, the final year of the Eighth Five-Year Plan (1966–70), which brought a steep upturn in the growth rate of overall output, chiefly as a result of the superior performance of agriculture. In assessing the results, Brezhnev and other main speakers[3] repeated the by now standard official claim that the basic tasks of the 1966–70 plan, set by the 23rd CPSU Congress in April 1966, were successfully achieved.[3]

This claim is entirely unwarranted, since what was actually achieved was the fulfillment (or a slight overfulfillment) of revised targets, twice scaled down from the original levels by substantial margins. Both downward revisions, necessitated by the economy's lag behind the original targets, took place at what the regime must have considered politically most inopportune moments—the first in October 1967, on the eve of the 50th annivesary of the Bolshevik Revolution; the second in December 1969, on the eve of Lenin's Centenary. Even a veiled acknowledgement of a failure to meet the original goals from the forum of a Party Congress clearly proved unpalatable to the leadership.

The unwarranted claim that the original 1966–70 targets were on the whole met is belied with particular clarity by output statistics for key industrial commodities, although agriculture, investment (including housing construction), and labor productivity also fell short of their mark (see Tables 3 and 4). The targets for money incomes and real per capita incomes, set at relatively modest levels, were, however, somewhat overfulfilled. The official assessment of the 1966–70 results is plainly intended to convey the political message that the present leadership has faithfully carried out the mandate of the 23rd Party Congress, and thus, by implication, deserves continuing confidence and support.

National Income. The growth rate of national income in 1970, as reported in the plan fulfillment report published in February and cited by the main speakers at the Congress, reached 8.5 percent, nearly twice the rate reported for 1969, bringing the 1966–70 annual average to 7.1 percent and the overall increase for the five-year period to 41 percent. The latter figure represents the upper limit of the original target (38 to 41 percent) and is suspect, since the output of most important individual commodities fell far short of the stated goals. The same reservation applies in particular to industry, where overall production goals assertedly were either met or slightly exceeded, while the bulk of individual industrial commodities fell far short of the original output goals.

Industry. Overall industrial output in 1970 registered a slight acceleration in the rate of growth, officially reported at 8.3 percent, reversing the declining trend of the preceding two years. For the fourth consecutive year, the rate of output of consumers' goods ("Group B") registered a slight edge over that of producers' goods ("Group A"), but for the five-year period as a whole "Group A" goods output retained a small margin over "Group B" goods overall growth rate.[4] The traditional emphasis on rapid growth of producers' goods output since the launching of the First Five-Year Plan (1928–32) had increased its proportion in the total industrial output from 40 percent in 1928 to over 74 percent in 1966 and correspondingly had reduced the proportion of consumers' goods from 60 to less than 26 percent.[5] These proportions have remained virtually unchanged to date. Despite the slightly increased emphasis on a stepped-up production of consumers' goods, the largest output growth rates in 1970 were posted by branches or lines of production which are essential for the modernization of the economy, such as machine-building and metalworking (11 percent), the chemical industry (12 percent), and, within these branches, the production of instruments, means of automation, and control systems (21 percent), mineral fertilizers (20 percent), and plastics and synthetics resins (15 percent).

Agriculture. The farm sector, which was chiefly responsible for the 1970 spurt in the growth rate of national income, registered an increase in overall output of 8.7 percent, following a drop of 3–4 percent in 1969, to a total valued at 85.8 billion rubles. That the regime regards the 1970 upturn as a temporary — if not fortuitous — development which cannot be sustained over a longer term is evident from the growth targets set for the current five-year period for both agriculture and the non agricultural sectors (see below).

The output of grain, the crucial crop, reached over 186 million metric tons (bunker weight, including excess moisture and impurities), which will yield an estimated 150–155 million metric tons of usable grain (of standard moisture, net of impurities). It is noteworthy that, unlike the other statistics on the 1970 result cited in the directives and mentioned by several speakers at the Congress, the figure on grain production had not been officially announced previously. A prize political plum, its release was obviously delayed to be proffered by the proper person from the proper forum and to add another feather to Brezhev's cap.

Consumer Welfare. The relatively moderate 1966–70 targets for increases in money and real incomes of both urban and rural labor forces were overfulfilled (see Table 3)—money incomes of workers and employees by a fairly wide margin, largely because of the regime's inability to keep wages and salary expeditures in check. The gap between urban and rural incomes was somewhat reduced but still remains wide.[6] Expenditures from the social consumption funds also increased faster than planned (possibly reflecting salary increases for teachers, health services personnel, pension increases, etc.) as did retail trade turnover. Nevertheless, savings deposits continued to increase at the rate of about 20 percent annually throughout the quinquennium, attesting to continuing inadequacy of the supply of acceptable goods and services at the going prices, and further aggravating the latent inflationary pressures.

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C. Main Targets for 1971–75

The directives imply an average annual increase in national income over the next five years of 6.7 percent, which is somewhat below the average annual rate achieved during 1966–70 and substantially below that claimed for 1970 (see Table 3). This lowering of sights on growth may have been mainly prompted by an anticipated slowdown in the rates of labor and capital inputs which is to be at least partially offset by step increases in productivity and a marked improvement in product quality and durability, which the regime has come increasingly to recognize as an effective substitute for growth *per se*. To this end, the directives—as well as the speeches of the principal rapporteurs at the Congress—lay great stress on the need to accelerate the pace of technological progress, but offer no concrete recipe for a speedy attainment of this objective.

Industry: Producers' vs. Consumers' Goods. In industry, some slowdown is also indicated by the projected growth rates for both overall output and (with some exceptions, most notably motor vehicles) individual industrial commodities (see Tables 3 and 4). For the first time since the launching of the First Five-Year Plan (1928–32), the directives for the drafting of the current plan call for the output of consumers' goods to grow at a slightly higher rate than that of producers' goods during the entire five-year period, continuing a policy initiated on an annual basis in 1968. But heavy industry and particularly the branches and lines of production which are key to the modernization of the entire economy retain their high priority; these include electric power generation, chemical and petrochemical industries, machine-building, instrument-making, production of means of automation, computers and equipment for mechanizing labor-intensive operations.[7] Despite the window-dressing, the traditional pattern of priorities seems virtually unchanged.

Agricultural Goals. Overall output of the farm sector is scheduled to rise by 20 to 22 percent over the next five years, or at the same overall rate as it had registered during 1966–70. The production of grain, the pivotal crop, is to reach the annual average of 195 million metric tons (bunker weight, providing some 160 million metric tons of usable grain). The three-pronged program of complex mechanization, large-scale chemicalization and land improvement, initiated in 1965, but lagging behind the original schedule, is to continue at a somewhat accelerated pace. To implement this program, agriculture is to receive 129 billion rubles or about one-quarter of the total investment funds of some 490 billion rubles.

D. Consumer Program Gets Top Billing

Most of the principal speakers at the Congress, with the notable exception of Kosygin,[8] played the highly-advertised consumer-orientation of the current Five-Year Plan (a theme accepted uncritically by many a Western newsman) to the hilt—albeit without justification. Brezhnev in particular, took great pains to give the new Five-Year Plan's consumer program a prominence which is totally unwarranted by the adduced figures. While there is little doubt about the regime's earnestness in seeking to provide tangible material incentives to stimulate greater and more productive efforts on the part of the working population, and while the directives describe the need for a marked improvment in the consumers' lot as "the main task of the Five-Year-Plan," they add the usual caveat that this objective can only be achieved on the basis of high rates of production throughout the economy, particularly in agriculture, based on steep increases in productivity, product quality, and efficiency in general.

While the output of consumers' goods over the next five years is slated to increase at a slightly higher rate than that of producers' goods, the planned overall rate of increase is lower than that claimed to have been achieved during the Eighth Five-Year Plan (1966–70) (see Table 3). Furthermore, the overall increases planned for the light and food industries—the two main contributors to the total volume of consumers' goods—are scheduled at levels far below that scheduled for consumers' goods as a whole,[9] indicating that the regime is banking heavily on a dramatic increase in the supply of durable consumers' goods, whose output has been growing fast from a still small base, and on additional supply from heavy industry enterprises, which in the past, despite continuous exhortations by the regime, have found production of consumers' goods from scrap materials unprofitable. The low overall rates planned for the light and food industries and the very narrowness of the gap projected for the growth rates of consumers' and producers' goods, respectively, suggest continuing division within the regime on this issue or, at best, an intent to continue the policy of carefully doled, gradual concessions to the consumer. Although the specific targets of the consumer program may have been set prior to the outbreak of the Polish riots of December 1970, the packaging and presentation of the program by Brezhnev seem to have been motivated by those events.

The planned increases in minimum wages, increases in pay of medium-paid workers, introductions of regional pay differentials based on the arduousness of working conditions, increases in minimum pensions, grants and allowances for some families, increased maternity benefits and student stipends, increased payments to the disabled, selective reductions of income taxes, and other benefits are phased over the entire five-year period.[10] Average increases in money earnings of workers and employees, income of collective farmers from the communal economy (both cash and in kind), expenditures from the social consumption fund, retail trade turnover, and real per capital income of the working population are all planned to increase at lower rates than were registered during 1966–70 (see Table 3). The post-Stalin policy of narrowing the gap between the urban and rural living standards is to be continued, but the gap will still remain wide by the end of the current Five-Year Plan even if the policy is successfully implemented.[11]

E. Economic Policies Remain Contentious

Glimpse of disagreements over economic policies that doubtless simmered beneath the smooth surface of the Congress were caught in several speeches there and in those at the republic congresses immediately preceding it. Prominent among these were the perennial problem of resource allocation, which appeared in several variants, and the question of the efficacy of the economic reform adopted in 1965 but subsequently watered down.

Allocation of Resources. Persisting differences over the allocation of resources were expressed in the contexts of light versus heavy industry, agriculture versus industry, and military versus civilian sectors.

In his accountability report, for example, Brezhnev seemed to be defending his increased attention to consumer goods (even if largely cosmetic) against diehard exponents of heavy industry. He reminded them that Lenin himself had pointed to consumers' goods as the ultimate objective of the manufacture of producers' goods. He gave assurances that attention to heavy industry and defense would not be reduced in the future, and said that in the past there had been no choice but to sacrifice allocations for consumers' goods so that the industrial base might be strengthened. But times had changed, he declared, and the Soviet Union now had the economic potential to direct larger investment to light industry. And in what could only have been seen as a rebuke to the heavy industry lobby, he condemned those who "subjectively" opposed the consumer goods program. He warned:

"What was explicable and natural in the past when other tasks were in the foreground is unacceptable, comrades, in present conductions. And if some comrades do not take this into account, the Party has the right to see in such attitudes either a lack of understanding of the essence of its policy . . . or the desire to justify their inactivity."

For reasons which remain obscure, however, *Pravda* carried this passage in the account of his speech while it deleted his broadcast comment that producers' goods account for 74 percent of total industrial output while consumers' goods account for only 26 percent.

The agricultural lobby's long-standing grievances against heavy industry exponents were also given expression. For example, G.S. Zolotukhin, First Secretary in Krasnodar Kray and believed to be a member of the Polyanskiy coterie, insisted that "comrades" at all levels must have a clear understanding of the importance of agricultural production and must "rebuff and correct those who still do not fully comprehend agriculture's role and requirements." Perhaps significantly, these controversial passages which implied criticism of the industrial lobby were deleted from *Izvestiya's* account of Zolotukhin's speech but not from *Pravda's*.

Resource allocations were less of a contentious issue at the republic Party congresses—or perhaps the disagreements were simply articulated less sharply. Differences were nonetheless visible. While, for example, virtually every major speaker at the republic congresses called for higher living standards, there were differences as to how to go about achieving them. The majority stressed more consumers' goods at the key element, but Byelorussia Party chief P. M. Masherov, a supporter of Politburo member K. T. Mazurov, gave them short shrift. Rather, his emphasis was on higher wages, which in turn would be brought about by increased productivity. As further evidence that he favored heavy and military industries over light, he stated flatly that the Soviet people are "willing to make any sacrifice" in order to strengthen their armed forces, thus implying that they would be willing to do without the consumers' goods Brezhnev has been talking about. (Given this position on Masherov's part. (it was rather dubious that he was among those lauding Brezhnev at the Moscow Congress.)

Brezhnev adherents Usubaliyev in Kirgizia and Aliyev in Azerbaidzhan followed the same general pattern as Masherov, though in somewhat muted form. They, like Mzhavanadze, the Georgian Party leader, pointed to consumers' goods but were more emphatic in urging defense needs. Why Aliyev and Usubaliyev, who normally hew closely to Brezhnev's line, should have given relatively more stress to defense than to consumers' goods while their chief was giving exactly the reverse emphasis remains a mystery.

In another context, the extreme paucity of data on investment in the directives of the 24th CPSU Congress contrasts sharply with

Footnotes at end of article.

those of the 23rd Congress, held in 1966, and suggests that specific allocations of resources among the various sectors and branches (except for agriculture for which the allocation was approved last July) continue to be a subject of indecision. Both Brezhnev and Kosygin cited some specific figures—notably planned investments in the light and food industries—but Brezhnev's subsequent remarks suggested that the source of the funds intended for these industries was by no means assured and, at any rate, neither the draft nor the approved directives cited the figures. Kosygin also stated that "there are to be essential changes in the size of capital investments in individual branches of the economy," and mentioned approximate percentage increases intended for some branches, but gave no specific absolute figures. In any event, the allocation of resources should be finalized before August 1, the latest of a number of deadlines set for the drawing up of the final draft of the Five-Year Plan, which is to be submitted to the Supreme Soviet economic and budgetary commissions by September 1.

Economic Reform. Further indications of political infighting were seen also over the issues of economic reform and planning. At the republic Party congresses, the majority of speakers ignored the economic reform issue altogether and those who did mention it generally did so in the context of unfulfilled expectations. At the Moscow Congress, Brezhnev and Party officials generally gave the reform short shrift and then usually critically. Moldavian Party leader Bodyul, for example, lambasted Gosplan, which is directed by Kosygin adherent Baybakov, for its ineffective administration of the reform.

Kosygin himself, while praising the reform's efficacy, seemed rather defensive on the issue, and emphasized that reform is not a one-shot affair but a continuing process. Aside from saying that it would be extended to the remainder of the economy, including the service sector, however, he gave no hint of its further development. On the contrary, he strongly endorsed the concept of centralized planning, equally strongly rejected the idea of giving greater play to market forces, and implied that, for the time being at least, improvement of economic performance will be sought by organizational measures, such as increasing the number of production associations which amalgamate enterprises producing similar commodities, encompass two or more stages of a given production process or use similar production technology.

While the merits of the production associations in raising the standards of performance of their constituent enterprises (by more efficient use of labor, capital and managerial skills, specialization, better organization of supply and research services, etc.) have not been questioned, the associations continue to meet with opposition in several quarters. As organizational forms intermediate between the producing enterprises and the ministries, they are opposed by both individual enterprises that would be absorbed by them and the ministries, both of which would lose some of their prerogatives to the associations. Furthermore, the formation of an association almost invariably entails a shift of control over the enterprises absorbed by the association from lower to higher echelons of both Party and government hierarchy, and, in the case of the latter, also the loss of revenue from the enterprises' profits which will now flow into the treasury of the higher-echelon organ; hence the resistance—often passive but occasionally vocal—to production associations among local and mid-level Party and government officials. It would seem that Brezhenv's warning that administrative boundaries must not stand in the way of improvement of economic management was prompted mainly by this problem.

The directives do not devote a separate section to the subject of economic reform and mention it only briefly, noting that the transfer of industrial enterprises to the new system of planning and management will be completed by 1975, i.e., with several years' delay. The section on management and planning contains a long list of familiar appeals for improvement in planning and economic administration—including the somewhat ominous call for "greater state discipline in every way in all links of the economy," and a call on Party organs at all levels to exercise closer control over the economy—but it is by and large a hortatory appeal containing no new, genuinely reformist proposals. The proponents of such reforms, who aired their views in public while the directives were still being debated, apparently were allowed to be heard but not listened to.

Neither the directives nor any of the speakers mentioned the "Shchekino method" (involving dismissal of superfluous workers without reducing an enterprise's wage fund and using part of the savings to reward those of the remaining workers who raise their productivity) as one of the ways of improving productive efficiency. This reticence is somewhat surprising, particularly in view of the prospect of a diminished rate of flow of labor inputs and the fact that, like the production associations, the "Shchekino method" does not clash with what the conservatives consider economic "orthodoxy" and should thus be doctrinally acceptable.

Pravda's account of the Brezhnev speech also failed to mention Shchekino but *Izvestiya's* version contains an explicit endorsement of the "Shchekino method" which is in fact a costless way (from the point of view of the economy as a whole) to ease the expected tightening in labor supply. However, while it is unobjectionable on doctrinal grounds, it apparently continues to meet with resistance on other grounds.

Planning Reform. Harking to earlier, but never implemented proposals, both the directives and the principal speakers called for a basic improvement in the system of planning, particularly for the elaboration of "scientifically grounded" long-term plans, spanning a period of 10 to 15 years. This should assertedly be the function of Gosplan. The ministries should concentrate on major problems common to their various sectors and branches, such as prognoses of the development of science and technology and their implications, population trends, formulation and enforcement of uniform technological policy, and training of skilled labor cadres. The details of the elaboration and implementation of plans under this policy could assertedly be left to the lower echelons of economic administration, particularly the production associations. The directives also call for an improvement in the drafting of medium-term (five-year) plans by specifying not only the main tasks for the plan period as a whole but also for its annual segments, instead of drafting annual plans separately on the basis of the previous year's results.

F. Prospects

Although the Ninth Five-Year Plan appears relatively moderate at first glance, it may turn out to be overly ambitious and therefore unrealistic on several counts. The steep increases in productivity (to offset the reduced rates of inputs of labor and capital) upon which the output targets are predicated may not materialize because, as in the past, the plans for large-scale introduction of up-to-date technology are unlikely to be met as scheduled. The same applies to the plans for a radical improvement in output quality. Moreover, a deterioration in the international climate may lead to yet another unplanned diversion to the military of resources (including modern technology) which would otherwise be available to the civilian economy. The agricultural goal may also turn out to be somewhat ambitious; while its attainment would require only a small increase in the average annual growth rate over that achieved during 1966–70 (4.2 percent compared with 3.9 percent), it implies incomparably larger increases in the physical volume of output since the 1966–70 average rate was based on a poor year (1965) whereas the 1971–75 projected average is based on the record output of 1970.

As for the economic reform, the introduction of production associations and the "Shchekino method" will apparently continue, albeit at a slow pace, for they still continue to be controversial and appear to tread on too many toes. The "Shchekino method" to many smacks too much of capitalism. As for the production associations, the regime may well find them a trustworthy vehicle for a limited decentralization by endowing them with the degree of operational autonomy originally intended by the 1965 reform for the individual enterprises, which was later watered down. On the other hand, the associations also lend themselves to use as instruments of tighter centralization by being transformed into main administrations of the ministries and thus into extended arms of the central organs, as has happened in the case of at least one association in Leningrad. In the present climate of regime thinking, the latter development appears a distinct possibility.

Aside from a wider scope for these two organizational measures, however, there seems to be no prospect for any liberalizing measures such as the introduction of some degree of competitiveness into the economy (e.g., by replacing the rigid system of centrally controlled material supply by a system of wholesale trade and the free choice by the users among a number of suppliers, with an attendant system of penalties and fines for breaches of contract), more meaningful and flexible prices, or a greater degree of enterprise autonomy—without ministerial or Party meddling—in making decisions about questions other than relatively trivial ones.

One of the major shortcomings of the present limited economic reform is the patent meagerness of the incentive funds designed to reward better-than-average performance. This is amply evident from the figures cited by Kosygin at the Congress. In 1970, for example, the deductions from profits, channeled into the incentive funds of industrial enterprises, amounted to 4 billion rubles, or about 10 rubles per month per worker. But even this amount was not fully paid out. During 1966–70, the average premium payment amounted to slightly more than 5 rubles per month, or about 4 percent of average gross wages (before taxes). A substantial increase in the incentive funds—as well as those designed to stimulate the introduction of new technology—could have a highly beneficial effect even under the present rigid framework of bureaucratic constraints. As for the plans for a large-scale technological modernization, short of providing adequate incentives to enterprises to overcome the managers' resistance to innovations, which they generally view as risky, the regime may find no alternative but to try to impose technological modernization by administrative fiat—a method which has proved to be unproductive in the past.

TABLE 3.—U.S.S.R.: SELECTED AGGREGATE ECONOMIC INDICATORS, 1966–70 AND 1971–75 PLAN [1]

[Percentage increases over corresponding previous period]

	1966–70				1971–75 plan	
	Planned overall increase	Actual overall increase	Average annual increase	1970 actual increase	Planned overall increase	Average annual increase needed to meet goal
National income	38–41	41	7.1	8.5	37–40	6.7
Gross industrial production	47–50	50	8.4	8.3	42–46	7.6
Producers' goods (Group A)	49–52	50	8.4	8.2	41–45	7.4
Consumers' goods (Group B)	43–46	49	8.3	8.5	44–48	7.9
Gross agricultural output	[2] 25	[2] 21	3.9	8.7	[2] 20–22	4.2
Labor productivity:						
In industry	33–35	32	5.7	7.0	36–40	6.7
In agriculture [3]	40–45	35	6.2	11.0	37–40	6.7
Total investment	47	40	7.0	9.0	36–40	6.7
Average money earnings of workers and employees	20	26	4.8	4.0	20–22	3.9
Income of collective farmers from communal economy	35–40	42	7.3	6.8	30–35	5.8
Social consumption fund	40	53	8.9	7.3	40	7.0
Retail trade turnover	44	48	8.2	7.4	42	7.2
Real per capita income of working population	30	33	5.8	5.2	30	5.4

[1] All figures are official Soviet data or calculations based on official data.
[2] Refers to the increase in the 5-year average over the previous 5-year average.
[3] Socialized sector only.

TABLE 4.—U.S.S.R.: OUTPUT OF SELECTED INDUSTRIAL COMMODITIES, 1966–70 AND 1971–75 PLAN

	1966–70 average annual growth rate (percent)	1970 plan		1970 actual		1975 plan	Average annual increase needed in 1971–75 to meet 1975 goal
		Original	Revised	Output	Growth rate		
Electric power (billion kilowatt-hours)	7.9	830–850	740	740	7.4	1,030–1,070	7.3
Oil (million tons)	7.8	345–355	350	353	7.6	480–500	6.8
Gas (billion cubic meters)	9.1	225–240	195.8	200	9.3	300–320	9.2
Coal (million tons)	1.6	665–675	618	624	2.6	685–695	2.0
Steel (million tons)	4.9	124–129	115	116	5.5	142–150	4.7
Cement (million tons)	5.6	100–105	94.3	95.2	6.0	122–127	5.5
Mineral fertilizers (million tons)	12.1	62–65	57.5	55.4	20.4	90	10.2
Plastics and synthetic resins (million tons)	15.9	2.1–2.3	1.67	1.67	15.3	3.34	15.0
Chemical fibers (thousand tons)	8.9	700–800	694	623	6.9	1,050–1,100	11.5
Tractors (thousand)	5.3	600–625	456.4	459	3.8	575	4.6
Motor vehicles (thousands)	8.2	1,360–1,510	922	916	8.5	2,000–2,100	17.5
Trucks	6.7	600–650	527.3	525	4.1	700–800	7.4
Passenger cars	11.3	700–800	398	344	17.2	1,200–1,300	29.4
Television sets (millions)	12.9	7.5–7.7	7.4	6.7	1.5	[1] 12.1	[1] 12.4
Refrigerators (millions)	19.6	5.3–5.6	4.4	4.1	10.8	6.9	11.0

[1] Estimated on the basis of planned overall increase in the output of consumers' durables.

PART 2. FOREIGN POLICY

I. General review

In the foreign policy field the Congress also indicated satisfaction with Soviet policies and determination to pursue them along familiar lines. The only development approaching a surprise was the relatively restrained treatment given the U.S. However, Breznev's opening address generally reflected restraint in its treatment of all international issues, and the Soviet leadership seemed clearly to be trying to project Moscow's image as a responsible global power striving for peace.

The tone of confidence pervading most of the Congress pronouncements seemed in many instances genuine, and justified by the passage of events. Although practically nothing was said at the session about purely military aspects of the international balance of power, and the USSR's greatly improved position therein, Moscow's confidence in its growing role as a global power seemed reflected in Foreign Minister's Gromyko's boast that "there is not a single question of any importance which could at present be solved without the Soviet Union or against its will," and his statistical exposition of the USSR's ubiquitous role in international affairs.

The Congress, and Brezhnev in particular, also evidence satisfaction over the state of affairs in the European sector of the communist interstate system. As Brezhnev made clear, the Soviet feeling of greater security in this chronically unstable area stemmed from more effective use of the Warsaw Pact organization as a vehicle to enforce military/political cohesion in the area, the harsh lesson Moscow feels it has effectively taught the world with the 1968 invasion of Czechoslovakia, and Soviet detente policy in Central Europe which Moscow feels has resulted in Western acquiescence to the European status quo, especially the dividing lines between the Western and communist systems in the area. Even the recent turbulence in Poland was optimistically viewed (perhaps mistakenly) as merely an unpleasant episode on the historical record which was now well in hand. Generalities on difficulties in the European sector of the communist world were contained in both Brezhnev's speech and the Congress Resolution, but the general picture drawn was a positive one.

With regard to Sino-Soviet relations, the Congress views reflected the serious problems existing in that area, although even here an effort was made to emphasize the positive aspect evident in the progress toward normalization of state-to-state relations. The unusual Brezhnev statement, repeated in the Resolution, to the effect that the USSR would never compromise its national interests in seeking rapport with Communist China, suggested a Soviet awareness that troubles between the two countries are rooted in basic national divergencies rather than more transient phenomena such as personalities or ideological disagreements. The Soviet position vis-a-vis China and in Asian affairs generally was perhaps the main area of foreign relations where the posture of confidence and optimism adopted at the Congress appeared a bit strained, and where inherently serious problems—such as the steady erosion of Soviet influence among Asian communists and the crisis in the subcontinent—were either minimized or conveniently kept out of sight.

Despite continuing developments in both bilateral relations (the Jewish question) and international affairs (US policies in Indochina) that have oiled Soviet-US relations in recent months, the US has given relatively restrained treatment at the Congress. The harshest anti-US rhetoric was contained in the two separate statements adopted by the Congress on the Middle East and Vietnam, although even here the attacks were couched largely in abstract terms of Soviet support for "national liberation struggles" against "aggressive imperialism." Brezhnev's attack on the US for its "crime" of aggression in Indochina was offset by his assertion that Soviet-US relations can and should improve, and the Congress Resolution expressed Soviet willingness to develop bilateral relations. This line was in marked contrast to that taken at the 1966 Congress, where an improvement in Soviet-US relations was made conditional upon the US changing its policy in Vietnam. At the same time, both Brezhnev and Foreign Minister Gromyko expressed reservations about the possibility of conducting fruitful negotiations with the US at present.

The Vietnam issue has for at least the last two years receded in Moscow's view as an insuperable barrier to improvement of Soviet-US relations. In addition, the USSR has other international concerns—such as its heavy

military/political involvement in the critical Middle East situation and the intractable China problem—which incline it against needlessly exacerbating its problems with the US. And, of course, the restrained treatment of the US was part and parcel of the Congress' general moderation on international issues in an effort to portary the Soviet Union as the foremost adovcate of peaceful, negotiated settlement of international problems.

In this connection, the Congress broke no new ground in the development of communist ideology, and it retained the same order of foreign policy priorities as the last Congress. Support for the "national liberation struggle"—i.e., in Soviet eyes, anti-West trends in the Third World—was given second place, immediately after strengthening the international communist system and ahead of "peaceful coexistence" (mainly, improvement of relations with the West). However, Brezhnev's speech did appear to breathe a stronger coexistence spirit into the old priorities in his emphasis on measures that could be taken to improve relations with the West, including the US; detente in Europe; and, especially, various steps in the disarmament field. However, it is noteworthy that the Congress' resolution, like the 1966 Congress resolution, made no mention whatever of disarmament in its outline of Soviet foreign policy goals and objectives.

What is probably the major new development in Soviet foreign policy since the 1966 Congress—Moscow's military involvement in the Middle East imbroglio—was given only routine treatment. Brezhnev noted Soviet measures taken to restore the military balance in the area, and the resolution spoke of continuing to render the "utmost support" to the Arab peoples. But the moderation of Brezhnev's language on the Middle East, and the resolution's repetition of his call for a political settlement with the added proviso that each state have a right to independent existence, indicated the USSR's awareness of the potential dangers of its Middle East involvement and its desire to contain the crisis there.

Congress treatment of other Third World areas was routine and skimpy. Apparently Moscow sees new opportunities opening in Latin America, which was highlighted in Brezhnev's speech and even more so in the Resolution, where it was the only Third World area specifically mentioned outside of the Middle East and Indochina. Even here, though, caution was the keynote, and the Congress only welcomed the "revolutionary, democratic transformations" taking place in the area without suggesting the nature of Soviet reaction or commitment to them.

II. Areas and issues

A. The Communist World

1. Sino-Soviet relations

In general, the Soviet leadership handled the topic of Sino-Soviet relations in low-key, albeit slightly upbeat fashion, and none of the references to this subject either by Soviet speakers or any of the other delegates broke any new ground. There were no major polemics, no new disclosures, no significant shifts of attitude, and even the detectable nuances covered a relatively narrow range. The Soviets had apparently invited the Chinese to attend, but the latter—according to some reports—declined to send a delegation. Peking remained silent on the proceedings at the Congress, although NCNA did publish on April 3 a harshly anti-Soviet Red-Flag article which had been broadcast on Peking radio on the eve of the Congress. Indeed, the Congress adjourned with Sino-Soviet relations remaining essentially unchanged.

In his formal report to the Congress, Brezhnev took a balanced view, recognizing both the difficult problem presented by continuing Chinese enmity and ideological intransigence and the more hopeful, though admittedly limited, signs of normalization in state-to-state relations. He pledged the USSR to a policy of seeking wider areas of agreement and reconciliation and ended his discussion of China on a note of optimism. Nevertheless, Brezhnev aired Soviet grievances against Peking at some length. Citing Indochina (though not by name) as a situation demanding "more than ever before" unity and joint action rather than hostility between China and the Soviet Union, Brezhnev noted that "we will never forsake the national interests of the Soviet state." In this context, what began as a seeming appeal for joint action ended with something resembling a cryptic warning that Soviet national interests might require Moscow to take some unspecified actions. The gist of Brezhnev's remarks on the China problem, including his statement about defending Soviet national interests, were repeated in the resolution adopted by the Congress, thereby giving them the formal endorsement of what in theory is the USSR's supreme political forum.

Elsewhere in the speech Brezhnev spoke of difficulties caused not only by Trotskyites but also by China's efforts to set up splinter parties in various countries as a counterweight to the international communist movement. Although there was no direct reference to Party relations, Brezhnev did characterize the "special ideological-political platform" of the Chinese leaders as "incompatible with Leninism." He also noted as unacceptable their demand "that we refute the 20th CPSU Congress program line"—this presumably being Brezhnev's veiled way of saying that the CPSU was not prepared to disavow destalinization.

References to China in speeches of other Soviet leaders and foreign delegates included harsh denunciations—by Snechkus, Masherov, Zhivkov, and Mongolian leader Tsedenbal; favorable mentions—not surprisingly—by Le Duan and Nguyen Van Hieu; and circumspect treatment—again, not surprisingly—by Ceausescu. The Party chiefs of Moscow's other Warsaw Pact allies repeated the positions taken by their parties at the 1969 communist conference in taking China to task for undermining socialist unity. Gromyko made only passing mention of China, citing Brezhnev's speech as the authoritative statement on the subject. Grechko did not allude to China at all, evidently because anything he might say on the subject would inevitably have awkward connatations. Equally striking was the absence of comment from Soviet leaders representing regions closest to China, which could be presumed to be of direct immediate concern. It was left to spokesmen from regions well removed from the Sino-Soviet border to express indignation over Peking's anti-Sovietism. Apart from Brezhnev's remarks on upholding Soviet national interests, which were repeated in the Congress Resolution, the Soviets apparently deliberately sought to avoid any implication that they were concerned by the security threat presented by China.

2. Eastern Europe—through Moscow's eyes

Brezhnev revealed considerable Soviet satisfaction with the progress made toward closer cooperation in the Warsaw Pact and CEMA since the last Congress. In addition to claiming further perfection of the Pact's military structure, he expressed satisfaction with the Pact as the "main center" for coordinating foreign political activities. At the same time, his treatment of economic integration intimated that it was still only a glimmer at the far end of a long tunnel, even though he spoke of it as "integration." (In 1966 he had spoken only of "cooperation" in matters economic.)

The Brezhnev "Diktat." Despite evident satisfaction with the progress achieved, Brezhnev did admit that the path to communist cohesion was not always a smooth one. In particular, he felt compelled to give special attention to the Pact decision to intervene in Czechoslovakia, and to justify it once again in the name of class duty to socialist internationalism. He described in detail a "right revisionist" threat to socialism which had developed within Czechoslovakia, and a concurrent imperialist threat to the socialist camp as a whole. He stressed the joint nature of the Pact's counteraction in response to an "appeal of the party and state leaders and the communists and workers of Czechoslovakia," and the Czechoslovak Party's subsequent justification of the intervention. The latter he quoted verbatim, to "stormy applause" from his audience. This revival, with the Czech regime's help, of the invitation-to-intervene line in a sense tended to mitigate the Brezhnev doctrine since it provided another, more legitimate prop to justify the Soviet invasion.

Nevertheless, the reaffirmation of the Brezhnev doctrine gained added impact from the fact that Brezhnev could simultaneously omit even lip-service to what heretofore had been termed the governing principles in state relations within the socialist community. As it was, he skillfully and brutally exploited the *mea culpa* of the Czechoslovak Party to squelch in advance any criticism of the 1968 Pact action at the Congress, and only Ceausescu of the Warsaw Pact leaders (plus the Yugoslav representative) subsequently dared insist that mutual respect, noninterference, and equality were still supposed to characterize relations among socialist states.

In Unity There Is Hegemony. In discussing the Warsaw Pact at the 23rd Congress, Brezhnev had devoted considerable attention to the military collaboration which took place within the Pact structure. That military role rated just two sentences in 1971, to the effect that the Pact military organization had been "perfected" as a result of new measures implemented in the interim. Brezhnev now stressed the thesis that the Warsaw Pact "had been and remains the main center for coordinating the fraternal countries' foreign political activities" (an idea nowhere reflected at the 23rd Congress).

These shifts in emphasis evidently reflect changes in Moscow's perception of its East European alliance system in the intervening years. Both the Warsaw Pact's military function and the foreign policy coordination have been strengthened since the last Party Congress. This trend, along with token involvement of other East European countries in the invasion of Czechoslovakia to share the guilt for that operation provided some basis for Brezhnev's emphasis on the growing importance of the Pact.

Brezhnev's praise for the long-term coordination of economic ties, the role of cooperative economic ventures, the CEMA bank functions, and the coordination of economic plans seemed a perfunctory reiteration of agreed upon Soviet goals, but showed little determination to make faster progress in spite of the impetus of Western economic integration. Brezhnev pointed out approvingly that a similar trend toward long-term agreements was becoming more prevalent in Soviet economic ties with the Western European states as well, and he also stressed the value of joint economic undertakings with Western powers. Kosygin's reference to a confer-

ence on European security centered on the prospects a CES could open up for East-West economic-scientific collaboration on a large scale. Apparently the Soviet leadership would like to achieve a degree of economic integration in Eastern Europe which not only would protect the Soviet empire from the adverse consequences of greater economic contact with the outside world, but also would permit and facilitate an economic interchange with the West on terms more profitable for Moscow.

Miscellany. Otherwise Europe received only general rather than specific attention at the Congress. Brezhnev treated the current *Polish* difficulties in the past tense, as over and done with, and very explicitly underscored Soviet support for the measures taken by the Polish party to master the situation. There was no discussion of what had happened in Poland, but Brezhnev did note that Soviet friendship with Poland was "unflinching." No other Pact country was so honored, although East Germany's claim to international recognition was endorsed.

Albania was accorded passing but conciliatory mention, almost as an afterthought in a discussion of USSR-Chinese problems. Brezhnev merely noted that a re-establishment of normal relations would be useful for both Moscow and Tirana. *Yugoslavia* received somewhat more positive treatment, and favorable mention was made of the USSR's "developing contacts" with Belgrade.

B. Relations With the West

1. Soviet-United States Relations

The treatment accorded the United States and Soviet-US relations was remarkable for its relative restraint. In comparison to his strident anti-US tone at the 23rd Party Congress, Brezhnev was more moderate and forthcoming this time. Despite continued strong criticism of the US involvement in Vietnam, the possibility and desirability of improving US-Soviet relations was cast in more positive tones than obtained in 1966. At that time Congress speakers took the line that it was incumbent on the US to take certain measures, notably on Vietnam, before relations could improve. This time Brezhnev suggested merely that relations both could and should improve—without additional qualifications.

On many of the specific issues dividing the US and the USSR, the tone was also quite moderate. In discussing the Middle East, Brezhnev referred only once to American activities in support of Israel, and in the next paragraph obliquely referred to the US approvingly when speaking of the desirability of the members of the UN Security Council involving themselves in pacifying the Mediterranean. Brezhnev also referred approvingly to the SALT negotiations and noted the desirability of concluding an agreement at these talks.

Gromyko's foreign policy report to the Congress echoed Brezhnev and similarly contained little substance on the US, but again what there was came out in a fairly nonpolemical fashion. The Congress Resolution simply repeated Brezhnev in suggesting that the relations between the two countries should be improved.

While the general attitude toward the US in Congress pronouncements was one of restraint, remarks of both Brezhnev and Gromyko clearly indicated skepticism about the possibility of conducting fruitful negotiations with the US at present. Brezhnev asserted that the US position on certain issues which touch upon the interests of the USSR had hardened, and he professed to see "zigzags" in US policy apparently due to domestic political developments. Gromyko repeated the line about "zigzags" in US policy, and indicated the issues that Brezhnev had in mind were Vietnam, the Middle East, Berlin, and the SALT talks.

2. Ambiguity on Western Europe

Neither Brezhnev nor Gromyko described the status of Soviet-West European relations in terms of policy successes. In fact, the subject was given relatively routine treatment at the Congress. On the other hand, both left the impression that the regime would continue along its present course of detente in Europe. The "concrete tasks" for the future outlined by Brezhnev carried this impression a step farther. There Brezhnev asserted baldly that the regime intended "to implement a radical turn toward relaxation and peace on this continent (of Europe)." But neither he nor any other speaker shed light on the significance of meaning of that pledge.

CES. The Secretary General also reiterated Soviet interest in a conference on European security (CES) although he consistently spoke of an "all-European conference," without mentioning security. (Other speakers, Gromyko included, used the terms interchangeably.) The list of "concrete tasks" included facilitating the "convocation and success of an All-European conference," the first time the Soviet leadership had looked beyond convocation to the need for a successful result in this context. Nonetheless, Brezhnev skimmed over the subject in notably pro forma fashion, as did Gromkyo. It was left to Kosygin to proffer details, and he in turn spun a vision of CES as a vehicle for solving a gamut of European problems, ranging from economic-scientific cooperation to transcontinental rail and power networks to ecology and cancer. In essence, however, Kosygin's details amounted to little more than a recapitulation of the possible East-West European ventures which Brezhnev had enumerated at the communist conference in Karlovy Vary in 1967.

German Focus. Brezhnev did acknowledge there had been a "substantial shift" in Soviet relations with the FRG in recent years, a shift which allegedly opened up "new prospects in Europe." But he did not expand on that particular theme. Instead he warned that delay in ratifying the FRG treaties with the USSR and Poland would give rise to a "crisis of confidence in the whole FRG policy" and that the European "political climate would deteriorate, as would prospects for lessening international tensions." His phraseology seemed deliberately ambiguous, leaving it moot whether the potential "crisis of confidence" referred to Soviet attitudes toward the FRG, or to attitudes within the FRG itself, or both. Similarly, the warning about international tension in Europe could apply to communist hardliners as well as to FRG opponents of the treaties.

In any event, Brezhnev himself stressed the need to bring the FRG treaties into force "more rapidly." He also noted that "the problems connected with West Berlin must be settled" and that this could be done if all concerned "respected the Allied agreements which determined the special status of West Berlin and the sovereign rights of the GDR as an independent specialist state." The resolution, adopted by the CPSU at the end of the Congress echoed his point about the need to ratify the treaties but it made no mention at all of the Berlin talks.

Gromyko meanwhile had merely observed that settlement of the FRG's relations with Eastern Europe, the CES, and the Berlin negotations were all "important steps" on the road to peace and all would have to be implemented "in parallel," not consecutively. He thereby maintained Soviet opposition to Western insistence that progress on concrete issues, such as the Berlin talks, must precede a CES. But he, too, sidestepped any discussion of the issues themselves.

Europe in Generalities. The improved status of Franco-Soviet relations was duly noted in all foreign affairs speeches at the Congress, and it was also cited in the final resolution. Brezhnev termed it "an important factor of international security." He also accorded favorable mention to the Soviet cooperative ventures with Italy and Austria, to Moscow's "good neighborliness and cooperation" with Finland, and to "stable" Soviet relations with Sweden. Gromyko mentioned only France and Italy by name, and these only in general terms.

Whereas at the 1966 Congress those speaking on foreign policy had attempted to provide thumbnail sketches of the status of bilateral Soviet ties with each significant European power, the leadership at the 24th Congress tended to generalize its treatment of Europe and avoided specifics whenever possible. The approach created the impression of a more integrated Soviet policy toward the area. Specific problems such as ratification of the FRG treaties or the Berlin negotiations were thus submerged in the context of Soviet policy toward the whole continent and treated as elements in the more general struggle for peaceful coexistence, detente, and collective security there. Of course, that approach had the added advantage for the leadership in that it limited criticism of any particular facet of the regime's tactics in Europe, since these concepts are by now sacrosanct to the Party.

3. Disarmament

The major references to disarmament expressed at the Congress were those in Brezhnev's speech, where the subject was the highlight of the Soviet leader's "peace program." In contrast to his fairly extensive and detailed treatment of this subject, other speakers barely touched the issue. Gromyko's foreign policy speech, for instance, had only two references to this subject, neither very explicit, and the Resolution adopted by the Congress did not mention it at all.

In discussing disarmament, Brezhnev appeared intent on projecting the image of statesmanship and of Soviet initiative in the field. His emphasis on disarmament issues included a specific reference to the Soviet proposal just tabled at the Geneva disarmament conference for a separate draft convention on biological weapons—an issue the Soviets had heretofore insisted must be combined with a ban on chemical weapons. Perhaps most eye-catching, and designed to titillate Western interest, was a statement that might be construed as favoring a Mutual Balanced Force Reduction (MBFR) in Europe. Specifically, Brezhnev proposed "a reduction of armed forces and armament in areas where the military confrontation is especially dangerous, above all in Central Europe." This is a subject the Soviets have been reluctant to discuss in recent years, and Brezhnev's formulation may have been an attempt to appear forthcoming to NATO's initiative on MBFR.

Brezhnev also spoke approvingly of the strategic arms limitations talks (SALT) with the U.S., although his assertion that in such delicate talks no one should seek a unilateral advantage could be read as an implicit rebuke to the U.S.

The remainder of Brezhnev's disarmament program was for the most part a revival of longstanding Soviet proposals traditionally advanced more with propagandistic advantage than serious intent in mind. Some of these proposals, such as a comprehensive nuclear test ban, a conference of the five nuclear powers (China specifically included) to discuss nuclear disarmament, universal ratification of the NPT, and a world disarmament conference, implied a rebuke to Peking (as well as the West) for its past recalcitrance on these issues.

In sum, some of Brezhnev's disarmament program touched upon substantive issues which are or could become subjects of serious East-West negotiations. However, the failure of other Congress pronouncements, including the authoritative Resolution, to pay even lip service to them casts some doubt on the Soviet leadership's seriousness in advancing them (the 1966 Congress resolution also ignored Brezhnev's list of disarmament measures).

4. United Nations

The United Nations received only sporadic attention, mostly in connection with discussion of other issues. Brezhnev accorded it two brief references at the tail end of the foreign policy section of his keynote speech. These mentions both came in the context of other issues—Southeast Asia and the Middle East conflicts and colonialism. Brezhnev suggested that the possibilities of the UN must be used in these, and other cases. He also referred earlier to the concerted efforts of the socialist countries in the UN and other international organizations. In contrast, at the 23rd Congress in 1966 he had devoted two paragraphs to UN operation, and praised the UN itself. His latest remarks also contrast with the treatment he gave the UN in his speech last October on the occasion of the 50th anniversary of Soviet Azerbaidzhan, in which he positively appraised the role the international organization could play, especially because of the communist world's assertedly growing influence in the UN.

C. The Third World

The Congress gave relatively brief treatment to Third World developments. Discussion of Soviet relations with Third World countries was for the most part couched in general and doctrinal terms, although the Middle East and Vietnamese issues understandably received more detailed treatment.

1. Doctrinal formulations

Brezhnev seemed more cautious than he had been in 1966 in describing progress toward "socialist" (i.e., communist) systems in Third World countries, but he added nothing new to the doctrinal underpinnings of Soviet policy in these areas. However, the Congress resolution gave a somewhat more prominent place to those countries said to be on the "non-capitalist path" than Brezhnev had done; these countries were said to be in the "front ranks" of the national liberation struggle. Notably, the resolution advanced Latin America's role in this struggle by ascribing "revolutionary-democratic" changes to current developments there. In another apparent attempt to partially compensate for Brezhnev's lack of attention to Third World issues, *Pravda* issued an authoritative editorial during the congress reaffirming Soviet support for African national liberation fronts.

Brezhnev used the same formulations he had employed in his 1966 congress speech to indicate that "quite a number" of Afro-Asian countries are on a course "toward the future construction of a socialist society," thereby implying no higher ideological stage had been reached in the intervening five years in these "noncapitalist" states. Furthermore, in contrast to his last congress presentation, he did not enumerate the countries considered on the "noncapitalist" road, possibly out of concern that the label might not stick in all cases. However in regard to priorities, Brezhnev gave the Third World exactly the same order of precedence as at the last congress: he placed support for national liberation struggles in second place after the cardinal priority of strengthening the communist world, but before peaceful coexistence with the capitalist West.

Brezhnev's praise for the "ever greater role" of "revolutionary democratic" regimes in pursuing communist-approved domestic programs illustrated anew Moscow's strategy of putting a "socialist"-type label on regimes—especially in Africa—which in fact lack many credentials for such a label (such as a communist party, or a well-organized proletariat, not to mention ideological commitment). This Soviet strategem was also underscored by attendance at the congress, as in 1966, of 21 (according to Moscow's claim) high-ranking, noncommunist delegations from leftist Third World countries, as well as African states still under white minority rule. In a word, where the communist party is ineffective or nonexistent, Moscow tends to find a substitute to justify its pursuit of Soviet state interests.

2. Middle East

Despite the critical nature of the situation, treatment of the Middle East at the Congress was neither substantial nor ominous. The tone of relative moderation set by Brezhnev in this opening speech was mirrored both in the Special Statement on the Middle East subsequently issued by the Congress, and in the very brief portion of the concluding Resolution devoted to Middle East issues. Taken together, they seemed designed to reassure the Arabs in a modest way of continued Soviet support (and at the same time to dampen the war sounds coming from Cairo), to project Moscow's peaceful image, and to maintain diplomatic pressure on Israel and the US.

Although Brezhnev introduced the subject by describing the area as a "hotspot," and the crisis that had developed there as "one of the most tense" on the international scene, neither the statement nor the resolution repeated these formulations. In forebearing to use more inflamatory descriptions for this admittedly four-year-old crisis, Brezhnev conveyed a lack of urgency that was not eroded by any of the standard denunciations of Israel and the US and declarations of support for the Arabs common to all three documents.

Only Brezhnev noted specific "important initiatives" recently advanced by the UAR. He included in this category Egypt's positive responses to Jarring, the UAR's readiness to conclude a peace treaty upon Israeli withdrawal, and Sadat's proposal for opening the Suez Canal (the last amounting to the first public, high-level Soviet endorsement of this Egyptian initiative). The statement made only passing reference to the "constructive position of the Arab countries, first of all the UAR," as a lead-in to full implementation of UN Resolution 242 (its only specific mention), but the resolution was silent on specific proposals.

On the question of withdrawal, all three documents were very mild and general, with no effort being made to suggest a timetable, set a deadline, or define limits. In contrast to this common, generalized, approach on withdrawal, the Palestinian issue received varying treatment. Brezhnev failed to mention the Palestinians at all, whereas support for the legitimate rights of the Palestinian Arabs was duly revived and stressed in both the Congress statement on the Middle East and the resolution.

Perhaps to provide balance missing from the statement and Brezhnev's speech, the standard phrase concerning the right of each state in the area "to an independent existence" was inserted in the resolution. Regarding Soviet participation in a settlement, Brezhnev alone referred to Moscow's readiness to join other permanent members of the U.N. Security Council in guaranteeing a political settlement in the Middle East, a goal mentioned favorably in all three documents.

The communist and fraternal parties of the Middle East were well represented at the Congress and a number of them appeared on the speaker's rostrum. Their remarks reflected varying shades of opinion on the Middle East situation and internal differences, with the common thread being support for the Palestinian cause in greater or lesser degree. Significantly the Soviets' leading Arab client, the UAR (which has no legal communist party), in the person of General Secretary of the Arab Socialist Union an-Nur, provided the first speaker. An-Nur's address was uninspired and restrained, even in its expression of "profound gratitude to Comrade Brezhnev for the noble position laid out in his report in relation to the Arab countries.

The Syrian Ba'th delegate, in accordance with his regime's position, refrained from publicly endorsing the need for a political settlement. In contrast, Syrian Communist Party Secretary General Bakdash asserted that "we" (read SCP) support the efforts of the Soviet Union in obtaining a political settlement in the Middle East. Moreover, according to Bakdash, Brezhnev's words about the Middle East crisis found "their way to the heart of every Arab patriot."

3. Asia

The very diversity of Asia, reflecting both the variety of Soviet interests vis-a-vis Asian political trends and governments on the one hand and the equally diverse concerns of both ruling and non-ruling communist parties on the other, precluded any clear expression of coherent policy toward the area by Soviet speakers at the Congress, or any achievement of a consensus among the Asian delegations.

Indochina. The only Asian issue Soviet leaders could and did feel free to discuss at length was Indochina, whether in an anti-Chinese or an anti-U.S. context, or as an example of Soviet solidarity with a national liberation srtuggle. One of the two special statements issued by the Congress on foreign policy was devoted to Indochina. As befitted the occasion, it was hortatory in tone and heaped praise on the "liberaiton forces." It pledged continued assistance to North Vietnam, including the "strengthening of its defense capability," but did not break any new ground or involve any new commitments.

Unlike the Soviet Government statement of December 16, which warned the US against resuming bombing raids on the DRV, or the Soviet Government statement on Laos of February 25, which warned against continuing "escalation of the American aggression," the Congress statement was cast in a more optimistic mold and spoke of the aggressors' "uninterrupted chain of shameful failures" without suggesting the possibility of new dangers ahead. Nor did the statement assert, as had its February predecessor, that US actions in Indochina might spoil Soviet-US relations. As a party document, however, it conveniently overlooked Moscow's careful maintenance of diplomatic ties with the governments in Phnom Penh and Vientiane when it described the Soviet Union as "resolutely standing on the side of the liberation movement in South Vietnam, Laos, and Cambodia."

In line with its militant tone, the statement did not specifically endorse a political solution for Indochina, but it did describe the various proposals put forward by the Democratic Republic of Vietnam, the Provisional Revolutionary Government of South Vietnam, and the Pathet Lao as constituting constructive bases for resolving the conflict —without, however, referring to the unification of Vietnam, as did the 23rd Congress in 1966.

Asian Communists. A cursory examination of Asian communist parties—those attending the Congress as well as those not present —provides graphic evidence of Moscow's embarrassingly limited influence among the communists of Asia. The existence of splinter communist factions had been recognized by Soviet speakers in the context of condemning the "splittist activities" of Communist China. But how far this process had in fact gone in producing fragmented parties, parties following an independent line, and parties aligned with Peking—and how this disintegration of the movement affected attendance at the Congress—was deliberately concealed by the Soviets, who as usual did not list all attending delegations. Although information remains incomplete, it appears that a significant number of Asian parties either did not send official delegations or were represented by rump groups.

The Nepalese and Burmese parties reportedly declined to attend the Congress. The Malaysian and Thai parties, being Chinese-

oriented, probably did not attend. The status of some other parties remains in doubt, inducing the Afghan and Indonesian. Soviet media published greetings to the Congress from the New Zealand and Filipino parties, suggesting that these two did not send delegations either. The Filipino message reflected the party's disarray by admitting to defeat in the 1950's and by complaining of being currently undercut by the tactics of a pro-Maoist faction.

The Soviets reacted to the subcontinent's complicated and unstable affairs by reiterating their intention to maintain close ties with India, and by displaying a measure of collaborative harmony with the communists of East Pakistan. The delegation of the pro-Soviet Indian CP had to face Moscow's fawning on Mrs. Gandhi in the wake of her recent electoral victory. At the Congress they heard Brezhnev praise Soviet-Indian cooperation and the Indian Government's foreign policy, making clear that their interests were being subordinated to the state interests of the USSR. The Pakistani CP was not listed among the delegations present at the Congress, but an East Pakistani group did attend and evidently it agreed to cooperate with the Soviets, at least by not airing some of the more delicate aspects of Pakistan's current internal crisis.

In a speech published by *Pravda* on April 8, the unnamed head of this delegation expressed gratitude both for Soviet aid to East Pakistan during last year's typhoon and flood disaster and for Soviet concern about the current political crisis. The speaker, however, described the East Pakistanis as desiring "democracy, national autonomy, and liberation from exploitation on the part of monopoly capital." By avoiding any reference to the independence movement, he in effect allowed the Soviets to postpone discussion of this delicate issue for the time being, prevented new damage to Moscow's already strained relations with the government of Yahya Khan, and perhaps reflected Moscow's hope that the integrity of Pakistan might yet be preserved.

Few of the other attending Asian parties arrived without problems, nor did attendance necessarily indicate a pro Soviet orientation. Indeed, the Mongolian delegation was probably the only one that Moscow could regard as solidly and unabashedly pro-Soviet, as was made amply evident by numerous warm references to the Mongolians by Soviet speakers and information media. A Ceylonese delegation, presumably representing the pro-Soviet faction of the party, attended the Congress, but for some reason it was not officially greeted at the opening session.

The Australian, Japanese, and North Korean parties were also present, though on their own terms, and with a record of prickly, intransigent independence. The North and the South Vietnamese parties came, and gave thanks for Soviet aid, but their independent status and considerable freedom of action was hardly to be questioned. Their close ally, the Patriotic Front of Laos, was in attendance, but the Cambodians were apparently not represented.

4. Africa

Many of the same African states attending the 1966 Congress sent delegations to the 24th conclave as well. Somalia and Sudan, represented by high-ranking officers from their ruling military councils, were notable additions. Surprisingly, a leader of Mauritania's ruling party was also in attendance, representing Mauritania's first official participation in a major CPSU meeting. Apparently, attendance by Africa's tiny band of communist parties was severely reduced; only the parties of Sudan, Tunisia, South Africa, and Reunion were cited as present. However, in greeting each delegation by name during his opening speech, Podgorny mentioned the presence of other unnamed parties in the hall.

There was no mention of congress participation by the communist parties of Nigeria, Morocco, or Algeria (all of whom have been present at previous major CPSU gatherings), although representatives of these groups may have been among the unnamed parties which attended. The top leadership of Nigeria's party is under police detention, and perhaps it was decided that public participation by Nigerians would further arouse Lagos authorities. The Moroccan CP has also had recent difficulties with the police. In the past, Algeria has been incensed about Soviet invitations to Algerian communists, and the delegation of Algeria's ruling FLN walked out of the 23rd CPSU Congress when Algerian communists appeared. This year, apparently no Algerians were present, although the FLN may have been invited. (Algiers' press has studiously avoided any mention of the 24th Congress.) Why Lesotho's miniscule party, a usual participant in such CPSU events, did not appear is unknown.

In discussing achievements of revolutionary-democratic regimes, Brezhnev cited Algeria for "taking serious measures aimed at nationalization." He praised Guinea, Sudan, Somalia, and Tanzania for seizing foreign enterprises. Brezhnev noted Algeria had recently introduced a land reform program. The sole citation for the People's Republic of Congo (Brazzaville) lauded its alleged control over all land and mineral rights. Almost as an afterthought, Brezhnev mentioned Nigeria as a country in which unspecified "important social changes" are occurring. (Interestingly enough, the Tass English-language summary of Brezhnev's speech, designed to constitute the basis of foreign press coverage, omitted practically all of the foregoing, including references to nationalization.) At the same time, reflecting Moscow's dissatisfaction with erratic developments in the Third World, the Soviet party leader did not neglect to mention that noncapitalist development was "no easy matter" and a path full of difficulties.

Speeches delivered by noncommunist African delegates were not especially notable. Congo-Brazzaville's Ndalla denigrated separate roads to socialism in an attack on negritude, maintaining that Marxism-Leninism is the only way. But he refrained from full endorsement of Soviet policies by noting that Congo-B and the USSR hold identical positions on "many" international questions. Guinea's Lansana Diane, perhaps carried away by his own rhetoric, hailed the CPSU Congress as "our congress," and expressed thanks for Soviet help in assuring Guinea's security.

A no less sycophantic address was made by Mozambique's FRELIMO representative. Of the national liberation groups, Cabral of the PAIGC was most optimistic when assessing progress in the war against Portugal. He thanked the USSR for supplying the "largest amount" of aid to his movement. By contrast, Angola's MPLA leader, Neto, was quite gloomy in evaluating the prospects of his insurgency movement.

5. Latin America

Looking toward Latin America, Brezhnev seemed to glimpse better prospects for more solid achievement, although he indicated awareness these trends were not irreversible by warning darkly of "subversive activity against the progressive regimes." Moreover, the Congress resolution gave Latin America pride of place in discussing Third World developments.

Brezhnev led off with Chile (represented at the Congress by both its Moscow-oriented communist party and Allende's socialist party) in describing the changes for the better taking place in Latin America. However, he placed Chile's Popular Unity triumph in the context of a constitutional victory by "the people" and laid no claim for communist success. Brezhnev gave the also-in-the-running treatment to Peru and Bolivia, praising their governments for fighting against "the enslavement of U.S. monopolies."

Chile also garnered prominent attention from a number of delegations, who hailed the Allende victory as the beginning of a new era in Latin America. Chilean CP secretary general Corvalan reaffirmed his party's close ties with the CPSU, stressed that each country must make its own way to socialism, and denied that Chile should necessarily serve as a model to others. Unity was a main theme of his address; he underlined his party's position that all questions were to be resolved on the basis of cooperation among all elements of Allende's coalition, within an unlimited time frame. Corvalan cited President Nixon's nonintervention pledge and then accused the U.S. of organizing an anti-Chilean campaign in Latin America, of "deliberately distorting reality," and claimed the U.S. is refusing credit. Somewhat ominously he stated that Chile's internal opposition is moving toward "open resistance," adding "nothing is ruled out."

Socialist Party attendance at the Congress marked the first time Chile's socialists had participated in a major CPSU function. Party representative Herman Del Canto's brief address spoke of the coincidence of Marxist-Leninist views among the members of Allende's Popular Unity front, while hailing Chile's communist-socialist alliance as the "vital nucleus" of the revolution.

Brezhnev reconfirmed Cuba's full-fledged membership in the socialist camp, claiming "considerable success" in the development of Soviet-Cuban relations. Cuba's Dorticos hailed the "inviolability" of Cuban-Soviet friendship in a rather lackluster speech which praised Moscow's economic aid and defense support. The Cuban President lauded Allende's election, and cited Peru's "patriotic policy," but unlike many of the Latin American communists he failed to mention Bolivia.

China and the role of violence in Latin America's revolutionary experience received conflicting treatment. Several delegates attacked Peking directly for "splittist" activities, whereas others—including Dorticos—ignored the issue. Brazil's Prestes criticized "desperate adventuristic actions of isolated groups, without any ties with the people." However, the Guatamalan speaker defended the use of violence in his own country.

Some Latin American representatives espoused the popular front tactic, notably those from Venezuela and Uruguay. The latter's Arismendi claimed that victory in Uruguay by a broad unity of popular forces is "perhaps very close." Reflecting Soviet involvement in the internal affairs of Latin America's CP's, Venezuela's Faria felt the need to express gratitude for CPSU "solidarity" at the time of Petkoff's recent expulsion from the Venezuelan CP (Petkoff, an avowed anti-Soviet communist, had become an increasing embarrassment to the Moscow-supported Venezuelan CP.)

6. Foreign Economic Relations

As to Soviet foreign economic relations, the draft Directives for the new Five-Year Plan and the leader speeches are of moderate interest. Foreign trade as a whole is to expand by 33–35 percent, i.e., by roughly 6 percent on the annual average. This is supposed to be a minimum. In the past five years the increase was a reported average of 8.6 percent per annum and since Soviet foreign trade is carried out more or less at so-called world market prices, the rate reflects an international price rise for manufactured goods

(2½ percent annum) and primary commodities (about ¾ of 1 percent). The plan figures are probably in present prices but they have little meaning since foreign trade, as the Soviets themselves know, eludes effective planning.

The advanced industrial countries will continue to exchange Soviet primary materials for Western manufactured goods; in this respect the second industrial power in the world offers the picture of a less developed country. The USSR will purchase modern equipment within the limits of its hard currency earnings with some gold sales thrown in for good measure and with due allowance for the credit balance. At a press conference on March 23, 1971 V. S. Alkhimov, Deputy Minister of Foreign Trade, answered a question on the Soviet balance of payments with the West in the spirit of a good 19th century liberal: "We favor multilateral trade and do not pay too much attention to our balance with individual countries." The draft Directives, incidentally, recommend a greater "initiative and responsibility of ministries and enterprises in the development of foreign economic relations." This remains to be seen.

Economic relations with countries of the Third World are to expand in order to strengthen their independence in their struggle with imperialism, as Kosygin put it. Since OECD imports from less developed countries are still 40 times as large as those of the USSR, and the *net* outflow of Soviet aid has dwindled, Soviet economic support in general does not amount to much but it is important for a very few countries more closely tied to the USSR, such as the UAR. In this connection the trade potential of the USSR is seriously hampered by its autarchic tendencies. Thus the Soviet Union promotes the domestic production of rice in order "to completely satisfy the country's demand by the end of the Five-Year Plan" in Brezhnev's words, even though the Soviet cost price is almost three times the world market price and even though rice shipments would be advantageous for the LDC's (including the UAR).

FOOTNOTES

[1] Even at this lowered rate, within a decade or so, the Party will reach 20 million members.

[2] With the noteworthy exception of Kosygin, whose report showed some restraint in the appraisal of the 1966–70 results.

[3] This claim was included in both the draft and approved versions of the directives for the Ninth Five-Year Plan.

[4] The small edge of consumers' goods output growth rate over that of producers' goods in 1967 seems fortuitous, but during 1968–70 it was the reflection of deliberate policy decisions.

[5] Although the figures are regularly published in official Soviet statistical yearbooks, they are rarely if ever mentioned in the press.

[6] Average money incomes of workers and employees in 1970 were 65 percent higher than the incomes of kolkhoz farmers (both cash and in kind) from the communal economy.

[7] Output of these branches in the next five years is to go up by 67 percent, while overall industrial output is scheduled to grow by 42–46 percent, that of producers' goods by 41–45 percent, and consumers' goods by 44–48 percent.

[8] While Brezhnev chose to feature the consumer program as the first major point in his report on domestic affairs, Kosygin relegated this topic to the end of his much more restrained and balanced report on the internal situation.

[9] While the output of consumers' goods as a whole is scheduled to increase by 44–48 percent during the five-year period, production of light industry is slated for an increase of 35–40 percent and that of food industry of only 33–35 percent.

[10] The repayment of the state loan of some 30 billion rubles is phased over the period from 1974 to 1990.

[11] The figures cited in the directives imply that average money incomes of workers and employees by 1975 are expected to be 50 percent higher than the incomes of kolkhoz farmers.

WRC–TV CALLS FOR ACTION TO ASSURE SAFER BLOOD

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. VEYSEY. Mr. Speaker, during the Christmas holiday season WRC–TV, a Washington, D.C., television station, broadcast a significant editorial explaining the urgent need for more voluntary blood donations. Mr. Bryson B. Rash, the editorial manager for WRC–TV, called attention to the dangerous alternate source used when there is a shortage of voluntary blood.

Since donors who are paid for their blood are 11 to 70 times more likely to carry the hepatitis virus in their veins, the use of their blood increases the patient's danger dramatically.

I recently introduced a bill, H.R. 11828, which would encourage people to voluntarily donate blood, and would provide for the inspection and regulation of all the blood banks in the country. By requiring that each unit of blood be labeled as to its original source, volunteer or paid, and by beginning a vigorous national donor recruitment program, my bill would provide the basis for a return to a completely volunteer blood system.

Station WRC–TV is to be commended for its contribution to public awareness of this critical problem. The editorial follows:

[Vol. 4, No. 92, broadcast: December 27 and 28, 1971]

"RED CROSS—BLOOD"

In this joyous holiday season people seem to forget the hospital patient or the accident victim who may desperately need blood. Voluntary blood donors at the Red Cross center drop off to a handful—but the need remains constant.

Washington is fortunate because thus far it has just managed to meet its year round needs. Elsewhere paid donors and commercial blood banks fill the gap. In far too many cases the product may result in serious illness and death. The specter is serum hepatitis.

Representative Victor Veysey of California, who has introduced a bill to regulate blood banks, reveals shocking figures. In 1971 over two million blood transfusions will be performed in the United States. One out of 150 will cause a death from serum hepatitis in the over forty age group.

Representative Veysey says studies have shown that the risk of contracting hepatitis from blood of paid donors is from 11 to 70 times greater than the risk from voluntarily donated blood.

Only 166 of the nation's 7,000 blood banks are supervised by the Federal government. The District and Maryland have license and inspection laws—Virginia has none.

Representative Veysey's bill would regulate all blood banks and provide for a massive donor recruitment effort. It deserves support and approval.

The risk of contracting hepatitis from voluntary donors is small. If enough volunteers gave blood to the Red Cross nationally the danger would be minimal.

The need is great right now and it will be in the future. Give blood to the Red Cross this week.

PEACE CORPS FUNDS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SYMINGTON. Mr. Speaker, in the general disenchantment currently surrounding this Nation's foreign aid programs, we must take special care that one of our most hopeful and humanitarian efforts, the Peace Corps, is not an innocent victim of appropriations cuts.

The continuing resolution passed at the end of last session set a ceiling of $72 million on the Peace Corps budget. This reduced figure, compared with the $82.2 million authorization with which the Peace Corps began the fiscal year, forces the Peace Corps to "unspend" retroactively money spent in good faith earlier in the fiscal year.

To conform to the reduced spending ceiling, Director Joseph Blatchford has ordered a freeze on invitations to join the Peace Corps, and ordered contingency plans to bring home upward to 4,000 volunteers before March 31.

Before we aquiesce in this enforced cutback, we would do well to consider the importance of the Peace Corps at this point in history. I would suggest that few programs have done more to foster international communication at its best level—the interpersonal. Few programs have done more to promote understanding of the United States as a Good Neighbor, and to counter the notion of the "imperialist aggressor." The President is striving to build bridges abroad through summitry, we can help cement these bridges through the personal efforts of Peace Corps volunteers.

It would be particularly disastrous to reduce the Peace Corps by misplaced congressional thrift at a time when volunteers are increasing by 40 percent in 1971, and by a projected 70 percent in 1972.

The interest young people show in the Peace Corps is especially relevant when we are considering alternatives to the military service. We have discussed new proposals for a national volunteer service. Until such a system should be implemented, let us not discard the good and workable programs we already have —programs which have captured the support and enthusiasm of both the young people who would volunteer, and the countries which benefit from their commitment to building a better and more peaceful world.

MONITOR NO LONGER SENT FREE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DINGELL. Mr. Speaker, so that my colleagues may have an opportunity to be aware of its contents, I include the text of the Council on Environmental Quality's January 1972 issue of 102 Monitor at this point in the RECORD:

ENVIRONMENTAL IMPACT STATEMENTS

NOTICE

This is the next-to-last issue of the 102 Monitor that you will receive free of charge. If you wish to continue receiving the *Monitor*, you must place a subscription with the Superintendent of Documents, U.S. Government Printing Office. Cost will be $6.50 per year or 60¢ each for single copy. An order blank is enclosed for your convenience.

NEPA AND THE COURTS

In two short years since the National Environmental Policy Act (NEPA) was enacted, Federal courts across the country in widely varying fact situations have proved that the "102" provisions are court enforceable. In so doing, their decisions have given important interpretations to various aspects of NEPA. Because of the growing interest in these decisions—which include 15 Courts of Appeals decisions, 48 District Court opinions and 3 discussions in Supreme Court dissents—this issue of the *102 Monitor* features a cumulative list of the reported NEPA decisions through December 31, 1971.

CUMULATIVE LIST OF REPORTED JUDICIAL DECISIONS INVOLVING THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969—PUBLIC LAW 91-190, 42 U.S.C. §§ 4321-47—THROUGH DECEMBER 31, 1971

UNITED STATES SUPREME COURT

Committee for Nuclear Responsibility v. Seaborg, 3 ERC 1276 (11/6/71) (Douglas, Brennan, and Marshall, JJ., dissenting). The court denied an injunction, pending action on a petition for certiorari, against the underground nuclear test Cannikin. Justice Douglas' dissent discusses possible defects in the AEC's 102 statement.

San Antonio Conservation Society v. Texas Highway Dept., 2 ERC 1083, 1 ELR 20069 (12/21/70) (Black, Douglas, Brennan, JJ., dissenting from denial of cert.). The dissenting Justices stated that NEPA does apply to Federally funded State highway projects, and that the Supreme Court should have taken for review, prior to decision in Court of Appeals, this dispute concerning a highway project for which an environmental statement under section 102(2)(C) was not prepared. There has been a further decision in the 5th Circuit referred to below.

2606.84 Acres v. United States, 2 ERC 1623, 1 ELR 20155 (4/19/71) (Douglas, Black, JJ., dissenting from denial of cert.). A landowner challenged the taking of his land for a Corps of Engineers project on the ground that the project had been expanded so radically since its authorization by Congress that a new authorization was required. The Fifth Circuit rejected this claim, and the Supreme Court denied certiorari. The dissenting Justices argued that the case warranted review partially to determine whether the Corps had complied with NEPA with respect to future work on the project.

UNITED STATES COURTS OF APPEALS

Calvert Cliffs' Coordinating Comm. v. *AEC*, 2 ERC 1779, 1 ELR 20346 (D.C. Cir. 7/23/71). The Court found the AEC's rules for implementing NEPA in licensing nuclear power plants invalid in four respects: (1) the rules failed to require hearing boards to consider environmental factors unless raised by the regulatory staff or outside persons; (2) they excluded nonradiological environmental issues in all cases where the notice of hearing was published before 3/4/71; (3) they prohibited reconsideration of water quality impacts where a certification of compliance with State standards had been obtained; and (4) they failed to provide for environmental review of cases in which a construction permit had been granted prior to NEPA's effective date but the time was not yet ripe for granting an operating license.

Committee for Nuclear Responsibility v. *Seaborg*, 3 ERC 1126, 1210, 1256 (D.C. Cir. 10/5/71, 10/28/71, 11/3/71). The court reversed a summary judgment for defendants, holding that plaintiffs had alleged a legally sufficient claim that the AEC's 102 statement on the underground nuclear test Cannikin was deficient under NEPA. The court later upheld the district judge's order requiring release of Government documents, which were not part of the 102 statement, discussing environmental aspects of the proposed test. However, the court refused to stay the test *pendente lite*. Finally, after release of the documents, the court refused on national security grounds to delay the test—without deciding whether NEPA had been satisfied. (The Supreme Court later upheld this refusal.)

Ely v. *Velde*, 3 ERC 1280 (4th Cir. 11/8/71). The court, in reversing a district court decision, held that the Law Enforcement Assistance Administration must prepare a 102 statement on the portion of a block grant to the State of Virginia that will be used to construct a prison facility in a historic area.

Lathan v. Volpe, 3 ERC 1362 (9th Cir. 11/15/71). The court held that citizens were entitled to a preliminary injunction against further acquisition of property by the State of Washington for Interstate 90 in Seattle until Federal officials prepared a 102 statement.

National Helium Corp. v. Morton, 3 ERC 1129, 1 ELR 20478 (10th Cir. 10/4/71). The court upheld a preliminary injunction against the Interior Department's cancellation of contracts to buy helium, on the basis of noncompliance with NEPA.

Pennsylvania Environmental Council v. Bartlett, 3 ERC 1421 (3d Cir. 12/1/71). The court upheld a district court ruling that a 102 statement was not required for a Federal-aid highway project for which all Federal approvals were given and all contracts awarded prior to enactment of NEPA.

San Antonio Conservation Society v. Texas Highway Department, 2 ERC 1872, 1 ELR 20379 (5th Cir. 8/5/71). The court stayed construction of a highway through a park in San Antonio, on the basis of noncompliance with NEPA and other laws. The court held that the "segments" of the highway adjacent to the park must be considered together with the park "segment" in the application of these laws. It further held that, since the highway had been approved for Federal funding, the State could not defeat the application of the Federal laws by proceeding without Federal funds.

Scenic Hudson Preservation Conf. v. FPC, 3 ERC 1232 (2d Cir. 10/22/71). The court upheld the FPC's grant of a license for the Storm King pumped storage power plant. The court found that the FPC had considered all relevant factors as required by NEPA, and that its findings were supported by substantial evidence.

Thermal Ecology Must Be Preserved v. AEC, 2 ERC 1379, 1 ELR 20078 (D.C. Cir. 7/20/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. Citizens groups claimed the hearings were illegal under NEPA because the AEC was refusing to consider the dangers of thermal pollution or of cumulative radiation. However, the court said that this question could be raised only on review of a final AEC order.

Thermal Ecology Must Be Preserved v. AEC, 2 ERC 1405 (7th Cir. 8/24/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. The court relief on the D.C. Circuit ruling of the same name.

Upper Pecos Assn. v. Stans, 2 ERC 1418 (10th Cir. 12/7/71). The court affirmed a district court ruling that the economic Development Administration did not have to prepare a 102 statement on a grant for road construction, since the Forest Service was the lead agency in developing the road and had prepared a statement on it. Although the Forest Service's 102 statement was not prepared until after the EDA had made an offer of funds, the court held that this timing satisfied NEPA because the Forest Service still had full authority to grant or deny a right-of-way, and the application for EDA funds was made prior to enactment of NEPA.

West Virginia Highlands Conservancy v. Island Creek Coal Co., 2 ERC 1422, 1 ELR 20160 (4th Cir. 4/6/71). The court upheld the standing of a citizen group under NEPA and the Wilderness Act to challenge the Forest Service's permission of private timber cutting and road construction in Monongahela National Forest. The citizen group charged that a 102 statement should have been prepared, and that the area was protected by the Wilderness Act until studied for wilderness character. Without deciding these claims, the court found them sufficiently strong to justify a preliminary injunction pending further proceedings in the district court.

Zabel v. Tabb, 1 ERC 1449, 1 ELR 20023 (5th Cir. 7/16/70), *cert. denied*, 39 U.S.L.W. 3360 (2/22/71). The court held that the Army Corps of Engineers has authority to deny a dredge-and-fill permit under 33 U.S.C. 403 on ecological grounds, basing its holdings in part on NEPA.

UNITED STATES DISTRICT COURTS

Arlington Coalition on Transportation v. *Volpe*, 3 ERC 1138 (E.D. Va. 10/8/71). The court dismissed a suit to enjoin construction of Interstate 66 through Arlington. It held that NEPA was inapplicable to portions of the highway approved before January 1, 1970, and found that a 102 statement would be prepared before approval or additional work. The decision was reversed by the 4th Circuit, in an unreported opinion.

Berkson v. Morton, 3 ERC 1121 (D. Md. 10/1/71). The court issued a 10-day temporary restraining order against construction in the C&O Canal National Historic Park without compliance with NEPA and other Federal statutes. This order has subsequently been extended.

Brooks v. Volpe, 2 ERC 1004, 1571, 1 ELR 20045, 20286, W.D. Wash. 9/25/70, 4/6/71). The court held that a 102 statement was not required for an Interstate highway segment whose location had been approved in 1967. The court upheld the standing of the individual plaintiffs to bring the suit, but denied the standing of the environmental groups.

Bucklein v. Volpe, 2 ERC 1082, 1 ELR 20043 (N.D. Cal. 10/29/70). The court refused an injunction against disbursement of Federal emergency funds for a road relocation project. The plaintiff challenged the location of the road as an abuse of discretion, arguing that an alternative location was environmentally preferable. The court found that there had been "ample consideration" of environmental factors, and stated that it is unlikely that the policy declaration in Section 101 of NEPA was intended to create "court enforcible duties."

Businessmen for the Public Interest v. Resor, 3 ERC 1216 (N.D. Ill. 10/14/71). The court ruled that citizens could not sue to challenge the application of the Refuse Act

permit program to Lake Michigan until the Corps of Engineers propsed to issue a permit under the program. However, the court went on to uphold the regulations implementing the program, replying in part on NEPA.

Citizens to Preserve Foster Park v. Volpe, 3 ERC 1931, 1 ELR 20389 (N.D. Ind. 8/18/71). The court denied a preliminary injunction against further work on a federally assisted highway. The court found that a 102 statement prepared in June 1970 complied with NEPA "to the extent possible" even though it did not comply with guidelines and procedures issued before that date. The court stressed that the park affected by the highway was already as "torn up" as it would be from further construction.

Coastal Petroleum Co. v. Secretary of the Army, 1 ERC 1475 (S.D. Fla. 7/1/70). The court held, on the basis of the District Court ruling (later reversed) in *Zabel v. Tabb*, that the Corps of Engineers has no authority to deny a permit under 33 U.S.C. 403 on other than navigational grounds. However, the court refused to order the Corps to grant a permit for limestone mining in Lake Okeechobee because of environmental danger and because other remedies were available to protect the applicant's financial interests. NEPA was discussed in supplemental briefs after the trial, but the court found it "not to be applicable." The court later reversed itself, without opinion, on the basis of the 5th Circuit's decision in *Zabel*.

Daly v. Volpe, 2 ERC 1506, 1 ELR 20242 (E. D. Wash. 4/9/71). Local residents sought an injunction against construction of an interstate highway segment near North Bend, Washington, asserting that the Department of Transportation had not complied with the requirements of NEPA. The segment, on which planning and hearings had begun before enactment of NEPA, was approved on November 30, 1970. At that time a draft environmental statement had been prepared, but agency comments were not received or a final statement prepared until after the approval. The court held that the Department of Transportation had substantially complied with NEPA in approving the segment, since the plans had been coordinated with many groups before approval, and agency procedures for formal circulation of draft environmental statements were still being developed.

Delaware v. *Pennsylvania New York Central Transp. Co.*, 2 ERC 1355, 1 ELR 20106 (D. Del. 2/24/71). The court granted standing to a State and private persons to challenge the Corps of Engineers' issuance of permits to Penn Central for a dike and fill operation along the foreshore of the Delaware River. Plaintiffs allege, *inter alia*, that the Corps violated NEPA by giving inadequate consideration to the environmental effects of the operation. However, consideration of plaintiffs' claims will be delayed pending Penn Central's bankruptcy proceedings in another Federal court.

Dorothy Thomas Foundation v. *Hardin*, 1 ERC 1679 (W.D. N.C. 8/31/70). The court denied a preliminary injunction against timber cutting in a National Forest, finding that plaintiffs had not proven that the Federal defendants had failed to consider the factors required by NEPA and the Multiple Use and Sustained Yield Act.

Echo Park Residents Comm. v. *Romney*, 3 ERC 1255 (C.D. Cal. 5/11/71). The court upheld the finding by HUD that Federal assistance for a 66-unit apartment project would not significantly affect the environment and did not need a 102 statement.

Elliot v. *Volpe*, 2 ERC 1498, 1 ELR 20243 (D. Mass. 4/20/71). Plaintiffs sued to halt construction of interstate highway segments through Somerville, Massachusetts, asserting that the Department of Transportation had not complied with the requirements of NEPA. The court denied an injunction, on the ground that the planning and location of the segments had been completed and approved in 1966, and substantial construction had taken place before the enactment of NEPA. The court concluded that it would be an unwarranted "restroactive" application of NEPA to require a total halt in construction while the NEPA procedures were followed for the remaining action on the segments.

Ely v. *Velde*, 2 ERC 1185, 1 ELR 20082 (E.D. Va. 1/22/71). In a suit by neighboring property owners to contest a Federal grant to a State for construction of a prison facility, the court held that NEPA did not require the Federal granting agency to consider the environmental impact of the facility. The court stated that the Safe Streets Act of 1968 imposed a mandatory duty to award the funds, which was not modified by enactment of the "discretionary" provisions of NEPA in 1970. The decision was later reversed by the 4th Circuit.

Environmental Defense Fund, Inc. v. *Corps of Engineers*, 1 ELR 20130, 2 ERC 1260 (E.D. Ark. 2/19/71). Plaintiff environmental groups sued to enjoin further construction of the Gillham Dam, on which the Corps has prepared an environmental statement under section 102(2)(C). The court upheld plaintiffs' standing and held that NEPA was applicable even though the project was partially constructed prior to January 1, 1970. On the merits, the court rejected plaintiffs' argument that section 101 creates an enforceable duty not to undertake environmentally damaging projects. However, it found the environmental statement legally inadequate and enjoined further construction until the Corps has complied with section 102(2)(A), (B), (C), (D) of NEPA.

Environmental Defense Fund, Inc. v. *Corps of Engineers*, 2 ERC 1173, 1797, 1 ELR 20079, 20366 (D. D.C. 1/27/71, 7/27/71). The court granted a preliminary injunction against further construction of the Cross-Florida Barge Canal. The court held that a 102 statement was required for further actions even though the project was begun before January 1, 1970. The case was later consolidated with others involving the canal and transferred to M.D. Fla. for pretrial proceedings.

Environmental Defense Fund, Inc. v. Corps of Engineers, 3 ERC 1085, 1ELR 20466 (D. D.C. 9/21/71). The court granted a preliminary injunction against construction of the Tennessee-Tombigbee Waterway. It ruled that the plaintiffs had made a sufficient showing of noncompliance with NEPA to warrant an injunction pending trial.

Environmental Defense Fund, Inc. v. *Hardin*, 2 ERC 1424, 1 ELR 20207 (D. D.C. 4/14/71). The court ruled that the Department of Agriculture's fire ant control program, involving dissemination of the pesticide Mirex, was a major action requiring an environmental statement under Section 102(2)(C) of NEPA. However, it refused a preliminary injunction against the program, on the ground that the Department had performed adequate studies of the program's environmental effects and had prepared an environmental statement discussing those effects in sufficient detail to satisfy all procedural requirements of Section 102(2)(C).

Gibson v. *Ruckelshaus*, 3 ERC 1028, 1 ELR 20337 (E.D. Tex. 3/1/71). The court granted an injunction against condemnation proceedings for Federal financing for a sewage treatment facility, on the ground that the Environmental Protection Agency had failed to comply with NEPA and the Federal Water Pollution Control Act. The 5th Cir. later reversed and remanded the case on the basis of the plaintiff's refusal to cooperate with the court. (8/9/71, 3 ERC 1370).

Goose Hollow Foothills League v. *Romney*, 3 ERC 1087 (D. Ore. 9/9/71). The court enjoined construction of a Federally assisted college high-rise housing project for failure to prepare a 102 statement. However, the court stayed its injunction for 90 days to permit the filing of the statement. The injunction was made effective on 12/28/71, 3 ERC 1457.

Harrisburg Coalition Against Ruining the Environment v. *Volpe*, 2 ERC 1671, 1 ELR 20237 (M.D. Pa. 5/12/71). In a suit to enjoin construction of Interstate 81 through a park, the court found that the Secretary of Transportation had not made the findings required by Section 4(f) of the DOT Act. The case was remanded for new findings by the Secretary and for preparation of a 102 statement in accordance with the CEQ guidelines.

Investment Syndicates, Inc. v. *Richmond*, 1 ERC 1713, 1 ELR 20044 (D. Ore. 10/27/70). A landowner sued to enjoin construction of a power line across his land on the basis of the failure of Bonneville Power Administration to prepare an environmental statement under section 102(2)(C). The court held that a statement was not required, noting that the project had been approved and funded and nearly half of the necessary easements purchased before January 1, 1970, and that evidence of the proposed right of way was visible on plaintiff's land when he purchased it.

Izaak Walton League v. *Macchia*, 2 ERC 1661 (D. N.J. 6/16/71). The court upheld the plaintiff's standing to sue private developers and the Corps of Engineers to stop the developers from dredging in navigable waters under a Corps permit. The court also rejected the defenses of sovereign immunity and laches, and continued the case for trial. The suit challenges the validity of the permit under NEPA and other Federal laws.

Izaak Walton League v. *Schlesinger*, 3 ERC 1453 (D. D.C. 12/13/71). The court granted a preliminary injunction against the AEC's issuance of a partial operating license for the Quad Cities nuclear reactor pending completion of the NEPA review of the application for a full operating license. The court held that the partial license was itself a major action requiring a 102 statement.

Izaak Walton League v. *St. Clair*, 1 ERC 1401 (D. Minn. 6/1/70). The court denied the Government's motion to dismiss a suit brought to invalidate private mineral claims in the Boundary Waters Canoe Area (a Wilderness Area). The court upheld the plaintiff's standing to sue and ruled that the suit was not barred by sovereign immunity.

Kalur v. *Resor*, 3 ERC 1485 (D. D.C. 12/21/71). In an action to review the Corps of Engineers' regulations governing the Refuse Act permit program, the court found the regulations invalid in two respects: (1) the regulations permitted the issuance of permits for discharges into nonnavigable tributaries of navigable waters; and (2) they failed to require 102 statements for the issuance of permits. The court enjoined further issuance of permits under the program.

LaRaza Unida v. Volpe, 3 ERC 1306 (N.D. Cal. 11/8/71). The court granted a preliminary injunction against construction or property acquisition for a Federally assisted highway in Alameda County. The court based its order on violations of other Federal statutes, leaving a claimed violation of NEPA for consideration at trial.

Lever Bros. Co. v. FTC, 2 ERC 1648, 1 ELR 20185 (D. Me. 4/19/71). Detergent manufacturers sought an injunction forbidding the FTC to hold hearings on a proposed rule to require special labeling of detergents, including a pollution warning on detergents containing phosphorus. The manufacturers claimed that the hearings were illegal because the FTC had not prepared an environmental impact statement under NEPA on the proposed rule. The district court denied an injunction on the ground that the legality of the FTC's procedures could be reviewed only on review of the final adoption of a rule. The manufacturers then moved in the First Circuit Court of Appeals for an injunction pending appeal, which was denied by a single judge on the ground that as long as an environmental statement will be re-

leased prior to adoption of a rule, the manufacturers will not suffer sufficient hardship to justify court review prior to such adoption. (4/20/71, 2 ERC 1651, 1 ELR 20328.) The appeal was apparently dropped before hearing in the full court of appeals.

Lloyd Harbor Study Group, Inc. v. Seaborg, 2 ERC 1380, 1 ELR 20188 (E.D. N.Y. 4/2/71). A citizen group sought a court order under NEPA requiring the AEC to consider nonradiological environmental effects in its hearings on a permit application for a nuclear power plant in Shoreham, Long Island. The AEC had refused to receive evidence of such effects. The court dismissed the suit on the ground that this refusal could be reviewed only by a Court of Appeals after entry of a final AEC order.

McQueary v. Laird, 3 ERC 1185 (D. Colo. 10/2/71). In a suit to enjoin the Defense Department from storing chemical and biological warfare agents at Rocky Mountain Arsenal, the court held that NEPA did not create a substantive right to prevent the storage. The court held that the decision to store the agents was within the Department's discretion.

Monroe County Conservation Assn. v. *Hansen*, 1 ELR 20362, 3 ERC 1208 (W.D. N.Y. 6/1/71). The court denied a preliminary injunction against Corps of Engineers dumping of dredge spoil into Lake Ontario, saying that under the circumstances no law, including NEPA, required an immediate halt to the dumping.

Morningside-Lenox Park Assn. v. *Volpe*, 3 ERC 1327 (N.D. Ga. 11/22/71). The court preliminary enjoined further work on Interstate 485 in Atlanta, holding that a 102 statement was required for further actions even though location approval was given before January 1, 1970.

National Helium Corp. v. *Morton*, 2 ERC 1372, 1 ELR 20157 (D. Kan. 3/27/71). The court held that the Secretary of the Interior's cancellation of contracts for Federal purchase of helium constituted a "major action" requiring an environmental impact statement under Section 102(2)(C) of NEPA, and that the contractor had standing to seek compliance with this requirement. The court issued a preliminary injunction against termination of the contracts until the Secretary complied with NEPA. The injunction was subsequently affirmed by the 10th Circuit.

Nolop v. *Volpe*, 3 ERC 1338 (D. S.D. 11/11/71). The court upheld the standing of minor students at U.S.D. to sue as a class (through a guardian ad litem) to prevent construction through the campus of a Federally funded highway. It granted a preliminary injunction against further construction until a 102 statement is prepared.

Northwest Area Welfare Rights Orgn. v. *Volpe*, 2 ERC 1704, 1 ELR 20186 (E.D. Wash. 12/3/70). The court denied a preliminary injunction against further development of a highway project in Spokane. The court held that a claim of violation of NEPA was premature, since the only Federal participation was funding of an area transportation study.

NRDC v. *Morton*, 3 ERC 1473 (D. D.C. 12/16/71). The court preliminarily enjoined a proposed sale of leases for oil and gas extraction on the Outer Continental Shelf off eastern Louisiana. The court held that a substantial question had been raised about the legal sufficiency of Interior's 102 statement, particularly in the scope of alternative actions discussed.

NRDC v. TVA, 3 ERC 1468 (S.D. N.Y. 12/8/71). The court denied the defendants' motion to dismiss, which was premised on these grounds: (1) improper service of process; (2) improper venue; (3) lack of jurisdiction; and (4) failure to join indispensable parties. It granted the motion of the Audubon Society to intervene as a plaintiff.

Pennsylvania Environmental Council v. Bartlett, 1 ERC 1271 (M.D. Pa. 4/30/70). The court held that a conservation group had standing to challenge the Secretary of Transportation's approval of a State secondary highway relocation project, but that NEPA did not apply to a project for which planning and the award of a contract preceded January 1, 1970. In dictum the court also expressed doubt that NEPA requires the Secretary to study the environmental impact of State secondary highway projects before approving them. The decision was later affirmed by the 3d Circuit.

Petterson v. Resor, 3 ERC 1170 (D. Ore. 10/4/71). The court upheld citizens' standing to challenge a Corps of Engineers dredge-and-fill permit for the expansion of the Portland airport. However, it ruled that the permit was not one for which congressional approval was required under 33 U.S.C. 401. A NEPA violation was claimed, but the court only mentioned it without dealing with it.

Sierra Club v. Hardin, 2 ERC 1385, 1 ELR 20161 (D. Alaska 3/25/71). The court upheld the standing of conservation groups to challenge the Forest Service's sale of timber in Tongass National Forest as violative of NEPA and other statutes. However, the court found that the Forest Service's reliance on the report of a panel of conservationists complied with NEPA "to the fullest extent possible" in view of the advanced stage of the transaction at the time of NEPA's passage. It found the claims under other statutes to be barred by laches. The decision has been appealed.

Sierra Club v. Laird, 1 ELR 20085 (D. Ariz. 6/23/70). Plaintiff conservation groups sued to enjoin the Corps of Engineers from proceeding with a channel-clearing project on the Gila River, which had been authorized prior to January 1, 1970. The court granted a preliminary injunction on the basis of the Corps' failure to comply with section 102(2)(C), Executive Order 11514, and paragraph 11 of SEQ's Interim Guidelines.

State Committee to Stop Sanguine v. *Laird*, 317 F. Supp. 665 (W.D. Wis. 1970). In a suit by conservationists to enjoin the operation of a signal-system test facility for noncompliance with section 102(2)(E) (requiring *inter alia*, that Federal agencies support international environmental initiatives), the court refused an injunction because of plaintiffs' failure to make specific allegations of noncompliance.

Texas Committee v. *Resor*, 1 ELR 20466 (E.D. Tex. 6/29/71). The court granted a preliminary injunction against work on the Cooper Dam project until the Corps of Engineers prepares a 102 statement.

Texas Committee v. *United States*, 1 ERC 1303 (W.D. Tex. 2/5/70), *dismissed as moot* (5th Cir. 8/25/70). The court granted a preliminary injunction to prevent Farmers Home Administration from financing a golf-course project that allegedly threatened important wildlife habitat. The project had been approved, but not commenced, before January 1, 1970. The basis for the injunction was that FHA had not considered the environmental impact as required by NEPA. The case was dismissed as moot when the golf course was located elsewhere.

United States v. *Brookhaven*, 2 ERC 1761, 1 ELR 20377 (E.D. N.Y. 7/2/71). The court granted a preliminary injunction against dredging by a municipality in navigable waters without a Corps of Engineers permit. It held that the Corps, which had issued a permit in 1967, was not required to grant a subsequent permit, since the law had changed with the passage of NEPA.

United States v. *Joseph G. Moretti, Inc.*, 1 ELR 20443, 3 ERC 1052 (S.D. Fla. 9/2/71). The court issued an injunction against further private dredging in Florida Bay without a Corps of Engineers permit. The injunction also required restoration of the defendant's past damage to the bay. The court relied on NEPA to justify considering ecological damage.

United States v. *247.37 Acres*, 3 ERC 1099 (S.D. Ohio 9/9/71). In a suit to condemn land for the Corps of Engineers' East Fork Reservoir project, the court refused to grant summary judgment for the Government. The court held that failure to comply with NEPA was a valid defense to the condemnation suit.

Upper Pecos Assn. v. Stans, 2 ERC 1614, 1 ELR 20228 (D. N.M. 6/1/71). The court upheld the plaintiff's standing to challenge an Economic Development Administration grant for construction of a road. However, the court held that a 102 statement was not required on the grant because the Forest Service, which was the lead agency in developing the road, had prepared a 102 statement on it. The decision was affirmed on appeal.

Wilderness Society v. Morton, 1 ERC 1335, 1 ELR 20042 (D. D.C. 4/23/70). In a suit by conservation groups, the court enjoined the issuance by the Secretary of the Interior of a permit for a road across Federal lands on the basis, among others, of the Secretary's failure to prepare a statement under section 102(2)(C) discussing the environmental impact of both the road and the related Trans-Alaska Pipeline.

Sources for Environmental Impact Statements

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ELR Order # (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention to the "Document Service."

Source for Back Issues of the 102 Monitor

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the Congressional Record. You may wish to order these Congressional Records from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 & 3: Congressional Record (page E3607)—April 28, 1971.

Vol. 1, No. 4: Congressional Record (page E5151)—May 27, 1971.

Vol. 1, No. 5: Congressional Record (page E6023)—June 16, 1971.

Vol. 1, No. 6: Congressional Record (page E8458)—July 28, 1971.

Vol. 1, No. 7: Congressional Record (page E9483)—September 13, 1971.

Vol. 1, No. 8: Congressional Record (page E10002)—September 24, 1971.

Vol. 1, No. 9: Congressional Record (page E11596)—November 1, 1971.

Vol. 1, No. 10: Congressional Record (page E12213)—November 15, 1971.

Vol. 1, No. 11: Congressional Record (page E13322)—December 11, 1971.

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL FROM DECEMBER 1 THROUGH DECEMBER 31, 1971

(NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388–7803.

Agricultural Research Service

Supplement to draft (9/15). Cooperative Federal-State (*North Carolina* and *South Carolina*) control and regulatory program for witchweed, involving use of 2,4–D and paraquat. (ELR Order No. 820, draft—17 pages, supplement—6 pages) (NTIS Order No. PB–202 650–D) 12/7.

Forest Service

Draft

Title, description, and date

Construction of a 403-mile 345 Kv powerline from Waterflow, *New Mexico* to Tucson, *Arizona* by the Tucson Gas and Electric Co. (ELR Order No. 1458, 90 pages) (NTIS Order No. PB–204 960–D) 12/15.

Final

Title, description, and date

Legislative proposal to establish the Seward National Recreation area, Kenai Peninsula and Greater Anchorage Area Boroughs, *Alaska*. Consists of 1.4 million acres, of which 1,280,500 are National Forest lands, 116,000 are Public Domain lands, 282 State and 3,230 private owned. No draft statement received. (ELR Order No. 1360, 26 pages) (NTIS Order No. PB–204 694–F) 12/6.

Office of the Secretary

Final

Title, description, and date

Establishment of Scapegoat Wilderness, now a part of Helena, Lewis and Clark, and Lolo National Forests, *Montana*. Involves about 233,000 acres in northern Rocky Mountains. (ELR Order No. 1451, 17 pages) (NTIS Order No. PB–204 956–F) 12/13.

Rural Electric Administration

Final

Title, description, and date

Mooreland Electric Generating Station Unit No. 3, Woodward County, *Oklahoma*. Loan application from the Western Farmers Electric Cooperative for construction of additional 135,000 kw unit. Comments made by USDA, FPC, DOI, Okla. Office of Community Affairs and Planning and Okla. Dept. of Health. (ELR Order No. 1302, 166 pages) (NTIS Order No. PB–204 505–F) 11/24.

Transmission line between Beaver Creek and Wray, *Colorado*. Application of Tri-State Generation and Transmission Assn., Inc. for a change-of-purpose of $3,088,000 of loaned funds and of $345,600 of general funds to construct a 77-mile, 230 kv transmission line, a switching station at Beaver Creek and a substation addition at Wray. Comments made by USDA, EPA, FPC, DOI and 2 state agencies. (ELR Order No. 1333, 57 pages) (NTIS Order No. PB–203 797–F) 12/1.

Social Conservation Service

Draft

Title, description, and date

Cornudas, North and Culp Draws Watershed, Hudspeth County, *Texas* and Otero County, *New Mexico*. Application of land treatment measures within the watershed supplemented by 3 floodwater retarding structures. Involves 1,315 acres of rangeland. (ELR Order No. 1321, 11 pages) (NTIS Order No. PB–204 573–D) 11/30.

Hitson, C&L and Washburn Draws Watershed, Hudspeth County, *Texas*. Application of land treatment measures on 29,900 acres of agricultural land supplemented by 1 floodwater retarding structure, 2 multi-purpose structures, and 25,150′ of diversions. Will change land use of 624 acres of land and occasionally inundate 2 miles of draws included in that acreage. (ELR Order No. 1326, 11 pages) (NTIS Order No. PB–204 561–D) 12/1.

Final

Title, description, and date

Hollow Creek Watershed, Lexington and Saluda Counties, *South Carolina*. Conservation land treatment of 2,700 acres and construction of 2 floodwater retarding dams. Will destroy agricultural use and wildlife habitat on 92 acres of pasture and woodland. Comments made by Army COE, EPA, FPC, DOI, S.C. Water Resources Commission and S.C. Planning and Grants Division. (ELR Order No. 1445, 10 pages) (NTIS Order No. PB–203 233–F) 12/10.

Tekamah-Mud Creek Watershed, *Nebraska*. A multi-purpose reservoir, 4 combination floodwater retarding-grade stabilization structures and 10 grade stabilization structures. Will inundate 8 miles of intermittently flowing streams. Purpose is to reduce erosion and land destruction. Comments made by DOI, DOA, EPA, HEW, Governor of Nebraska and State Soil and Water Conservation Comm. (ELR Order No. 1475, 33 pages) (NTIS Order No. PB–199 326–F) 12/16.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545 (202) 973–5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545 (202) 973–7531.

Draft

Title, description, and date

Power Burst Facility, National Reactor Testing Station, southeastern, *Idaho*. Operation of reactor with a sudden increase in power level for a short period of time (burst of power) to subject test fuel elements to severe operating conditions. Construction essentially complete. (ELR Order 1427, 72 pages) (NTIS Order PB–204 915–D) 12/15.

Oconee Nuclear Station, Unit 1, Oconee County, *South Carolina*. Application of the Duke Power Co. for operating license. Action pertains to operation of 1 of 3 units (922 mgw each); statement considers impact of simultaneous operation of all 3 (waste heat generation of 1650 mgw). Docket No. 50–269. (Note: this is a new statement; final of an earlier draft was transmitted 2/12/71) (ELR Order 1438, 147 pages) (NTIS Order PB–202 796–F) 12/15.

Elk River Reactor dismantling, *Minnesota*. Contaminated materials to be disposed of at AEC approved burial grounds. (ELR Order 1507, 42 pages) (NTIS Order PB–205 234–D) 12/23.

DEPARTMENT OF DEFENSE—DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310 (202) OX 4–4269.

Draft

Title, description, and date

Project Eagle—Phase II, Rocky Mountain Arsenal, *Colorado*. Disposal of 21,000 obsolete M34 gas bomb clusters containing approximately 454,000 gallons of the chemical warfare nerve agent GB by chemical neutralization. (ELR No. 1415, 643 pages) (NTIS Order No. PB–204 919–D; price, $9.00) 12/3.

Final

Title, description, and date

Minimum facilities for Air Cavalry Combat Brigade Test, Fort Hood, *Texas*. Construction to provide minimum essential heliport and testing facilities for up to 410 organic helicopters, involving construction of bituminous maintenance aprons, storm sewers, etc. and personnel administrative space, including rehabilitation of 5 permanent buildings. Comments made by USDA, EPA, HEW and DOI. (ELR Order No. 1414, 72 pages) (NTIS Order No. PB–202 796–F) 12/8.

Deactivation of anti-crop biological agent at Fort Detrick, *Maryland*. (No draft statement received.) A separate statement will be filed on the disposal of the inactivated waste. Comments made by HEW, DOI, USDA, EPA, State of Md., Metropolitan Washington Council of Governments. (ELR Order No. 1505, 75 pages) (NTIS Order No. PB–205 226–F) 12/22.

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693–6346 or 6329.

For the reader's convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title, description, and date

Hurricane protection project, Stratford, *Connecticut*. Encirclement of low portions adjacent to the Great Meadows and along west bank of the Housatonic River by earth-filled levees and some floodwalls and provision of 6 pumping stations along the river. Will fill about 13.2 acres of marsh and replace 5.1 acres of water area. (ELR Order No. 1316, 31 pages) (NTIS Order No. PB–204 571–D) 12/1.

Miami Harbor, *Florida*. Deepening from 30′ to 36–38′ of a 6-mile reach and widening by 100′ to 500′ of the channel between the jetties. About 5 million cu. yds. of dredged material will be deposited in 2 upland diked areas and 3 open-water disposal areas. (ELR Order No. 1407, 18 pages) (NTIS Order No. PB–204 838–D) 12/3.

Kahului Harbor west breakwater, Maui, *Hawaii*. Repair of 100′ of breakwater trunk by placing 19- and 35-ton concrete units on seaward slope and constructing concrete ribs on the cap of the breakwater. (ELR Order No. 1406, 10 pages) (NTIS Order No. PB–204 848–D) 12/3.

Lake Forest beach erosion project, Lake County, *Illinois*. Removal of 30′ permeable steel sheet piling groin and replacement with impermeable section, extension of this groin 80′ and extension of another steel sheet piling groin 140′ to prevent further erosion and to restore the eroded and damaged beach. (ELR Order No. 1365, 18 pages) (NTIS Order No. PB–204 663–D) 12/1.

Farmers Levee and Drainage District, Mason County, *Illinois*. Levee improvement on the Sangamon River by raising the low sections and extension of levee 2.4 miles downstream, with alteration of interior drainage facilities, underseepage controls and closure structures. (ELR Order No. 1463, 13 pages) (NTIS Order No. PB–204 964–D) 12/17.

Dively Drainage and Levee District, *Illinois*. Construction of 3.53-mile earth levee, 3 gravity drains and 3 collector ditches. Approximately 3,800′ of Kaskia River left bank will be riprapped. (ELR Order No. 1508, 24 pages) (NTIS Order No. PB–205 236–D) 12/27.

Clifty Creek Lake, Clifty Lake, Wabash River Basin, *Indiana*. Construction of a dam and lake for flood control, recreation, etc. Will inundate 2,300 acres and 6 miles of free-

flowing stream. (ELR Order No. 1515, 6 pages) (NTIS Order No. PB–205 229–D) 12/13.

Southwest Jefferson County flood protection project, Jefferson and Bullitt Counties, *Kentucky*. Construction of 68,500′ earth levee, 1500′ reinforced concrete flood wall, 5 pumping plants and a permanent impoundment in the Ohio River flood plain. Will inundate 810 acres permanently and 1140 acres periodically. Involves stripping 600 acres of cover for fill material for the levee and the loss of about 20% of Riverview Park. (ELR Order No. 1410, 13 pages) (NTIS Order No. PB–204 856–D) 12/9.

Fall River Harbor, Bristol County, *Massachusetts* and Newport County, *Rhode Island*. Navigation improvement by deepening a turning basin and dredging 11 miles of channel to deepen from 35′ to 40′; 4 million cu. yds. of dredge materials to be deposited at sea disposal site. (ELR Order No. 1363, 36 pages) (NTIS Order No. PB–204 659–D) 12/2.

Red River of the North, Oslo, Marshall County, *Minnesota*. Improvement of local levee and construction of floodwalls and interior drainage facilities. Ponding area will drain a 25-acre marsh, tree removal will alter 3.3 acres of wildlife habitat and 6 houses will be relocated. (ELR Order No. 1440, 47 pages) (NTIS Order No. PB–204 943–D) 12/9.

Tallahala Dam and Lake, Pascagoula River Basin, Jasper County, *Mississippi*. Construction of a 7,880′ earth-fill dam, a 420′ earth-fill saddle dike, a 300′ emergency spillway and a 10′ diameter outlet conduit with facilities to regulate water quality releases. Requires 15,525 acres, inundating 4,435 acres of agricultural and forest lands and intermittently inundating an additional 2,700 acres (ELR Order No. 1357, 25 pages) (NTIS Order No. PB–204 664–D) December 6.

Mississippi River, East Bank, Warren to Wilkinson Counties, *Mississippi* (Vicksburg-Yazoo area). Construction of 11.3 miles of loop-levee,1 16.1 miles of channel improvements within the interior drainage system, installation of a water level control control weir and a 200 cfs pumping station with floodgates, and development of 1,000 acres of bottomland outside the leveed area. Will involve loss of 4,300 acres of bottomland wildlife habitat. (ELR Order No. 1460, 27 pages) (NTIS Order No. PB–204 968–D) December 13.

Western Unit flood protection project, Billings, *Montana*. Diversion project along the west side of Shiloh Rd. extending from Cove Ditch to the Yellowstone River to prevent flows from crossing the road and causing flooding in Billings. Involves loss of agricultural production on 66 acres of irrigated land. (ELR Order No. 1323, 10 pages) (NTIS Order No. PB–204 575–D) November 30.

Snagging and clearing project on Gallinas River, Las Vegas, *New Mexico*. Removal of sediment and vegetation from 5,200′ of channel to provide emergency flood relief. In addition to snagging and clearing, project involves excavating a pilot channel. (ELR Order No. 1484, 16 pages) (NTIS Order No. PB–205 199–D) December 22.

Buffalo Harbor, Erie County, *New York*. Maintenance of channels and breakwaters by dredging 525,000 cu. yds. of sediment annually, about ⅓ of which is placed in inclosed disposal area and remainder in Lake Erie. (ELR Order No. 1361, 6 pages) (NTIS Order No. PB–204 670–D) November 24.

Ninemile Creek Basin, Holland Patent, Oneida County, *New York*. Construction for flood control of an overflow channel and weir, drop inlet, concrete culvert, diversion channel and drainage ditch. (ELR Order No. 1409, 14 pages) (NTIS Order No. PB–204 857–D) December 9.

Railroad closure structure, Beach City Lake, Sugar Creek, Stark County, *Ohio*. Construction of closure structure consisting of a gate opening in a railroad cut and a 400′ long earthen levee with a maximum height of 5′. (ELR Order No. 1317, 6 pages) (NTIS Order No. PB–204 570–D) November 24.

Texas City Channel, *Texas*. Maintenance dredging of channel and turning basin, required about every 2 years, with disposal at land and open bay sites. Disposal areas on Snake and Pelican Islands will be partially leveed. (ELR Order 1404, 10 pages) (NTIS Order PB–204 850–D) 12/9.

Aquatic Plant Control Program, *Texas*. Control and eradication of the water hyacinth and alligatorweed by chemical treatment (2,4-dichlorophenoxyacetic acid) and biological means (Agasicles flea beetle) in navigable waters. (ELR Order 1405, 15 pages) (NTIS Order PB–204 849–D) 12/2.

Corpus Christi Ship Channel, Neuces County, *Texas*. Maintenance dredging, with dredged material to be deposited in the Gulf, in disposal areas north and south of the channel and on land north of the channels. (ELR Order 1411, 7 pages) (NTIS Order PB–204 854–D) 12/3.

Matagorda ship channel, Calhoun and Matagorda Counties, *Texas*. Maintenance of 7 channels by dredging; dredged materials to be deposited in Gulf about 3 miles offshore. (ELR Order 1359, 8 pages) (NTIS Order PB–204 666–D) 12/3.

Virginia Beach, *Virginia*. Hurricanes protection and beach erosion control by construction of sheet pile walls capped with concrete, raising and widening the beach, and recommendation of non-structural measures (zoning and building codes). (ELR Order 1408, 27 pages) (NTIS Order PB–204 839–D) 12/6.

Revised draft following final statement transmitted 1/25/71. LaFarge Lake, Kickapoo River, Vernon County, *Wisconsin*. Construction of lake with a surface area of about 1,780 acres extending 12 miles upstream and of a 3,960′ dam with a maximum height of 103′ for flood control. Requires relocation of 22.5 miles of road, removal of 33 bridges and construction of 17 bridges. (ELR Order 1336, 200 pages) (NTIS Order PB–204 918–D; price, $6.00) 12/2.

Final

Title, description, and date

Papillion Creek and Tributaries flood protection project, Douglas, Sarpy and Washington Counties, *Nebraska*. Construction of 20 dams and lakes and implementation of a flood plain management program. Will eliminate 44 miles of riparian wildlife habitat. Comments made by USDA, EPA, DOI, 3 state agencies, Sarpy County Bd. of Commissioners, City of Omaha, Papio Watershed Bd., Metropolitan Area Planning Agency, Quality Environment Council and Omaha League of Women Voters. (ELR Order 1285, 49 pages) (NTIS Order PB–202 292–F) 11/29.

ENVIRONMENTAL PROTECTION AGENCY

Contact: George Marienthal, Acting Director, Office of Federal Activities, 1750 K Street, N.W., Room 440, Washington, D.C. 20460 (202) 254–7420.

Draft

Title, description, and date

Construction of wastewater facilities, Lufkin, Angelina County, *Texas*. Includes sanitary sewer interceptors, pumping stations, force mains, waste treatment facilities and appurtenances. Will utilize activated sludge process and effluent disinfection. Projects WPC–TEX–625. (ELR Order No. 1426, 71 pages) (NTIS Order No. PB–204 907–D) 12/2.

Lead-Deadwood Sanitary District No. 1, *South Dakota*. Treatment of domestic wastes from the 2 cities and the mine tailings wastes from Homestake Mining Co. A number of alternatives are being considered, most including construction of a tailings-stabilization pond. Will affect Whitewood Creek and remove 600 acres of land from agricultural use. Project WPC SD–200. (ELR Order No. 1368, 42 pages) (NTIS Order No. PB–204 669–D) 12/6.

Sewage treatment facilities, Soldotna, *Alaska*. Application for financial assistance in construction of facilities to provide secondary treatment by extended aeration, with discharges into Kenai River. Project WPC–ALA–24. (ELR Order No. 1367, 13 pages) (NTIS Order No. PB–204 662–D) 12/7.

Wastewater treatment facilities construction grants for Nassau and Suffolk Counties, *New York*. Involves sewers, additions and alterations to sewage treatment plants, construction of sewage treatment plants and construction of outfalls. Will affect waters of Long Island Sound, waters of the Atlantic Ocean and march area. Projects WPC–NY–361, –628, –559, –609, –629, –355, –536, –577, –669, –624, –621 and –709. (ELR Order No. 1429, 214 pages) (NTIS Order No. PB–204 912–D) 12/15.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G St., N.W., Washington, D.C. 20426 (202) 386–6084.

Draft

Title, description, and date

Application of Arkansas Louisiana Gas Co. for authorization to construct a 298–mile pipeline from Wilburton, *Oklahoma* through the Anadarko Basin to Hemphill County, *Texas*, and a 42-mile lateral line from the Anadarko pipeline to Lawton, Oklahoma, compressor facilities and a hydrogen removal plant. Docket No. CP70–267. (ELR Order 1430, 33 pages) (NTIS Order PB–204 944–D) 12/10.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, GSA–AD, Washington, D.C. 20405 (202) 343–6077.

Alternative Contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA–AD, Washington, D.C. 20405 (202) 343–4161.

Draft

Title, description, and date

Disposal of 210 acres of Cleveland Army Tank Testing Site, Cleveland, *Ohio* by conveying 48 acres to City of Cleveland for use as airport buffer zone and by negotiated lease or sale of 162 acres of land and buildings to Cleveland. (ELR Order 1327, 7 pages) NTIS Order No. PB–204 562–D) 12/2.

Exchange of 140 acres of Miller Field, Staten Island, *New York* for the Willard Hotel, *Washington, D.C.*, Miller Field to be used for housing and roads and the Willard property as a part of the National Square. (ELR Order 1428, 13 pages) (NTIS Order No. PB–204 914–D) 12/13.

Final

Title description, and date

Revised final. Disposal of 2,040 acres of AEC's Argonne National Laboratory, Argonne, *Illinois* by assignment to DOI for conveyance for park and recreational uses. Comments made by AEC, EPA, Office of the Governor and Northeastern Ill. Planning Commission. (ELR Order 1335, 58 pages) (NTIS Order No. PB–204 556–F) 12/2.

Disposal of 1909.2 acres of Camp San Luis Obispo, San Luis Obispo County, *California* by assigning 47 acres to HEW for conveyance to County for school purposes, by assigning 913 acres to DOI for conveyance to County for park and recreation use and by sealed bid of 1349 acres. Comments made by HEW, DOI and County Planning Dept. (ELR Order No. 1328, 12 pages) (NTIS Order No. PB–201 525–F) 12/3.

Disposal of 425.75 acres of Fort Lawton Military Reservation, Seattle, *Washington* by assigning 420 acres to DOI for public park and recreational use subject to consideration by HEW for a portion thereof and a separate disposal action for 5.5 acres and chapel building for its continued use for religious purposes. Comments made by EPA, DOI, Puget

Sound Governmental Conference. (ELR Order No. 1350, 16 pages) (NTIS Order No. PB–201 526–F) 12/6.

Disposal of Philadelphia Army Supply Base, Philadelphia, *Pennsylvania* by negotiated sale to the City of Philadelphia for continued use as a pier facility. Comments made by EPA, Mayor of Philadelphia and City of Philadelphia. (ELR Order No. 1462, 8 pages) (NTIS Order No. PB–203 886–F) 12/17.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental & Land Use Planning Division, Washington, D.C. 20410 (202) 755–6186.

Draft

Title, description, and date

Woodlands New Community, Montgomery County, *Texas*. Loan guarantee for 17,000-acre community with resident population of 150,000, primary open space of 2,800 acres, roads and utilities requiring 1,500 acres and industrial and/or employment planned for 2,000 acres. Target completion date, 1992. (ELR Order No. 1309, 111 pages) (NTIS Order No. PB–204 498–D) 11/26.

HUD Project Selection System for the Neighborhood Development Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Neighborhood Development Program provides technical assistance and grants to localities in carrying out urban renewal activities in designated blighted areas. (ELR Order No. 1434, 9 pages) (NTIS Order No. PB–204 908–D) 12/8.

HUD Project Selection System for the Open Space Land (Legacy of Parks) Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Open Space Land Program provides matching grants to state and local public bodies for up to 50% of the cost of acquiring title or other interests in and developing open space land. (ELR Order No. 1435, 11 pages) (NTIS Order No. PB–204 909–D) 12/8.

HUD Project Selection System for the Neighborhood Facilities Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Neighborhood Facilities Program provides grants to help local public bodies finance up to two-thirds of development costs for neighborhood centers to serve low- and moderate-income communities. (ELR Order No. 1436, 9 pages) (NTIS Order No. PB–204 916–D) 12/8.

Ganada New Community, Wayne County, *New York*. Loan guarantee for 10,500-acre development in Genesee-Finger Lakes region, with an estimated population of 85,000 and a completion date of 2002. (ELR Order No. 1413, 56 pages) (NTIS Order No. PB–204 845–D) 12/9.

HUD Project Selection System for the Public Facility Loans Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Public Facility Loans Program provides long-term loans for local public works construction to bodies serving populations of less than 50,000. (ELR Order No. 1437, 10 pages) (NTIS Order No. PB–204 917–D) 12/15.

Final

Title, description, and date

Nationwide promulgation of HUD Handbook I, Comprehensive Planning Assistance Leading to a Grant. Comments made by AEC, EPA, HEW and DOI. (ELR Order No. 1464, 18 pages) (NTIS Order No. PB–200 380–F) 12/15.

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240 (202 343–6416.

National Park Service

Draft

Title, description, and date

Joshua Tree National Monument Wilderness, *California*. Designation of 10 units totaling 325,200 acres as Wilderness. (Includes statements on both the legislative proposal and the master plan for managing the monument.) (ELR Order No. 1514, 101 pages) (NTIS Order No. PB–205 237–D) 12/22.

Bureau of Reclamation

Final

Title, description, and date

Crystal Dam, Reservoir, and Powerplant, Curecanti Unit, Colorado River Storage Project, *Colorado*. Construction of a dam, reservoir and hydroelectric powerplant on the Gunnison River, 15 miles east of Montrose. Will channelize 8,000' of river and inundate a scenic area of Black Canyon and 6.5 miles of trout fishery. Comments made by Army COE, EPA, DOI, Advisory Council on Historic Preservation, 4 state agencies, Museum of Northern Arizona, Colorado State Univ. and Colorado River Board of California. (ELR Order No. 1356, 48 pages) (NTIS Order No. PB–202 071–F) 12/6.

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas B. Owen, Assistant Director for National and International Programs, 1800 G Street, N.W., Washington, D.C. 20550 (202) 632–7300.

Final

Title, description, and date

Winter orographic cloud modification experiment, *Colorado*. Random seeding of clouds with silver iodide in the area of Climax to study cloud and precipitation processes involved in increasing the snowpack. Study in progress since 1960. Comments made by USDA, EPA, DOI, and Rocky Mountain Center on Environment. (ELR Order No. 1509, 20 pages) (NTIS Order No. PB–205 227–F) 12/29.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401 (615) 755–2002.

Draft

Title, description, and date

Nolichucky Project rehabilitation, Greene County, *Tennessee*. Strengthening of dam, development of land and water area behind the dam to Bird Bridge and retirement of the hydroelectric generating units. (ELR Order 1412, 31 pages) (NTIS Order PB–204 844–D) 12/10.

Final

Title, description, and date

Yellow Creek Port Project, Pickwick Reservoir, Tishomingo County, *Mississippi*. Development of a public river port terminal and related industrial complex to encourage economic development of a depressed area. Comments made by USDA, DOC, DOD, EPA, HEW, DOI, DOT, Appalachian Regional Commission, Miss. Clearinghouse for Federal Programs and Regional Clearinghouse for Federal Programs. (ELR Order 1351, 49 pages) (NTIS Order PB–198 738–F) 11/30.

Policies relating to sources of coal used by TVA for electric power generation. Comments made by USDA, DOI, EPA, Appalachian Regional Comm., Ala. Development Office, Ind. Dept. of Commerce, 6 Ky. agencies, Pennyrile Area Development Dist., Lake Cumberland Area Development Dist., 2 Okla. agencies, 2 Tenn. agencies, Va. Dept. of Conservation and Economic Development, LENOWISCO Planning Dist. Comm., Cumberland Planning Dist. Comm. (ELR Order 1500, 145 pages) (NTIS Order PB–205 225–F) 12/6.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-Ordination, 400 7th Street, S.W., Washington, D.C. 20591 (202) 462–4355. Mr. Convisser's office will refer you to the correct regional office from which the statement originated. In the case of the Federal Highway Administration, a separate page is included in this Monitor giving the names of the Regional Administrators (see page 65).

For the reader's convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, description, and date

St. Marys Airport, St. Marys, *Alaska*. Extension of runway; widening of runway embankment; construction of crosswind runway embankment, taxiway embankment, a base course on the runway extension and on the crosswind runway and installation of a medium-intensity lighting system and rotating beacon. (ELR Order No. 1295, 9 pages) (NTIS Order No. PB–204 565–D) 11/29.

Sitka Airport, Sitka, *Alaska*. Construction of an extension to the runway safety area, extension of high intensity lighting system, possible acquisition of land, etc. (ELR Order No. 1491, 15 pages) (NTIS Order No. PB–205 193–D) 12/14.

Auburn Municipal Airport, Auburn Placer County, *California*. Reconstruction of runway, taxiway, drainage and lighting system. (ELR Order No. 1474, 17 pages) (NTIS Order No. PB–205 197–D) 12/16.

Nut Tree Airport, Vacaville, *California*. Involves the second development project for the airport which consists primarily of extending the runway to 3800' and adding a parking apron. (A final statement on the master plan for the development of the airport was sent on 10/1/71.) (ELR Order No. 1483, 33 pages) (NTIS Order No. PB–205 198–D) 12/20.

Stapleton International Airport, Denver, *Colorado*. Construction of north-south runway, with parallel and connecting taxiway. Includes grading, drainage, structures, lighting and relocation of a railroad spur and highway. (ELR Order No. 1334, 52 pages) (NTIS Order No. PB–204 557–D) 12/2.

Jasper-Pickens County Airport, Jasper *Georgia*. Construction of general utility airport to accommodate propeller aircraft of less than 12,500 pounds. (ELR Order No. 1456, 23 pages) (NTIS Order No. PB–204 959–D) 12/15.

Pocatello Municipal Airport, Power County, *Idaho*. Extension of runway and lights, ramp lighting, overlay of taxiway and apron, and construction of taxiway. (ELR Order No. 1455, 24 pages) (NTIS Order No. PB–204 958–D) 12/15.

Hannibal Municipal Airport, Marion County, *Missouri*. Construction of taxiway and runway; extension of runway; installation of runway lights, end indicator lights and visual slope indicators; improvement of auto parking and tiedown areas; fencing; and a deep well. (ELR Order No. 1457, 31 pages) (NTIS Order No. PB–204 962–D) 12/15.

Falls City Municipal Airport, Richardson County, *Nebraksa*. Improvement of landing strips, including paving, realignment and relocation. Project 7–31–0028–01 ADAP. (ELR Order No. 1358, 19 pages) (NTIS Order No. PB–204 665–D) 12/2.

Miller Field, Valentine, Cherry County, *Nebraska*. Extension of runway; construction of an overlay on the runway, taxiways and apron, and construction of segmented circle and wind indicator. Project 7–31–0084–01 ADAP. (ELR Order No. 1443, 18 pages) (NTIS Order No. PB–204 903–D) 12/15.

Chemung County Airport, Big Flats, (Elmira), *New York*. Extension of the secondary runway by 1200' to the east. (ELR Order No.

1490, 16 pages) (NTIS Order No. PB–205 194–D) 12/20.

Dallas-Fort Worth Regional Airport, Dallas-Fort Worth, *Texas*. Involves acquisition of 17,520 acres of land and construction by stages of a new air carrier airport. (ELR Order No. 1489, 15 pages) (NTIS Order No. PB–205 202–D) 12/20.

Grand Coulee Dam Airport, Grant County, *Washington*. Construction of a general aviation airport. (ELR Order No. 1473, 8 pages) (NTIS Order No. PB–205 196–D) 12/15.

Neillsville Municipal Airport, Grant, Clark County, *Wisconsin*. Construction of new airport, including taxiway, apron, and access road. (ELR Order No. 1320, 14 pages) (NTIS Order No. PB–204 576–D) 11/29.

Final

Title, description, and date

Moton Municipal Airport, Tukeegee, *Alabama*. Construction of runway, taxiway and access road and relocation of power line to accommodate propeller and business jet aircraft with ability to use 5000' runway. Comments made by USDA, EPA, DOI, OEO, Ala. Development Office, Ala. Dept. of Aeronautics, Macon County Commission, Tuskegee Model Cities Commission, Macon County Medical Society and Negro Airman International, Inc. (ELR Order No. 1376, 42 pages) (NTIS Order No. PB–202 075–F) 12/8.

Muscle Shoals Airport, Muscle Shoals, Colbert County, *Alabama*. Upgrading of runway to DC–9 aircraft standards by extending, strengthening and lighting runway; constructing and lighting taxiway; constructing fire crash building; and grading glide slope. Comments made by USDA, EPA, DOI, Ala. Development Office and Muscle Shoals Council of Local Governments. (ELR Order No. 1450, 29 pages) (NTIS Order No. PB–202 720–F) 12/14.

Chignik Lake Airport, *Alaska*. Construction of a landing strip, parking apron, etc. to provide a utility airport. Comments made by Army COE, EPA, DOI, HEW, Governor of Alaska, Alaska Health Service and Commercial Fisheries. (ELR Order No. 1417, 23 pages) (NTIS Order No. PB–201 401–F) 12/3.

Scammon Bay Airport, Scammon Bay, *Alaska*. Construction of landing strip, parking apron, connecting taxiway, access road, windcone and segmented circle to improve transportation to the community. Comments made by Army COE, EPA and DOI. (ELR Order No. 1403, 13 pages) (NTIS Order No. PB–202 306–F) 12/10.

Thompson-Robbins Field, Helena-West Helena, Phillips County, *Arkansas*. Overlaying and extension of runways, reconstruction of taxiway, installation of segmented circle and lighted wind cone, incidental marking and clearing approaches. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, State Clearinghouse and East Ark. Planning and Development District. (ELR Order No. 1459, 32 pages (NTIS Order No. PB–201 521–F) 12/14.

Danbury Municipal Airport, Danbury, *Connecticut*. Relocation of airfield lighting vault, installation of drainage culverts, security fencing and runway end identifier lighting system. Comments made by AEC, EPA, FPC, Tri-State Transportation Commission, Tri-State Regional Planning Commission, State Clearinghouse and Housatanic Valley Council of Elected Officials. (ELR Order No. 1448, 32 pages) (NTIS Order No. PB–202 979–F) 12/14.

Ohio State University Airport, Franklin County, *Ohio*. Construction of runway, taxiway and parking apron and lighting of runway and taxiway. Comments made by USDA, Army COE, EPA, DOI, DOT, Ohio Dept. of Natural Resources, Ohio Dept. of Development and Mid-Ohio Regional Planning Commission. (ELR Order No. 1447, 20 pages) (NTIS Order No. PB–201 706–F) 12/14.

Abernathy Field, Pulaski, Giles County, *Tennessee*. Extension of runway 500', installation of medium intensity lighting system, and addition to apron. Comments made by USDA, EPA, DOI and 4 state agencies. (ELR Order No. 1402, 12 pages) (NTIS Order No. PB–203 231–F) 12/10.

Gillette-Campbell County Airport, Gillette, *Wyoming*. Extension of runway; extension of MIRL system with VASI system; overlay of runway, taxiway and apron; and fencing. Comments made by USDA, Army COE and EPA. (ELR Order No. 1449, 20 pages) (NTIS Order No. PB–201 579–F) 12/14.

Federal Highway Administration

Draft

Title, description, and date

SR–77: Porters Gap to Talladega, Clay and Talladega Counties, *Alabama*. Reconstruction of 9.2-mile segment between Ashland and Talladega. Will displace 23 residences and 1 business. Project S–6109(101). (ELR Order No. 1313, 12 pages) (NTIS Order No. PB–204 566–D) 11/29.

US–280: Harpersville to Childersburg, Shelby and Talladega Counties, *Alabama*. Upgrading to 4 lanes, with a new bridge over Coosa River. Involves displacement of people. Project F–248(11) (ELR Order No. 1325, 7 pages) (NTIS Order No. PB–204 560–D) 12/1.

Chambers County, *Alabama*. Four-lane highway from I–85/US–29 interchange in Lanett to Georgia state line (1.7 miles). Will displace 15 families and 7 businesses. Project S–2–C, F–102( ). (ELR Order No. 1369, 10 pages) (NTIS Order No. PB–204 667–D) 12/6.

SR–21: Calhoun County, *Alabama*. Widening route from 2- to 4-lanes between Jacksonville and Piedmont (9.5 miles). Alternative 1 and 2 involve the displacement of families and businesses. Project F–52( ). (ELR Order No. 1486, 13 pages) (NTIS Order No. PB–205 201–D) 12/17.

Ala. 24: Franklin County, *Alabama*. Relocation from Halltown east to approximately 6 miles west of Russellville (16.85 miles). Will displace 20 residences. Project S–189–D. (ELR Order No. 1394, 7 pages) (NTIS Order No. PB–204 837–D) 12/9.

Dayville Highway: Dayville, *Alaska*. Relocation and and upgrading of road from the Richardson Highway to Dayville (6.5 miles). Planned in anticipation of Dayville being the terminus for the Alaska pipeline. Project S–0863(1). (ELR Order No. 1501, 46 pages) (NTIS Order No. PB–205 204–D) 12/21.

FAS–462 (Stoneman Lake Rd.): Coconino and Yavapai Counties, *Arizona*. Improvement to all-weather facility from I–17 to FAS–209 (13.8 miles), in the Coconino National Forest. Project S–462–401 PE, S–462–402 PE. (ELR Order No. 1329, 18 pages) (NTIS Order No. PB–204 563–D) 12/2.

I–580, SR–238: Alameda County, *California*. Reconstruction to 8-lane freeway from San Lorenzo to the Livermore-Amador Valley near Dublin. Involves relocation of residents. (ELR Order No. 1362, 55 pages) NTIS Order No. PB–204 671–D) 12/6.

I–5: Sacramento County, *California*. Addition of connecting ramps at Elk Grove Blvd. crossing between Lambert Rd. and Beach Lake. Will use 36 acres of pasture land. Project 03–Sac–5–4.6/13.0. (ELR Order No. 1453, 16 pages) (NTIS Order to PB–204 961–D) 12/15.

Ward Ave.: Honolulu, *Hawaii*. Widening between King and Kinau Sts. to eliminate traffic bottleneck. Will require removal or renovation of 2 apartment units and displacement of 3 persons. Project T–9001(3). (ELR Order No. 1312, 12 pages) NTIS Order No. PB–204 567–D) 11/30.

U.S.–20/191. (Rigby Freeway). Rigby Jefferson County, *Idaho*. Construction of 4-lane freeway (2.37 miles). Displaces 17 dwelling units and 17 businesses. Project F–6771(39) (ELR Order No. 1398, 16 pages) (NTIS Order No. PB–204 841–D) 12/8.

Route 127: Greenville, Bond County, *Illinois*. Relocation involving 3 alternatives, extending from intersection with I–70 north to 1.7 miles north of west intersection with Rte. 140. Job P–98–207–70. (ELR Order No. 1286, 25 pages), (NTIS Order No. PB–204 499–D) 11/29.

FA–77 (Ill. 59): DuPage County, *Illinois*. Widening to 4 lanes of E. W. Tollway to Ill. 64 (7.81 miles) 4(f) determination relates to crossing the Illinois Prairie Path. Project F–176(20) (ELR Order No. 1472, 82 pages) (NTIS Order No. PB–205 195–D) 12/16.

U.S.–61: Fort Madison, Lee County, *Iowa*. Reconstruction and widening to a 4-lane divided highway through Fort Madison (6.2 miles). Will displace over 140 families. Project U–61–1. (ELR Order No. 1492, 17 pages) (NTIS Order No. PB–205 203–D) 12/23.

Morris and Lyon Counties, *Kansas*. Improvement from 10th and Main Sts. in Council Grove east to U.S.–56 (6.99 miles). Will displace a house and a rest home, sever pasture land and eradicate 2 farm ponds. Projects 56–64 F 062 3(5) and 56–56 F 062–3(6). (ELR Order No. 1401, 7 pages) (NTIS Order No. PB–204 846–D) 12/7.

I–35W: Wichita, Sedgwick County, *Kansas*. Construction of 6-lane facility from Stafford to English Sts. (2.2 miles). Involves widening and lining of Chisholm Creek and 4(f) determination relating to Wichita East High School, Willard Elementary School and Linwood Park. Project 35W–87 I35W–1 (33)46. (ELR Order No. 1390, 40 pages) (NTIS Order No. PB–204 855–D) 12/7.

Harlan-Cumberland-Whitesburg Rd.: Harlan County, *Kentucky*. Construction from proposed U.S.–421/119 intersection at Baxter to 3500' east of Putney (6.05 miles). Involves loss of 325 acres, displacement of 30 residences and relocation of 7300' of channel on Poor Fork and 2 stream crossings. Project APD 140 (10)–AP 48–8–5L. (ELR Order No. 1454, 27 pages) (NTIS Order No. PB–204 957–D) 12/13.

LA–15 (Chase-Winnsboro Hwy.): Franklin Parish, *Louisiana*. Upgrading to 4 lanes and realignment between Chase and Winnsboro, with a bridge across Stakes Bayou and one across Turkey Creek (5.6 miles). Involves use of about 75 acres of argicultural and pasture lands. Project 26–06–17, F–198 (6). (ELR Order No. 1442, 10 pages) (NTIS Order No. PB–204 904–D) 12/13.

US–41: Marquette and Harvey, Marquette County, *Michigan*. Widening from US–41 bypass in Marquette to M–28 in Harvey (4.3 miles). Will displace 2 or 3 families. Federal Project 8–4 ( ). (ELR Order No. 1399, 21 pages) (NTIS Order No. PB–204 840–D) 12/9.

C–SAH 13: St. Louis County, *Minnesota*. Reconstruction between STH–2 and STH–194 (4.2 miles). Project S.P. 69–613–09. (ELR Order N. 1466, 13 pages) (NTIS Order PB–204 966–D) 12/16.

Routes 51 and 34: Bollinger County, *Missouri*. Improvement on Rte. 51 is in 2 sections from 0.3 mile south of Rte. FF to 0.2 mile east of Rtes. 34/51 south junction in Lutesville (2.3 miles) and from 0.7 mile west of Rtes. 34/51 north junction to Rte. 34 in Marbie Hill (0.7 mile); on Rte. 34, from Rtes. 34/51 south junction in Lutesville to 0.2 mile east of Hurricane Creek (1.9 miles). Requires 90 acres of land. Jobs 10–P–51–39 and 10–P–43–38. (ELR Order No. 1397, 10 pages) (NTS Order PB–204 836–D) 12/9.

Route 63: Macon County, *Missouri*. Construction of 2-lane highway from 3.5 miles north of Macon to 2 miles south of Macon (8.7 miles). Requires taking of 355 acres of agricultural land. Project F–FG–63–4(7), job 2–F–63–22. (ELR Order No. 1392, 9 pages) (NTIS Order No. PB–204 852–D) 12/10.

Route 72: Cape Girardeau County, *Missouri*. Relocation from 4 miles west of Jackson southeast to I–55 (9 miles). Requires 300 acres of farm and grazing land. Job 10–P–72–44. (ELR Order No. 1510, 8 pages) (NTIS Order No. PB–205 230–D) 12/27.

US–77 (Lincoln South Freeway, West and

East Bypasses): Lincoln, Lancaster County, *Nebraska*. Construction of freeway from vicinity of Neb.-33/US-77 junction south of Lincoln, north to junction with I-80 on west of central business district and a segment southeast of central business district to a junction with I-80 northeast of Lincoln. Involves taking of dwellings and businesses. 4(f) determination relates to use of Wilderness and Seacrest Parks land. Project F-18 (24). (ELR Order No. 1364, 53 pages) (NTIS Order No. PB-204 660-D) 12/7.

SH-79: Dodge and Saunders Counties, *Nebraska*. Replacement of bridge over the Platte River and upgrading of approaches between North Bend and Morse Bluff. Involves partial removal of an island in the River. Project S-338(17). (ELR Order No. 1504, 10 pages (NTIS Order No. PB-205 233-D) 12/23.

US-95: Clark County, *Nevada*. Location and construction of controlled access, 4-lane highway from Russell Rd. to Railroad Pass (12 miles). Estimate need of 398.4 acres of land for right-of-way. (ELR Order No. 1495, 49 pages) (NTIS Order No. PB-205 192-D) 12/21.

Route 206 Freeway-Newton Bypass: Sussex County, *New Jersey*. Construction from northern borough line to Rte. 15 freeway. Will displace families and businesses. (ELR Order No. 1512, 41 pages) (NTIS Order No. PB-205 231-D) 12/28.

SR-292: Las Cruces, Dona Ana County, *New Mexico*. Improvement from Amador Ave. to US 70-80 (1.1 miles) Project S-1135(2) (ELR Order No. 1396, 7 pages) (NTIS Order No. PB-204 843-D) 12/9.

I-81 to I-88 connection: Hinmans Corners to Port Crane, Broome County, *New York*. Alternatives involve relocation of 19-73 residences and 7-13 business structures. Project 9357.18. (ELR Order No. 1332, 40 pages) (NTIS Order No. PB-204 558-D) 12/3.

Route 266 (Niagara Street Arterial): Tonawanda, Erie County, *New York*. Upgrading from west city line to Seymour St. (1.9 miles). Will displace 2 families and 2 businesses. 4(f) determination included relates to Isle View, Nia-wanda and Veterans Memorial Parks. Project PIN 5429.00. (ELR Order No. 1354, 139 pages) (NTIS Order No. PB-204 658-D) 12/8.

Ogdensburg Area Transportation Plan: Ogdensburg and Oswegatchie, St. Lawrence County, *New York*. Plan consists of an east-west arterial, a connection from the arterial to Main St., etc. Project PIN 7272.01. (ELR Order No. 1485, 25 pages) (NTIS Order No. PB-205 200-D) 12/21.

US-52: Winston Salem to Welcome, Forsyth and Davidson Counties, *North Carolina*. Extension of relocation from interchange now under construction near SR-2758 south to near SR-1815 (6 miles). Involves use of woodland and farmland and relocation of 40 families. Project 6.801814. (ELR Order No. 1315, 21 pages (NTIS Order No. PB-204 568-D) 11/30.

Fairview Rd: Charlotte, Mecklenburg County, *North Carolina*. Extension from Sharon Rd. to Sardis Rd. (2.43 miles). Will displace 2 families and 2 businesses. (ELR Order No. 1400, 10 pages) (NTIS Order No. PB-204 847-D) 12/9.

US-129, US-19: Cherokee County, *North Carolina*. Relocation and upgrading to 4 lanes from 0.5 miles west of Murphy to 1.5 miles east of Andrews (18.1 miles). Will displace 55 families and 5 businesses. Project 8.301911. (ELR Order No. 1444, 26 pages) (NTIS Order No. PB-204 902-D) 12/14.

US-17 Business: Elizabeth City, Pasquotank County, *North Carolina*. Widening Ehringhaus St. from US-17 bypass intersection to McMorrine St. (2.07 miles). Will dislocate 15 families and 4 businesses. Project 9.8011107. (ELR Order No. 1461, 15 pages) (NTIS Order No. PB-204 963-D) 12/15.

Supplement to draft (8/20), 4(f) information relating to use of part of Guilford College campus. Friendly Rd. project, Greensboro, *North Carolina*. Projects 6.801924 and 9.8070830. (ELR Order No. 582, supplement—13 pages) (NTIS Order No. PB-202 090-D) 12/22.

County Road 8: Sidney, Shelby County, *Ohio*. Replacement of bridge over Penn Central R.R. and approaches. 4(f) determination relates to 1.9 acres of land leased from the Board of Education for County Fairgrounds. Project S-SG-SUG-13861(1). (ELR Order No. 1441, 15 pages) (NTIS Order No. PB-204 906-D) 12/2.

SR-241: Massillon, Stark County, *Ohio*. Relocation from US-30 interchange to Oberlin Rd. Viaduct over SR-21 and the Tuscarawas River (3.6 miles). Will dislocate 87 families and 4 businesses. (ELR Order No. 1506, 13 pages) (NTIS Order No. PB-205 235-D) 12/21.

SR-39: Tuscarawas County, *Ohio*. Relocation between Sugarcreek and Dover. Will use 65 acres of tillable land and displace 5 residences. Project TUS-39-2.91. (ELR Order No. 1513, 9 pages) (NTIS Order No. PB-205 232-D) 12/28.

SH-199: Carter County, *Oklahoma*. Development of a new segment from junction of US-77/US-77B 1 mile south of Ardmore east to Marshall County line (10.5 miles). 4(f) determination required for use of Lake Murray State Park land. Project S-1021. (ELR Order No. 1467, 23 pages) (NTIS Order No. PB-204 967-D) 12/17.

Oregon FH7, SH-36: Mapleton, Lane County, *Oregon*. Reconstruction from FH-57/Rte. 126 intersection west 4.8 miles. (ELR Order No. 1393, 27 pages) (NTIS Order No. PB-204, 853-D). 12/3.

Austin Rd. interchange section, Sunset Hwy.: Washington County, *Oregon*. Conversion of Austin Rd. and other local streets and intersections into split diamond interchange. Project F-186(—). (ELR Order No. 1431, 12 pages) (NTIS Order No. PB-204 913-D). 12/10.

I-5: Multonomah and Washington Counties, *Oregon*. Widening to six lanes from N. Tigard interchange to S. Tigard interchange, revision of N. Tigard interchange and Haines Rd. interchange and construction of a truck lane from N. Tigard interchange to S.W. Capitol Hwy. Will displace 16 residential units. Project I-5-6 ( )293. (ELR Order No. 1465, 12 pages) (NTIS Order No. PB-204 965-D) 12/17.

SH-37: Sanborn County, *South Dakota*. Relocation from 5.5 miles south of Huron to 2 miles south of Beadle-Sanborn County line (6 miles). Project F 047-5( ) and F 047-4. (ELR Order No. 1366, 6 pages) (NTIS Order No. PB-204 661-D) 12/7.

SD-18 (Canton Bypass): Lincoln County, *South Dakota*. Grading structures and interim surfacing from SD-11 approximately 2 miles west of Canton east to Iowa state line. Project F 016-5. (ELR Order No. 1395, 6 pages) (NTIS Order No. PB-204 842-D) 12/10.

SR-56: Smithville, DeKalb County, *Tennessee*. Construction of 2-lane section from 0.15 mile south of Tittsworth Rd. to Bryan St. and a 4-lane section from Bryant St. to SR-26 (2.21 miles). Project 21004-0217-04. (ELR Order No. 1391, 43 pages) (NTIS Order No. PB-204 851-D) 12/9.

I-45: Houston, *Texas*. Widening and rehabilitation between Southern and Santa Elena Sts. (1¼ miles). Will displace 17 families and 7 businesses. (ELR Order No. 1318, 8 pages) (NTIS Order No. PB-204 572-D) 11/30.

Orem-Center St.: Utah County, *Utah*. Improvement from US-91 to US-189 (2 miles), including a bridge over the Provo River. 4(f) determination regards 60' right of way from Edgemont Veterans Memorial Park. Project S-0222(1) (ELR Order No. 1 432, 58 pages) (NTIS Order No. PB-204 911-D) 12/1.

Route 288: Henrico and Chesterfield Counties, *Virginia*. Construction beginning at intersection with proposed I-295 west of Richmond and ending near Rte. 711 south of Richmond (11.8 miles). Will displace 16 families, 85 individuals and 7 businesses. Project F-033-1( ). (ELR Order No. 1324, 47 pages) (NTIS Order No. PB-204 559-D) 12/2.

West Virginia Turnpike: Mercer, Raleigh, Fayette and Kanawha Counties, *West Virginia*. Upgrading to Interstate and Defense Highway System standards from US-460 at Princeton to Kanawha River bridge, Charleston (87 miles). Will displace 188 families. Project I-77-2(11)8. (ELR Order No. 1389, 82 pages) (NTIS Order No. PB-204 858-D) 12/71.

Final

Title, description, and date

Dekalb County, *Alabama*. Construction on new location from Grove Oak to SR-75 near Geraldine (5.3 miles). Projects S-2510(101) and S-1635-J. Comments made by Army COE, EPA, HUD, DOI, OCD, TVA, DOT and Ala. Development Office. (ELR Order No. 1342, 34 pages) (NTIS Order No. PB-199 602-F) 12/2.

Gadsden, Etowah County, *Alabama*. Construction of 2.8-mile highway, requiring relocation of 14 residences. Project APL-2850(001). Comments made by EPA, HUD, DOI, OCD, DOT, Ala. Agricultural Stabilization and Conservation Service and Ala. Development Office. (ELR Order No. 1378, 50 pages) (NTIS Order No. PB-199 011-F) 12/9.

US-31: Escambia County, *Alabama*. Construction of railroad overpass and 4.6 miles of roadway between Canoe and Flomaton. Project F-226(6), F-FG-96(19). Comments made by EPA, FAA, HUD, DOI, OCD, DOT, So. Ala. Regional Planning Commission and Ala. Development Office. (ELR Order No. 1380, 26 pages) (NTIS Order No. PB-204 828-F) 12/8.

Alabama 55: Covington County, *Alabama*. Construction on new location between Red Level and the Covington-Conecuh County Line (7.8 miles). Will require 175 acres of land, mostly wooded area. Project 2001(103). Comments made by USDA, Army COE, EPA, FAA, DOI, DOT, 7 state agencies and the Covington County Commission. (ELR Order No. 1384, 41 pages) (NTIS Order No. PB-199 628-F) 12/9.

Homer Bypass: *Alaska*. Construction of 2-lane bypass around Homer from the northwest side to the Homer Spit. Project F-201-1(14). Comments made by USDA, EPA, FHWA, HUD, DOI, 3 state agencies and Kenai Peninsula Borough. (ELR Order No. 1311, 35 pages) (NTIS Order No. PB-200 375-F) 11/29.

Rabbit Creek Road: Greater Anchorage Area Borough, *Alaska*. Reconstruction and realignment from Seward Highway to Abbott Loop Rd. (8.9 miles). Project S-0504(4). Comments made by USDA, HUD, DOI, DOT, 5 state agencies and 2 borough offices. (ELR Order No. 1348, 69 pages) (NTIS Order No. PB-204 691-F) 12/1.

Petersburg Thru Route: *Alaska*. Improvement to paved street with curb and sidewalks from Petersburg Ferry Terminal to northern tip of Mitkof Island, then southeast to Sandy Beach. Project S-0937(10). Comments made by Army COE, HUD, DOI, DOT, 4 state agencies and City of Petersburg. (ELR Order No. 1337, 40 pages) (NTIS Order No. PB-200 323-F) 12/2.

International Airport Rd., Anchorage, *Alaska*. Construction of a 4-lane divided facility from the airport terminal east 2.4 miles. Project F-042-1(32). Comments made by HUD, DOI, 3 state agencies and Anchorage Borough School District. (ELR Order No. 1421, 24 pages) (NTIS Order No. PB-204 900-F) 12/3.

Route 227: San Luis Obispo, *California*. Improvement between Edna and High St. in San Luis Obispo (5.3 miles). Project 05-SLO-227-7.5/12.9. Comments made by Army COE, EPA, DOI, DOT, 6 state agencies and the University of California. (ELR Order No. 1469, 34 pages) (NTIS Order No. PB-199 237-F) 12/14.

SR-331: Gainesville, Alachua County, *Florida*. Upgrading to 4-lane highway from

SR–329 to SR–26 (2.75 miles). Job 26050–3510, US–703(1). Comments made by USDA, HUD, DOI, 3 state agencies, Central Florida Regional Planning Commission and City of Gainesville. (ELR Order No. 1319, 24 pages) (NTIS Order No. PB–204 (555–F) 11/23.

SR–50: Lake County, *Florida*. Widening from SR–33 and SR–50 in Mascotte to SR–33/SR–50 in Groveland (2.3 miles). Project F–022–2(18). Comments made by USDA, EPA, HUD, DOI, 5 state agencies. (ELR Order No. 1418, 56 pages) (NTIS Order No. PB–199 019–F) 12/3.

SR–87 (Stewart St.): Milton, Santa Rosa County, *Florida*. Construction of 4-lane highway from SR–10 to SR–191 (1.7 miles). Job 58050–1505. Comments made by HUD, DOI, DOT and Escambia-Santa Rosa Regional Planning Council. (ELR Order 1468, 18 pages) (NTIS Order No. PB–204 969–F) 12/14.

SR–424–A (Fairbanks Ave.): Orange County, *Florida*. Improvement from SR–400 (I–4) to SR–15–600 (US 17_92) (1 mile) Project US–707(1), 75006–1501. Comments made by EPA, DOI and Fla. Game and Fresh Water Fish Commission. (ELR Order No. 1471, 62 pages) (NTIS Order No. PB–200 525–F) 12/14.

Moultrie-Meigs Rd.: Colquitt County, *Georgia*. Replacement of narrow bridges. Project S–1205(2). Comments made by USDA, EPA and HUD. (ELR Order No. 1289, 10 pages) (NTIS Order No. PB–198 677–F) 11/23.

20th St.: Tifton, Tift County, *Georgia*. Reconstruction beginning at Baldwin Dr. and ending at SR–125. Project SU 1536(2). Comments made by USDA, EPA and HUD. (ELR Order No. 1297, 9 pages) (NTIS Order No. PB–204 509–F) 11/23.

SR–111: Colquitt County, *Georgia*. Removal of bridge and reconstruction of drainage structure and approaches on Moultrie-Meigs Rd. Project S–0519(4). Comments made by USDA, Army, EPA, HUD, DOI and Bureau of State Planning and Community Affairs. (ELR Order No. 1298, 15 pages) (NTIS Order No. PB–198 874–F) 11/23.

LaConte to Nashville Rd.: Cook and Berrien Counties, *Georgia*. Surfacing and improvement of road from US–41 to near the Cook-Berrien county line. Project S–2698(1). Comments made by USDA, Army, COE, EPA, DOI and Bureau of State Planning and Community Affairs. (ELR Order No. 1299, 10 pages) (NTIS Order No. PB–204 513–F) 11/23.

Secondary Rte. 2216(2): Elbert County, *Georgia*. Upgrading of country road between Bowman and Match. Comments made by USDA, Army COE, EPA, DOI and 2 state agencies. (ELR Order No. 1420, 18 pages) (NTIS Order No. PB–204 899–F) 12/3.

Secondary Route S–2576: Lumpkin County, *Georgia*. Replacement of an unimproved country road between Lumpkin Park Rd. and SR–60 with an all-weather paved road. Project S–2576(1). Comments made by Army COE, EPA, HUD, DOI, and State Clearinghouse. (ELR Order No. 1424, 24 pages) (NTIS Order No. PB–204 901–F) 12/3.

Spur and SR–247: Warner Robins, Houston County, *Georgia*. Construction and improvement of a limited access facility from S–1298 to Robins Air Force Base and from Robins' Gate to South Davis Dr. May displace 82 families. Projects R–AD–18(2), F–034–3(6) and S–2041(1). Comments made by USDA, Air Force, EPA, and 3 state agencies. (ELR Order 1425, 38 pages) (NTIS Order PB–201 844–F) 12/3.

Appalachian Route 2697 (001): Bartow County, *Georgia*. Construction of a bypass around Cartersville from the Catersville-Rockmart Hwy. (SR–113) east to SR–293. Project APL 2697 (001) P.E. Comments made by USDA, EPA, HUD, DOT and Bureau of State Planning and Community Affairs. (ELR Order 1423, 22 pages) (NTIS Order PB–204 898–F) 12/3.

Georgia Project F–010–1(9) and Spur: Troup County, *Georgia*. Replacement of bridge over the Chattahoochee River and upgrading of approaches to provide a better facility between West Point, Georgia and Lanett, Alabama. Comments made by Army COE, HUD, EPA, DOT and 2 state agencies. (ELR Order 1494, 33 pages) (NTIS Order PB–200 193–F) 12/20.

US–95: Adams County, *Idaho*. Improvement of 7.3-mile highway beginning near Alpine Store area and ending 1 mile south of Cottonwood Creek in 2 sections, Mesa North and Mesa South. New concrete bridge will be constructed over the Middle Fork of the Weiser River. Projects F–3112(21) and F–3112(30). Comments made by USDA, Army COE, FHWA, HUD, DOI, 6 state agencies, 3 conservation organizations, a utility and private citizens. (ELR Order 1308, 34 pages) (NTIS Order PB–200 533–F) 11/29.

US–63: Davis County, *Iowa*. Construction of a 2-lane facility partially on new location from Missouri state line north to its junction with Iowa 2 (10.9 miles). Project F–63–1. Comments made by USDA, EPA, DOI and 3 state agencies. (ELR Order 1293, 21 pages) (NTIS Order PB–200 366–F) 11/23.

Iowa 2: Taylor County, *Iowa*. Widening from Page County line to just east of the Ringgold County line (28.2 miles). Project F–2–3. Comments made by USDA, EPA, DOI, and Iowa Office for Planning and Programming. (ELR Order 1345, 20 pages) (NTIS Order PB–202 095–F) 12/2.

US–69 (Switzer Bypass): Johnson County, *Kansas*. Construction of 2.9-mile, 4-lane highway from 127th St. in Overland Park to a point near I–435, involving construction of 10 bridges. Highway project (SF) 69–46 F 083–3(20). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT AND 4 State agencies. (ELR Order No. 1291, 45 pages) (NTIS Order No. PB–201 251–F) 11/23.

US–59: Douglas County, *Kansas*. Upgrading and widening 5.37 miles of highway from Lawrence to the Oklahoma line. Projects (SF) 59–23 F–067–2(23), (SF) 59–23 U–067–2(25). Comments made by USDA, Army COE, AEC, DOC, EPA, HEW, HUD, OEO, DOT, AND 3 state agencies. (ELR Order No. 1294, 71 pages) (NTIS Order No. PB–199 626–F) 11/23.

US–169 and K–279 (Osawatomie Bypass): Miami County, *Kansas*. Relocation of US–169 from its junction with K–7 to its crossing the Marais Des Cynges River downstream from First St. (7 miles) and relocation of K–279 to connect with Main St. Involves construction of 12 bridges. Projects 169–61 F 081–1(22) and 279–61 K 100–1(1). Comments made by USDA, Army COE, AEC, EPA, HEW, DOI, OEO and DOT. (ELR Order No. 1310, 28 pages) (NTIS Order No. PB–199 729–F) 11/23.

K–177: Chase County, *Kansas*. Replacing bridge over the Cottonwood River and widening road to 4 lanes through Cottonwood Falls (1.2 miles). Project 177–9 S–1167(13). Comments made by USDA, Army COE, HEW, DOI, State Clearinghouse, and concerned citizens. (ELR Order No. 1422, 74 pages) (NTIS Order No. PB–200 803–F) 12/3.

K–179: Harper County, *Kansas*. Improvement from 1.5 miles south of Anthony to 3.0 miles south of Anthony to widen or replace structures over Bluff Creek and Spring Creek. Project 179–39 RS–594 (3). Comments made by USDA, Army COE, EPA, DOI, Kansas Dept. of Administration, Kansas Office of Comprehensive Health Planning and State Clearinghouse. (ELR Order No. 1375, 76 pages) (NTIS Order No. PB–201 514–F) 12/8.

KY–54: Owensboro, Daviess County, *Kentucky*. Widening Parrish Ave. between Owensboro Interchange limits and Bosley Rd. (1.05 miles). Comments made by Army COE, HUD, DOI, DOT, Ky. Dept. of Natural Resources, Green River Area Development District and Owensboro Chamber of Commerce. (ELR Order No. 1301, 21 pages) (NTIS Order No. PB–204 514–F) 11/23.

KY–54: Henderson, *Kentucky*. Upgrading to 4 lanes from St. to 1100′ east of Adams Lane (2.12 miles). Project S 213(2), SG 214.8. Comments made by HUD, DOI, DOT, Green River Development District and Henderson City-County Planning Commission. (ELR Order No. 1344, 22 pages) (NTIS Order No. PB–204 693–F) 12/2.

Paris Bypass (Section 2): Bourbon County, *Kentucky*. Construction of 2-lane (ultimate 4-lane) highway on US–27, US–227, US–68 and US–460. Project F 558(1) and S 67(6). Comments made by USDA, Army COE, DOC, EPA, FPC and DOI. (ELR Order No. 1385, 24 pages) (NTIS Order No. PB–200 749–F) 12/9.

KY–11 and KY–1325: Fleming and Bath Counties, *Kentucky*. Replacement of covered bridge over Licking River on KY–11, replacement of steel through truss over Flat Creek on KY–1325 and construction of approaches. Projects S 229(3) and S (903). (ELR Order No. 1386, 31 pages) (NTIS Order No. PB–204 833–F) 12/9.

KY–17 and KY–467: Pendleton County, *Kentucky*. Construction of bridges and approaches to replace 2 deficient Bailey bridges over Grassy Creek at KY–17/KY–467 intersection. Comments made by USDA, HUD, DOI, DOT and Ky. Dept. of Natural Resources. Projects S 589 and S 902. (ELR Order No. 1433, 25 pages) (NTIS Order No. PB–204 896–F) 12/10.

Kenner Overpass and approaches (US–61): Jefferson Parish, *Louisiana*. Upgrading 2.2 mile segment of road to a 4-lane divided facility to improve route into New Orleans and Moisant International Airport. Will displace 76 people and 1 business. Federal Aid project U–173(19), State project 7–02–51. Comments made by Army COE, USDA, DOI, HEW, EPA, FPC, GSA, OEO, 3 state agencies. (ELR Order No. 1499, 49 pages) (NTIS Order No. PB–201 524–F) 12/20.

Raceland-Gibson Highway, La 308–US–90 (Gibson): Lafourche Parish, *Louisiana*. Relocation of US–90 beginning north of La 308 and Bayou Lafourche east of Raceland, extending easterly through Lafourche and Terrebonne Parishes (29.2 miles). Federal Aid project F–155(9), State project 700–06–83. Comments made by DOC, FPC, DOI, AEC, HEW, USDA, 3 state agencies and Louisiana State University. (ELR Order No. 1498, 41 pages) (NTIS Order No. PB–205 222–F) 12/22.

US–220: Cumberland, Allegany County, *Maryland*. Construction of a bridge over the C&O–B&O R.R. to eliminate grade crossings at Bedford and Frederick Sts. Project U 907–1(2). Comments made by DOT, Dept. of State Planning, Md. Dept. of Health and Mental Hygiene, Cumberland Urban Renewal Agency, Cumberland Housing Authority and the C&O–B&O R.R. (ELR) Order No. 1373, 17 pages) (NTIS Order PB–204 832–F) 12/9.

TH–60: Watonwan County, *Minnesota*. Construction of 19.6 miles of 4-lane divided highway from Butterfield to TH–15, bypassing St. James (19.6 miles). Attached 4(f) relates to Madelia Game Center. Project S.P. 8308–10 (TH 60=16) F016–1 and S.P. 8309–12 (TH 60=16) F016–1. Comments made by DOT, Army COE, DOI, USDA, HUD, FPC, EPA, 3 state agencies and St. James City Council. (ELR Order No. 1482, 97 pages) (NTIS Order No. PB–199 146–F) 12/15.

US–45: Noxubee County, *Mississippi*. Relocation from 3 miles south of Macon, bypassing Macon to the east, to about 4 miles north of Macon (9 miles). Project SP–0002–03(4). Comments made by Army COE, HUD, DOT, State Clearinghouse, Regional Clearinghouse and Metropolitan Development Office. (ELR Order No. 1370, 13 pages) (NTIS Order No. PB–204 834–F) 12/9.

Routes 210, 10 and 13: Clay and Ray Counties, *Missouri*. Construction on Rte. 210 of a 2-lane facility from east of Route JJ to relocated Rte. 10 southwest of Richmond

(15 miles); on Rte. 10, a 2-lane facility from east of Rte. C to 2.7 miles east of Rte. 13; and on Rte. 13, a 2-lane facility north of Richmond, a 4-lane facility through Richmond to the interchange with Rte. 10 and a 2-lane facility south of Rte. 10 (4 miles). Job nos. 4–P–210–35, 4–P–10–28, and 4–P–13–29, Project nos. S–SG–581(2), F–FG–10–1(6), and F–13–4(3). Comments made by Army COE, USDA, EPA, DOI, State Clearinghouse Coordinator, K.C. Metropolitan Planning Commission and Orrick Drainage and Levee District. (ELR Order No. 1290, 22 pages) (NTIS Order No. PB–201 228–F) 11/23.

SR 54: Callaway County, *Missouri*. Widening to dual lane highway between Fulton and Jefferson City. Job 5–P–54–1, project F–108–1(4). Comments made by USDA, EPA, DOI, State Clearinghouse Coordinator and Mid-Missouri Regional Planning Commission. (ELR Order No. 1292, 16 pages) (NTIS Order No. PB–204, 515–F) 11/23.

Route 100: St. Louis County, *Missouri*. Replacement of 2.2 miles of highway from Melrose and Allentown Rds. east to Glencoe Rd. Project F–100–1(4). Comments made by USDA, EPA, DOI, State Clearinghouse Coordinator and East-West Gateway Coordinating Council. (ELR Order No. 1300, 13 pages) (NTIS Order No. PB–198 839–F) 11/23.

Route C(106): Shannon County, *Missouri*. Construction of an all-weather crossing of the Current River and upgrading approaches between Eminence and Ellington. Attached 4(f) determination regards Mo. Dept. of Conservation land. Job No. 9–S–106–14, RS–726(2). Comments made by DOT, DOI, EPA, USDA, State Clearinghouse and Mo. Dept. of Conservation. (ELR Order No. 1481, 36 pages) (NTIS Order No. PB–205 223–F) 12/15.

US–77 and US–6 (Cornhusker Hwy.): Lincoln, Lancaster County, *Nebraska*. Reconstruction of US–77 from I–80 south 2.1 miles, rebuilding its intersection with US–6 on new location and improvement of 1.6-mile segment of US–6 from 52nd to 70th Sts. Projects F–155(6) and F–312(23). Comments made by USDA, Army COE, EPA, HUD, DOI and Lincoln City-Lancaster County Planning Commission. (ELR Order No. 1355, 35 pages) (NTIS Order No. PB–200 377–F) 12/2.

I–80: Cheyenne County, *Nebraska*. Construction from Potter to Brownson (8.5 miles) and from the I–80 interchange south of Potter to intersection with US–30. Project I–80–1(10) and S–921(3). Comments made by EPA, HUD, DOI, DOT, and Neb. Game and Parks Commission. (ELR Order No. 1388, 25 pages) (NTIS Order No. PB–198 862–F) 12/10.

I–195: Ocean and Monmouth Counties, *New Jersey*. Corridor location of remaining segment (13.1 miles) from CR–527 east to intersection of SR–34 and SR–38. Project I–195–8(1)82. Comments made by USDA, DRBC, DOI, DOT, 3 state agencies, Tri-State Regional Planning Commission and Monmouth and Ocean Counties. (ELR Order No. 1339, 36 pages) (NTIS Order No. PB–201 234–F) 12/2.

Route 8: Sidney, Delaware and Otsego Counties, *New York*. Relocation of route (3.5 miles) beginning near Thorp Hill Rd. north as a connector interchange with I–85 and ending at an intersection with Route 7. Project PIN 9067.00. Comments made by Army COE, DOT, and Pa. Dept. of Environmental Resources. (ELR Order No. 1307, 40 pages) (NTIS Order No. PB–200 757–F) 11/23.

US–220: (Candor-Biscoe-Star Bypass): Montgomery County, *North Carolina*. Relocation to bypass 3 towns (14.3 miles). Project 6.801737. Comments made by USDA, Army COE, EPA, GSA, DOI, OEO, State Clearinghouse and Sandhills Community Action Program, Inc. (ELR No. 1338, 28 pages) (NTIS Order No. PB–199 864–F) 12/2.

I–29: Richland County, *North Dakota*. Construction of 4-lane highway from SH–13 near Mooreton south to South Dakota line. Project I–29–1(1)0. Comments made by USDA, DOC, EPA, HUD, DOI and State Water Commission. (ELR Order No. 1372, 15 pages) (NTIS Order No. PB–204 835–F) 12/9.

SR–674: Marcy, Pickaway and Fairfield Counties, *Ohio*. Reconstruction of 2.1 miles from SR–752 north to CR–89. Project PIC–674–5.92, S–1625(2). (ELR Order No. 1296, 7 pages) (NTIS Order No. PB–204 510–F) 11/23.

SR–22: Gambier, Knox County, *Ohio*. Relocation from SR–229/Gambier line intersection southeast for 1.3 miles. Project S–1194(3), KNOX–229–13.02. Comments made by Army COE, DOI, and DOT. (ELR Order No. 1387, 11 pages) (NTIS Order No. PB–200 528–F) 12/9.

US–30 (Delphos Bypass): Van Wert, Putnam and Allen Counties, *Ohio*. Involves connecting relocated US–30, east of Van Wert, to relocated US–30N, east of Delphos (12.1 miles). Also to be constructed is a connection on new location between US–30S & US–30N. Project VAN/PUT/ALL–30–16.28/0.00/0.00. Comments made by DOI and DOT. (ELR Order No. 1488, 18 pages) (NTIS Order No. PB–200 751–F) 12/10.

SR–41: Adams County, *Ohio*. Relocation of 1.8 miles from near Ohio Brush Creek to 0.3 mile north of its intersection with CR–134 (1.8 miles). Project ADA–41–22.40, S–1378(3). Comments made by HUD, DOI, DOT and State Clearinghouse. (ELR Order No. 1470, 22 pages) (NTIS Order No. PB–200 388–F) 12/14.

Cincinnati Ave.: Tulsa, *Oklahoma*. Upgrading with partial reconstruction on new alignment from East 31st St. north to East 42nd St. north (1 mile). Highway project SU–7251 (100)C. Comments made by HEW, DOI, Tulsa Metropolitan Area Planning Commission, Okla. Grant-in Aid Clearinghouse and State Archaeologist. (ELR Order No. 1284, 52 pages) (NTIS Order No. PB–201 859–F) 11/29.

71st Street (Kinosha): Broken Arrow, *Oklahoma*. Construction of a 4-lane divided facility from intersection of 161st East Ave. and South 71st St. to Broken Arrow Expressway (1.5 miles). Project SU–7238(100)c. Comments made by DOT, DOI, HEW, 3 state agencies, Tulsa Metropolitan Area Planning Comm. (ELR Order No. 1497, 65 pages) (NTIS Order No. PB–205 220–F) 12/20

I–5 (Pacific Highway, South Tigard Interchange-Tualatin River Section): Clackamas and Washington Counties, *Oregon*. Widening road from 4 to 6 lanes and upgrading 2 interchanges. Project I–5–5( ) 291. Comments made by HUD, DOI, DOT, Columbia Region Assn. of Governments and State Clearinghouse. (ELR Order No. 1383, 22 pages) (NTIS Order No. PB–204 897–F) 12/9

Oregon Forest Highway 4 (Klamath Lake-West Side Highway): Klamath County, *Oregon*. Construction of 2.9-mile highway through privately owned and U.S. National Forest lands. Project 48–1(4). Comments made by USDA, DOI, DOT, Ore. Dept. of Transportation and Ore. State Highway Division. (ELR 1377, 38 pages) (NTIS Order No. PB–199 623–F) 12/9

Legislative Route 40124, Section 2 (Caverton Rd.): Luzerne County, *Pennsylvania*. Relocation of 34 miles, including bridge construction over Little Connoquenessing Creek. Project 8–40124–04–002–043. Comments made by Army COE, DOC, EPA, HUD, DOI, DOT, 7 State agencies and Economic Development Council of Northeastern Pennsylvania (ELR Order No. 1371, 54 pages) (NTIS Order No. PB-200 001–F) 12/9.

L.R. 1052, Section 2 River Street Exchange, Cross Valley Expressway: Luzerne County, *Pennsylvania*. 4-lane divided highway through Forty Fort Township (0.5 mile). Project 3–1052–4–2–043. Comments made by DOC, DOI, DOT, HUD, EPA, 6 state agencies. Economic Development Council of Northeastern Penna. and Luzerne County Planning Comm. (ELR Order No. 1476, 49 pages) (NTIS Order No. PB–199 242–F) 12/14

Thorn Hill Industrial Park Access Road: Alleghany and Butler Counties, *Pennsylvania*. Construction of access road approximately 1000' west of the Pa. Turnpike (1.3 miles). Comments made by HUD, Appalachian Regional Comm., EPA, DOT, 10 state agencies, Butler County Planning Comm. Allegheny County Planning Comm. and Towns of Cranberry and Marshall. (ELR Order No. 1477, 46 pages) (NTIS Order No. PB–201 990–F) 12/15

Route 56: Spartanburg, *South Carolina*. Multi-lane widening from East Main to S–88 (4.3 miles). Comments made by Army COE, HUD, S.C. Dept. of Park, Recreation and Tourism, 2 city offices and County Planning and Development Commission. (ELR Order No. 1353, 18 pages) (NTIS Order No. PB–204 695–F) 12/2.

Cliff Avenue: Sioux Falls, Minnehaha County, *South Dakota*. Upgrading and widening between 8th and 17th Sts. and construction of bridge over the Big Sioux River. Attached 4(f) determination relates to Nelson Park land. Project F 057–1. Comments made by DOI, DOC, Army COE, USDA and City of Sioux Falls. (ELR Order No. 1478, 29 pages) (NTIS Order No. PB–201 692–F) 12/15.

SR–29, US–27: Morgan County, *Tennessee*. Improvement from SR–62 southeast of Wartburg to 1 mile north of Emory River on new alignment (3.7 miles). Project F–031–1( ), 65001–5230–04. Comments made by USDA, Army COE, HUD, DOI and East Tenn. Development District. (ELR Order No. 1352, 20 pages) (NTIS Order No. PB–200 218–F) 12/2.

SR–5 (Humboldt Bypass): Gibson County, *Tennessee*. Construction of 2 of 4 lanes from near Sugar Creek to SR–76 (2.6 miles). Project F–044–2( ). Comments made by USDA, Army COE, FAA, HUD, DOI, TVA, DOT and Tenn. Office of Urban and Federal Affairs. (ELR Order No. 1340, 52 pages) (NTIS Order No. PB–204 689–F) 12/2.

SR–3: Dyer County, *Tennessee*. Involves relocation of SR–3 and SR–20 and extension of I–155 to provide a bypass for City of Dyersburg and Municipality of Newbern. Project F–003–4 ( ). Comments made by DOT, USDA, DOI, Army COE, 9 state agencies and Dyer County Court. (ELR Order No. 1496, 35 pages) (NTIS Order No. PB–205 221–F) 12/20.

SH–71: Bastrop County, *Texas*. Upgrading to 4-lane divided highway from east city limits of Bastrop to Fayette County line (13.9 miles). Comments made by DOC, EPA, DOT, Capital Area Planning Council, Smithville City Council and Bastrop County Commissioners Court. (ELR Order No. 1341, 22 pages) (NTIS Order No. PB–204 690–F) 12/2.

SH–49: Cass and Morris Counties, *Texas*. Reconstruction on new location from L & A R.R. to SH–11, east of Hughes Springs (5 miles). Project F–364. Comments made by USDA, DOC, EPA, DOT, Ark-Tex Council of Government and Morris County. (ELR Order No. 1419, 26 pages) (NTIS Order No. PB–198 981–F) 12/3.

SH Spur 484: Irving, Dallas County, *Texas*. Construction of controlled access highway from proposed SH Loop 9 near Belt Line Rd. to SH Loop 635 (3.4 miles). Comments made by DOC, EPA, DOT, North Central Texas Council of Governments, City of Irving and Dallas County Judge. (ELR Order No. 1374, 22 pages) (NTIS Order No. PB–204 831–F) 12/8.

SH Loop 635: Dallas and Tarrant Counties, *Texas*. Six- and eight-lane highway on new location from SH–121 to I–35E/I–635 interchange to connect the Dallas-Fort Worth Regional Airport with the Dallas area freeway system. Comments made by DOC, DOT, OEO, North Central Texas Council of Governments, Dallas County Judge, Dallas-Fort Worth Regional Airport Board and Cities of

Dallas, Farmers Branch, and Irving. (ELR Order No. 1379, 35 pages) (NTIS Order No. PB–204 830–F) 12/8.

Loop 335 around Amarillo: Potter County, *Texas*. Improvement to 4 lanes from US–60 and 66 to US–87 and 287 (8 miles). Project S–2364. Comments made by DOC, HEW, DOT and Panhandle Regional Planning Commission. (ELR Order No. 1381, 24 pages) (NTIS Order No. PB–204 827–F) 12/8.

Loop Highway 143: Perrytown, Ochiltree County, *Texas*. Construction of 1.7 miles of 2-lane highway in northeast part of the highway. Comments made by HEW, USDA, DOT, EPA, and Panhandle Regional Planning Commission. (ELR Order No. 1487, 18 pages) (NTIS Order No. PB–200 194–F) 12/21.

Vermont Route 102: Lemington, Essex County, Vermont. Two projects to pave surface and to realign roadway, one from Bloomfield-Lemington Town Line north for 2 miles and one from 2.89 miles south of the Lemington-Canaan Town Line north for 1.8 miles. Highway Projects S 0271 and S 0271(5). Comments made by EPA, FHWA, HUD, State Clearinghouse and Vt. Agency of Environmental Conservation. (ELR Order No. 1283, 43 pages) (NTIS Order No. PB–200 525–F) 11/23.

Route 102: Duxbury and Moretown, Washington County, *Vermont*. Widening and relocation from north end of "Piggery Bridge" in Duxbury north 0.8 mile to intersection of Route 100 and US–2. Project S 0212(3). Comments made by EPA, HUD and Vt. Dept. of Water Resources. (ELR Order No. 1343, 52 pages) (NTIS Order No. PB–201 231–F) 12/2.

SR–57: Martinsville, Henry County, *Virginia*. Relocation and widening of road southeast of Martinsville. Project S–324( ), State project 0057–044–111, PE–101. Comments made by DOI, HEW and 2 state agencies. (ELR Order No. 1502, 17 pages) (NTIS Order No. PB–198 964–F) 12/20.

SR–2: Chelan County, *Washington*. Replacement of interchange at the Wenatchee Ave. approach to the Columbia River bridge and construction of Stevens St. from the bridge to its intersection with Mission St. 4(f) determination relates to use of 0.1 acre of city park. Project F–028–1. Comments made by EPA, HUD, DOI, DOT, Wash. Planning and Community Affairs Agency, Wash. Parks and Recreation Commission and City of Wenatchee. (ELR Order No. 1287, 16 pages) (NTIS Order No. PB–199 609–F 11/23.

SR–28: East Wenatchee, Douglas County, *Washington*. Construction of 0.6-mile, 2-lane frontage road on both sides of SR–28 from Grant Rd. south. Project F–030–1. Comments made by EPA, FHWA, HUD, DOI and 6 state agencies. (ELR Order No. 1304, 18 pages) (NTIS Order No. PB–204 506–F) 11/23.

SR–20: Okanogan County, *Washington*. Reconstruction of 2-lane highway from SR–153 to its crossing of Beaver Creek (14 miles). Project F–052–3. Comments made by USDA, EPA, FHWA, HUD, DOI and 6 state agencies. (ELR Order No. 1305, 22 pages) (NTIS Order No. PB–204 507–F) 11/23.

SR–12: Walla Walla County, *Washington*. Construction of 4-lane divided highway between Walla Walla and Waitsburg. Project F–018–5. Comments made by USDA, Army COE, EPA, FHWA, HUD, 8 state agencies and Walla Walla Regional Planning Commission. (ELR Order No. 1306, 45 pages) (NTIS Order No. PB–200 020–F) 11/23.

I–90 (SR–90): Kittitas County, *Washington*. Improvement from top of Easton Hill to just east of Easton (5.25 miles). 4(f) approval for use of Lake East Park lands. Comments made by USDA, HUD, DOI, DOT and 7 state agencies. (ELR Order No. 1452, 53 pages) (NTIS Order No. PB–204 945–F) 12/14.

SR–131: Kittitas County, *Washington*. Realignment and widening from SR–10 to intersection with Hungry Junction Rd. (1.5 miles). Comments made by DOT, USDA, HUD, DOI, EPA and 5 state agencies. (ELR Order No. 1479, 30 pages) (NTIS Order No. PB–199 005–F) 12/14.

SR–26: Adams and Whitman Counties, *Washington*. Reconstruction on new alignment between Washtucna and Hooper (10.5 miles). Comments made by DOT, Army COE, HUD, USDA and 4 state agencies. (ELR Order No. 1480, 27 pages) (NTIS Order No. PB–199 605–F) 12/14.

US–53 Hawthorne—US–2 Road: Douglas County, *Wisconsin*. Upgrading to freeway standards on new location between Hawthorne and the junction with US–2 (6 miles). Requires 380 acres of land. Project F 08–5 ( ). Comments made by USDA, DOI and Wis. Dept. of Natural Resources. (ELR Order No. 1288, 36 pages) (NTIS Order No. PB–201 576–F) 11/23.

Ryan Rd. (STH–100): Oak Creek, Milwaukee County, *Wisconsin*. Widening and upgrading of 2.8 miles of road on partial new location. Project U 059–1(6) ID 2040–4–00. Comments made by USDA, EPA, HUD, DOI, DOT, Wis. Dept. of Natural Resources, Southeastern Wis. Regional Planning Commission and Milwaukee County Dept. of Public Works. (ELR Order No. 1303, 28 pages) (NTIS Order No. PB–200 746–F) 11/23.

Sawyer CTH "D": Sawyer County, *Wisconsin*. Improvement of approximately 1 mile and replacement of the "Kretcha Bridge" over the Chippewa River. Project 8950–1–00, S 1417(2). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, and Wis. Dept. of Natural Resources. (ELR Order No. 1346, 21 pages) (NTIS Order No. PB–200 372–F) 12/2.

STH–13 (Ogema Bypass and Prentice Bypass): Price County, *Wisconsin*. Relocation of Ogema bypass (2.4 miles) ad Prentice Bypass (3.5 miles). Projects 1614–0–01, Fed. Rte. 4–5. Comments made by USDA, EPA, HUD, DOI, Wis. Dept of Natural Resources and Price County Board. (ELR Order No. 1347, 26 pages) (NTIS Order No. PB–200 437–F) 12/2.

US–41: Brown County, *Wisconsin*. Relocation beginning at intersection of STH–32, CTH "G" and US–41 in DePere north to intersection with Lombardi Ave., Green Bay. Project F 03–2( ), 1151–3–00. Comments made by USDA, EPA, HUD, DOI, DOT and Wis. Dept. of Natural Resources. (ELR Order No. 1349, 29 pages) (NTIS Order No. PB–200 771–F) 12/2.

US–51: Marathon and Lincoln Counties, *Wisconsin*. Upgrading to freeway on new alignment from the north terminus of the Wausau Belt line to a new interchange 1¼ miles north of Merrill (17 miles). Projects I.D. 1175–1–00, FAP 5–3–4 and 1173–2–00, FAP 5–4–1. Comments made by USDA, EPA, HUD, DOI, DOT, Wis. Dept. of Natural Resources, Marathon and Lincoln Counties and Merrill Environmental Conservation Advisory Commission. (ELR Order No. 1382, 33 pages) (NTIS Order No. PB–200 034–F) 12/8.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f). (Statements cannot be ordered through NTIS.)

TH–3: Dakota and Ramsey Counties, *Minnesota*. Use of land from McGroarty and Kaposia Parks for highway purposes. (Order through ELR by title, date and Department—8 pages) 11/23.

Project S–256(2), Boone-Callaway Counties, *Missouri*. Use of land from Cedar Creek Management area for highway purposes. (Order through ELR by title, date and Department—2 pages) 11/11.

I–675: Fairborn, *Ohio*. Beltway construction requires acquisition of 1.13 acres and a 1.39-acre easement for channel relocation in Rona Hills Park. (Order through ELR by title, date and Department—5 pages). 12/2.

U.S. Coast Guard

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 7th Street, S.W., Washington, D.C. 20591 (202) 426–9673.

Draft

Title, description, and date

Full-scale testing of high seas oil containment barrier to verify prototype design in international waters 50 miles south of Mobile, *Alabama*. Will use non-toxic biodegradable soybean oil. (ELR Order No. 1331, 15 pages) (NTIS Order No. PB–204 668–D) 12/3.

Full-scale testing of high seas oil containment barrier to verify prototype design in waters 5 to 30 miles west of Point Conception, *California*. (ELR Order No. 1330, 15 pages) (NTIS Order No. PB–204 564–D) 12/2.

Provincetown Harbor Search and Rescue Station, *Massachusetts*. Construction of new search and rescue station to replace obsolete station. Consists of barracks, operations and administration building onshore, 800' pier with helicopter landing pad, maintenance building and mooring space. (ELR Order No. 1314, 10 pages) (NTIS Order No. PB–204 569–D) 12/1.

Sandy Hook Station/Group Complex, Fort Hancock, Monmouth County, *New Jersey*. Construction of station buildings, shop building, piers, floats and family housing. Project 03–14–70. (ELR Order No. 1322, 6 pages) (NTIS Order No. PB–204 574–D) 12/1.

U.S. Coast Guard Base, Portsmouth, *Virginia*. Construction of a new base, consisting of a reinforced concrete pier, a steel pile bulkhead, a small boat harbor, a messhall, barracks, miscellaneous outbuildings and dredging incidental to the construction to replace inadequate facilities. (ELR Order No. 1446, 3 pages) (NTIS Order No. PB–204 905–D) 12/8.

Issuance of Oil Pollution Regulations governing design, construction and operation of vessels operating in navigable waters and contiguous zone of the U.S. and governing design, construction and operation of onshore and offshore facilities engaged in transferring oil in bulk (over 10,000 gallons). State certification will be required prior to issuance of Coast Guard permit for a facility. (ELR Order 1511, 4 pages) (NTIS Order PB–205 228–D) 12/28.

Urban Mass Transportation Administration

Final

Title, description, and date

Personal Rapid Transit System, Morgantown, *West Virginia*. Installation of a computer controlled transport system with fully automatic service and operation to demonstrate the feasibility of a new system concept. Vehicles will be propelled by electricity. (ELR Order 1416, 11 pages) (NTIS Order PB–202 713–F) 12/2.

U.S. WATER RESOURCES COUNCIL

Contact: W. Don Maughan, Director of Water Resources Council, 2120 L Street, NW., 8th Floor, Washington, D.C. 20037 (202) 254–6303.

Draft

Title, description, and date

Establishment of Principles and Standards for Planning Water and Land Resources to enhance national economic development, the quality of the environment and regional development, with application of Principles and Standards applied at all levels of planning. (ELR Order 1493, 17 pages) (NTIS Order PB–205 224–D) 12/21.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1*: (Col. 5 Montana, N.D., S.D., Utah, Vt., N.J., N.Y., Puerto Rico) Administrator: G. D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054.

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* Conforms to Standard Federal Regions 1 & 2.

Region 3: (Del., D.C., Md., Pa., Va., W. Va.) Administrator: August Schofer, 31 Hopkins Plaza, Baltimore, Md., 21201.

Region 4: (Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.) Administrator: H. E. Stark, 1720 Peachtree Rd., N.W., Atlanta, Ga. 30309.

Region 5: (Ill., Ind., Mich., Minn., Ohio, Wisc.) Administrator: F. B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430.

Region 6: (Ark., La., N.M., Okla., Texas) Administrator: J. W. White, 819 Taylor St., Fort Worth, Texas 76102

Region 7: (Iowa, Kansas, Mo., Neb.) Administrator: J. B. Kemp, P. O. Box 7186, Country Club Station, Kansas City, Mo. 64113.

Region 8: (Col., Montana, N.D., S.D., Utah, Wyoming) Administrator: W. H. Baugh (Acting), Rm. 242, Bldg. 40, Denver Federal Center, Denver, Colo. 80225.

Region 9: (Arizona, Calif., Hawaii, Nev.) Administrator: S. E. Farin, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Region 10: (Alaska, Idaho, Oregon, Wash.) Administrator: R. M. Phillips, 222 Southwest Morrison St., Portland, Oreg. 97204.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH DEC. 31, 1971 (BY AGENCY)

	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for federal actions have been received
Agency:			
Agriculture, Department of	46	95	141
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	30	24	55
Commerce, Department of	1	7	4
Defense, Department of	3	2	8
Air Force	1	3	1
Army	6	7	34
Army Corps of Engineers	170	265	435
Navy	6	4	10
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	7	9	16
Federal Power Commission	15	5	20
General Services Administration	15	22	37
HEW, Department of	0	1	1
Agency—Continued			
HUD, Department of	15	11	26
Interior, Department of	47	36	83
International Boundary and Water Commission—United States and Mexico	1	4	5
National Aeronautics and Space Administration	16	6	22
National Science Foundation	1	1	2
Office of Science and Technology	0	1	1
Tennessee Valley Authority	10	4	14
Transportation, Department of	840	514	1,354
Treasury, Department of	1	3	4
U.S. Water Resources Council	5	0	5
Total	1,240	1,024	2,264

Note: Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH DECEMBER 31, 1971 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements for federal actions have been taken
AEC nuclear development	9	7	16
Aircraft, ships, and vehicles	0	5	5
Airports	31	125	156
Buildings	0	5	5
Bridge permits	10	8	18
Defense systems	2	2	4
Forestry	2	4	6
Housing, urban problems, new communities	11	6	17
International boundary	4	2	6
Land acquisition, disposal	11	27	38
Mass transit	2	2	4
Mining	4	2	6
Military installations	13	4	17
Natural gas and oil:			
Drilling and exploration	3	5	8
Transportation, pipeline	4	3	7
Parks, wildlife refuges, recreation facilities	10	16	26
Pesticides, herbicides	8	10	18
Power:			
Hydroelectric	18	5	23
Nuclear	26	16	42
Other	16	1	17
Transmission	6	7	13
Railroads	0	1	1
Roads	666	352	1,018
Plus roads through parks	121	25	146
Space programs	6	2	8
Waste disposal:			
Detoxification of toxic substances	5	2	7
Munition disposal	2	3	5
Radioactive waste disposal	1	1	2
Sewage facilities	6	5	11
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	4	20	24
Irrigation	16	9	25
Navigation	45	95	140
Municipal and industrial supply	4	1	5
Permit (Refuse Act, dredge and fill)	7	0	7
Watershed protection and flood control	126	223	349
Weather modification	7	4	11
Research and development	13	6	19
Miscellaneous	20	13	33
Total	1,240	1,024	2,264

CREED OF TEEN-TEEN CLUB EXEMPLIFIES BEST OF OUR YOUTH

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. FAUNTROY. Mr. Speaker, much is often said that the modern-day teenager is not responsive to the great values that have made this Nation great. I think that myth ought to be put to rest because there are groups and individuals working in Washington in some of the most difficult areas of the city who believe firmly in America, in God, and in respect for each person.

I submit for the enlightenment of all Members the creed of the Teen-Teen Club of Washington, located in the Cardozo area of this city, which I think exemplifies these values in a way that is clear and concise.

The creed follows:

THE TEEN-TEEN CLUB FOR THE BETTERMENT OF AMERICA

1. We shall not lie.
2. We shall not steal.
3. We shall not fight or take things that do not belong to us.
4. We shall not destroy other people's property.
5. We shall not play with guns.
6. We shall not use dope of any kind.
7. We must go to Sunday school and church each and every Sunday.
8. We must not be a tattler.
9. We must obey our parents and leaders.
10. We must attend the Teen-Teen meetings.
11. We must learn to love one another.
12. We must have self control and be courteous to others.
13. We must go to school and learn as much as we can.
14. We must never wander around the street or stay out late at night.
15. We must not hang around with bad company or we will become bad too.
16. To be a good Teen-Teen you must obey all of these commandments.
17. If ever a stranger greets you, offers you candy, cookies or ice cream simply say "no thank you". If this stranger still bothers you, run, scream and yell. Then go to the first house you see and ask for help.
18. If your parents step out for a few minutes and you are alone please lock the doors and do not open them for anyone.
19. Never, never, never accept a ride in anyone's car that you don't know.
20. When you go to the store for yourself or someone else, take a buddy along for safety's sake.
21. We must say the Lord's prayer each and every day.

EDUCATION IN THE PRINCIPLES OF THE U.N.: THE PLAN AND THE MYTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. RARICK. Mr. Speaker, following the U.N. burlesque in expelling a charter member, Nationalist China, the only country in the world which adopted the U.N. Charter as its constitution, many Americans are taking another look at the U.N. They do not like what they are finding.

Parents are also becoming concerned that their children are being fed a one-world government diet in schools. School textbooks are redundant with U.N. references and the myth of U.N. promises of attaining world peace.

Many Americans question why American solutions are no longer taught and have been replaced by academic training in one-world government with high respect and confidence in the U.N. Reverence for the promises of U.N. Charter has replaced the proven lessons of American history and our constitutional system of government.

"Education is the Answer" has been the persistent socialist slogan used to indoctrinate public opinion to accept the transition of customs, living styles, morals, religion, and even the people's form of government.

Exploitation of education to teach our young people one-world government in preference to Americanism is required by U.N. edicts which are being adhered to by HEW and every national administration since the U.N. was brought out into the open. The Universal Declaration of Human Rights—a U.N. document—provides for education in U.N. principles as follows:

Article 26—(2) *Education shall be directed to the full development of the* human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, *and shall further the activities of the United Nations* for the maintenance of peace.

The U.N. Declaration on the Elimination of all Forms of Racial Discrimination, at article 8 calls for education "propagating the purposes and principles of the Charter of the U.N.":

Article 8—*All effective steps shall be taken immediately in the fields of teaching, education and information,* with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as *to propagating the purposes and principles of the Charter of the United Nations,* of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples.

The mandatory use of education to further the U.N. Charter is provided in article 11:

Article 11—Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

Education can be the answer, but it can also be a cause. Education should not be confused with disseminating the truth where all of the facts are not present and taught. The myth and superstitions of the U.N. as well as the background material on the organization and its organizers have remained too suspect to stand scrutiny; so they are ignored in the educational lessons taught our children.

No theory, no organization, and no structure can remain strong or long endure, which is not built on the foundation of truth. The U.N. was never intended to be a governmental organization favoring individual liberties, but it is a ploy to control an economic one-world empire. The existence of the United Nations and its announced goals can only be achieved by destruction of constitutional government and U.S. sovereignty. Any movement toward international economic and political equality requires retrogression in the status of the individual American as well as the United States. The U.N. can only succeed if the United States fails.

A most thorough and interesting background study on the facts and people who banded together to organize the U.N. shows they differ greatly from the stature and dedication of the Founding Fathers who drafted the U.S. Constitution.

Such a monograph was prepared by Mrs. Maureen Heaton of California, entitled "The Plan and the Myth," which I insert in the RECORD at this point:

THE PLAN AND THE MYTH

(By Maureen Heaton)

On December 11, 1961, the Los Angeles Herald-Express had a headline story on the second front page, titled "School Book Credits U.N. for U.S. Victory in World War II," and subtitled "Mistake OK'd by Curriculum Board." This set off a wave of indignation through California, particularly with those who were aware of the fact that the books from which our children are taught have been rewritten in the last thirty years, changing perspective and fact. That this time the text might be accurate, and not a "mistake" is indicated by the facts presented in this paper.

In 1962 the American Legion Americanism Committee, Department of California, issued a resolution for the consideration of the National body, asking for an investigation of the Council on Foreign Relations, declaring it to be their considered opinion that this group was subversive, and should be investigated.

That these two circumstances are not unrelated . . . the textbook, and the Legion resolution . . . is the subject of this research.

Many books have been written giving the background for what is about to be presented for your evaluation. It is essential that the information contained in such volumes as "The Turning of the Tides," by Congressman Paul Shafer and John Howland Snow. Lowell Limpus' "Disarm," Robert Morris' "Disarmament," Dan Smoots' "Invisible Government," and Helen Lasel's "Power Behind the Government Today," be assimilated for a better understanding of the present documentary.

The efforts to establish a world government are not a recent development, nor are the "Peace" movements. Current attempts to frighten people into supporting peace at any price have a long history. Those who have succumbed to the idea that "now there is an atom bomb, we MUST not have another war," might be interested in an article which appeared in the quarterly student magazine at Pasadena High School in California in November 1923. (Not a misprint—1923—ed.) entitled "The Prevention of War by Means of a United Nations of the World," the article begins, "We are told that the next war will last only three days, possibly a week. At the end of that time all the people on this planet, at least, will be dead." It continues for three pages and builds a picture of the "only hope for peace," as indicated in the title. The author states, "National sovereignty should exist only so far as it does not interfere with the function of the United Government," and adds, ". . . the United Nations of the World will not be a complete success until all the nations have joined. In the meantime, education of all the people of the world will do more than any other thing in helping to realize this ideal." (emphasis added) The author had source material listed, including an article titled "World Destruction or a World Court."!! As events have transpired, miseducation has brought into being the organization thus described, and in so doing, has brought the world to the brink of destruction of freedom.

The present document is intended to be a study only, and is not to be interpreted as a charge against any individual or group of individuals. There are proper channels existent for thorough investigation, and, if indicated by official investigation, for placing charges. It is hoped that this document will be the straw which will break the back of the resistance to an official examination of both the Council on Foreign Relations and the U.N. The affairs of state are not alone the concern of those we elect to office, nor those our elected representatives appoint. They are the concern of all citizens, and only insofar as the citizens insist on their proper conduct, will the general welfare be served.

THE SHAPE OF THE PLAN

In Cordell Hull's "Memoirs," FDR is quoted as saying, in a talk to the nation on 3 September 1939: "It seems to me clear, even at the outbreak of this great war, that the influence of America should be consistent in seeking for humanity a final peace which will eliminate, as far as it is possible to do so, the continued use of force between nations."

Mr. Hull then adds: "The United States was thus committed from the very moment when chaos descended on Europe to devote her influence toward developing a postwar world in which peace could be assured . . . The Council on Foreign Relations proposed on September 12 to amplify its studies, and make them available to the State Department . . . we forthwith accepted. The Federal Council of Churches and a number of other organizations made similar offers of help . . ."

How FDR knew in 1939 that this was a great war in which America would be involved is aside from the issue at hand, but Hull's statement about our commitment as a nation is not, for he recounts that from the day of Hitler's invasion of Poland, the State Department determined to begin immediately to plan the creation of a new system . . . to preserve the peace . . . profiting by the failures of the past. One of the "failures of the past" was the refusal of the United States Senate to ratify the League of Nations Covenant, which seems, from the record, to have been the first big effort of the planners of today for One-World, indivisible economical and political power. The evidence indicates that this mistake was not intended to happen again.

Four months after the "commitment," Hull announced the establishment of a committee

in the State Department, to "study and analyze the measures and policies . . . which may have consequences of an enduring nature . . . once peace is established."

Owing to an apparent oversight in the proofreading of his book, we have an interesting exposure of the makeup of this committee. On pages 1626 and 1627, he lists the people he appointed originally, and then on pages 1632 and 1633, he lists the same committee, as submitted to the president for approval. Both lists are given below. Committee No. 1 is the first list. The names on Committee No. 2 are the changes, and cross referencing indicates that it is the second list which involved itself in the postwar plans. It is interesting to note that Hull states there were fifteen members of the committee, but only fourteen names appear. The section of this study on "The Little Man Who Wasn't There" gives cause for reflection.

ADVISORY COMMITTEE ON POSTWAR FOREIGN POLICY

Committee No. 1

Sumner Wells, Chairman, State, CFR.
Hugh Wilson, Vice Ch., State.
R. Walton Moore, Counsel, State.
A. A. Berle, Jr., State, CFR.
George Messersmith, State.
Henry F. Grady, State.
Green Hackworth, State, CFR.
Leo Pasvolsky, State, CFR.
Herbert Feis, State, CFR.
Jay Pierrepont Moffat, State.
Breckinridge Long, State.
James C. Dunn, State.
Norman Davis, State, CFR.
George Rublee, State.

Committee No. 2

Cordell Hull, Chairman, Secretary, State.
Sumner Welles, Vice Ch., State, CFR.
A. A. Berle, Jr., State, CFR.
Green Hackworth, State, CFR.
Leo Pasvolsky, State, CFR.
Herbert Feis, State, CFR.
Norman Davis, State, CFR.
Benjamin Cohen, Counsel, CFR, National Power Policy Committee.
Harry C. Hawkins, State.
Anne O'Hare McCormick, NY Times.
Isaiah Bowman, CFR, Pres., Johns Hopkins.
Hamilton Fish Armstrong, CFR, Editor, Foreign Affairs.
Dean Acheson, State, CFR.
Myron C. Taylor, CFR, Business Advisory Council.

On this list there were originally eight people who were career officers in the State Department, who did not belong to the Council on Foreign Relations. They were replaced on the official committee by seven people plus the Secretary of State. All but two of the seven were from CFR. One of the replacements, Myron C. Taylor, was also a member of the Business Advisory Council, which in some ways is more powerful than the CFR, and apparently was set up to do the same sort of a job, but in a different fashion. Mrs. McCormick, having the NY Times to funnel information to the public, was a very desirable member of this team.

Norman Davis was president of CFR at the time of the formation of this committee, and Hamilton Fish Armstrong was a past president. At this time, Armstrong was editor of the quarterly magazine for the Council. Myron Taylor had been a director on the board.

THE "ATLANTIC CHARTER"

The next step in the planning took place somewhere in the Atlantic, when, with much fanfare, FDR and Winston Churchill held a "secret" meeting on 14 August 1941. This dramatic setting was necessary to the purposes of the Planners. The statement of "principles" which was touted by wire around the world had to be impressed on the minds of the people . . . as the first move into the propaganda barrage which culminated in the signing of the United Nations Charter by the Senate of the United States.

The statement by the heads of state of the British Empire and the United States, purported to contain "certain common principles" in the national policies of their respective countries. Some of these principles unquestionably were those of the American public, but subsequently, at Teheran and Yalta, the two men primarily involved abrogated most of these. It is exceedingly doubtful, however, as to the amount of enthusiasm which could have been engendered from Mr. and Mrs. America for . . . "access on equal terms for all states, large and small, . . . to the raw material of the world needed for their economic prosperity . . ." or for . . . "fullest collaboration between all nations in the economic field, to obtain improved labor standards, economic adjustment, and social security for all . . ." (For the full text, see Fifty Major Documents of the 20th Century).

If that part about "economic adjustment and social security for all" sounds a little like taking from the haves and giving to the have-nots . . . or even like "from each according to his ability" . . . *they* said it.

According to John T. Flynn in "The Roosevelt Myth," the "Joint Declaration," as it was originally called, was also dubbed "America's Mein Kampf" by the NY Times, and it never really existed except as a news release. And yet for about two years, a "signed copy" was on display in the National Museum in Washington! FDR himself is the authority for the fact that it never existed, at a press conference in 1944. Equally as interesting is a footnote in a book by William Rigdon, who was FDR's Assistant Naval Aide. In "White House Sailor," Rigdon states that the original of the Atlantic Charter is in the possession of one George M. Elsey. Whatever else George M. Elsey may be, and why he should be in possession of the original of a non-existent document, is not known. But we do know that he is or was a member of the Council on Foreign Relations.

THE MYTH

The "Atlantic Charter" was followed on 2 January, 1942, by the Declaration by the United Nations. (See 50 Major Documents.) This declaration was signed in Washington by 26 countries, and though the occasion was noted in the Almanac chronology for 1942, nowhere is there indication of what the complete document was, nor where the original is today. However, unlike the Atlantic Charter, its existence is assured. In addition to the aforementioned textbook, there are references to United Nations troops and/or forces in the Almanac, in many books written during the war, and particularly in "The Century of the Common Man," written in 1943 by then-vice president of the United States, Henry Agard Wallace.

In "The Century of the Common Man," Wallace states, "The first article of the international law of the future is undoubtedly the *United Nations Charter* (emphasis added). The United Nations Charter includes the Atlantic Charter, and there is little reason why it should longer be called the Atlantic Charter, in view of the fact that the broader instrument has been validated by thirty nations."

Another quote from Wallace is of more than passing interest, as developing activities of the UN prove its substance. "If any aggressor nations take the first step toward rearmament," states Mr. Wallace, "they must be served at once with a "cease and desist" order, and be warned of the consequences. If economic quarantine does not suffice, the United Nations' peace force must at once bomb the aggressor nation mercilessly." Cordell Hull echoes this humanitarian thought, in his Memoirs, telling of his dream of an international organization which would keep the peace—by force, if necessary. He also dreams back to World War I, and gathers unto himself the germ of an idea which became the League of Nations. The League is generally credited to Colonel Edward M. House, the "alter ego" of Woodrow Wilson, but whether Hull, House, or Wilson sparked the organization, it did come into being.

Those who organized the League were proud of their brainchild, and brought it, with much fanfare, to the Senate of the United States for ratification. They were shocked and distressed when that august body saw in this newborn infant not the beautiful hope for peace that they had been led to expect, but the destruction of the Constitutional government of the country they served . . . and they rejected it.

As was done later in the case of the UN, peripheral organizations were formed to "enlighten" the citizens, and perhaps to coerce the Senate to reconsider. There were a number of these, but one in particular which is of interest here, not just because it outlived and overshadowed the others, but because of its influence on the events which concern us here, and because of its membership . . . particularly its officers.

On 31 July, 1942, the League of Nations Association issued a Program and Policy Statement, which began, "From past mistakes we gain courage to meet the problems of the present and imagination to plan the future . . ." There are the 'past mistakes' again. . . . and what did they learn from them? One thing they learned was the need for more "education" for acceptance of their plans. The Policy Statement urged an immediate plan for every phase of postwar reconstruction. That this was done is borne out in a book by one Lewis Lorwin. Called "The Postwar Plans of the United Nations," and published in 1943, it contains plans as specified by the League of Nations Association for reconstruction of the United States, Great Britain, Latin America, Canada, Governments in exile and the occupied countries, Australia, New Zealand, South Africa, India, China and the Union of Soviet Socialist Republics. This book is a proper subject for a more complete study in and of itself. Its pertinence here, however, is twofold only. One, its relevance to the call from the LNA, and, two, the fact that it was financed by the Twentieth Century Fund. The Fund had a number of CFR members on its board, and has been noted throughout the years for its assistance to Pro Communist causes.

The policy statement of the LNA also urged that the machinery of the League of Nations, the International Labor Organization and the World Court should be utilized by the United Nations to every extent practicable in organizing the establishment of the universal society of nations. The statement called for this society of nations to be so powerful and capable of "instant application" that every nation would realize in advance that "aggression" would be too hazardous to attempt.

The Program of the League Association was stated as promoting this new organization, of forming UN committees, instigating a program of education, and asking cooperation of all Americans.

The National officers at this time were:

Honorary Presidents: John H. Clarke and James T. Shotwell.
President: Frank G. Boudreau, M.D.
Vice Presidents: Mrs. Emmons Blaine and Mrs. James Lees Laidlaw.
Chairman: Victor Elting.
Treasurer: Frederick McKee.
Director: Clark M. Eichelberger.

Who were these people, and why are they important here?

John H. Clarke was an associate justice of the Supreme Court, which position he resigned, according to Who's Who, in order to

promote "public opinion favorable to world Peace." (The question arises as to who is not in favor of world peace?) He was also a trustee of the World Peace Foundation, and of two public libraries, in Youngstown and Cleveland, Ohio. For anyone who desires to mold public opinion, there is nothing like being a trustee for a library or two.

Frank G. Boudreau was an executive director of the Milbank Memorial Fund, and a vice president of the International Students Union. He was also a trustee of the New York School of Social Work.

James T. Shotwell had a long and full life. Beside garnering twelve degrees from eleven different colleges, he was active in civic affairs, in academic and cultural matters, and in government. He was a trustee and a director of the Division of Economics and History at the Carnegie Endowment for International Peace; a director of the Division of International Relations for the Social Science Research Council; Chairman of the National Committee of the USA on the International Intellectual Cooperation of the League of Nations; president of the League of Nations Association, and Honorary president of the American Association for the UN. He held many positions in government, dating all the way from "The Inquiry," which was the conference preparatory to the League of Nations, to the committee in the State Department known as the Commission to Study the Organization of Peace, and the Advisory Committee on Postwar Relations, which paved the way for acceptance of the UN. He was a delegate at San Francisco in 1945. In addition to being an author of fifteen books on International Relations and World Peace, and a lecturer, he was editor of almost two hundred volumes on Social Progress, plus the eleventh edition of the "Encyclopedia Britannica.

Shotwell also found time to sponsor a dinner for the UN in America, which was cited in Appendix Nine as having been promoted through the auspices of the American Committee for the Protection of the Foreign Born. He signed a couple of Appeals of Communist origin . . . one to free Earl Browder, which was cited as "strictly a Communist party affair," and one for Russian War Relief, which was Communist organized. The Professor was a sponsor of a Conference on PanAmerican Democracy, which was cited as subversive and unAmerican. He was a member of the Committee for Peace through World Cooperation, a Communist front. He was also an officer in the Committee for a SANE Nuclear Policy, and held memberships in the Atlantic Union Committee and the Council on Foreign Relations.

Mrs. Emmons Blaine was the daughter of Cyrus Hall McCormick, who invented the reaping machine. She is listed in Appendix Nine as a member of the National Citizens Political Action Committee, which was described by the Dies Committee as the "Communist Party's supreme bid for power throughout its 25 years of existence in this country." Mrs. Blaine was a member of the Chicago Board of Education, and a founder of the School of Education at Chicago University.

Mrs. James Lees Laidlaw was another sponsor of the dinner for the UN, and also of a dinner forum under the auspices of the American Committee to Save Refugees, which was cited as a Communist Front. She, too, signed the Appeal for Russian War Relief. She had six college degrees, and was a teacher in New York High Schools for 12 years. She was very active in civil affairs, particularly woman suffrage and the League of Women Voters, as well as organizations to support the League of Nations, and, later, the UN.

Victor Elting was a member of the Chicago branch of the CFR, and an author.

Clark M. Eichelberger is listed in the section of this study dealing with United States Nationals serving on the Secretariat of the UN, but it should be noted here that he is a member of the CFR.

The fact that these people joined subversive organizations does not mean that they knew them to be under the control of the Communists, and is not significant for that reason. The real significance is that there is a melding of purpose here, which makes it difficult to distinguish between Communist and non-Communist vehicles.

The tragedy for America is that many of these people either did not realize, or did not care, that their efforts to lead Americans down the road to One World were equally as destructive of our sovereignty as those of the Communists. That there were some who knew, and were dedicated to that end, is a certainty. However, it is the duty of official bodies to cause investigation and determine responsibility in this area.

The promoters of the universal utopia have money, prestige, and power to pressure public officials, and some of them are themselves holding public office. With a citizenry unaware of these activities, or not concerned enough to oppose these efforts with equal strength and determination, the one-sided pressure will, in the end, topple the United States Government, as we have known it. If this happens, our nation will be but one state in a world body of states, and on a par with Burundi, Urunda and similar states.

AN UNCERTAIN TRUMPET WITH A POSITIVE SOUND

The Federal Council of Churches (which is now the National Council) came through in great style on their offer of assistance to the State Department in planning for a postwar world. Time magazne, in its issue of 16 March, 1942, gave a report on their "Religion" page of a conference held in Wesleyan University in Ohio by the Federal Council of Churches. Touting the meeting as a "superprotestant new program for a just and durable peace," Time delineates the ultimate goal as "a world government of delegated powers," with the following high spots:

Complete abandonment of U.S. Isolationism.

Strong immediate limitations on national sovereignty.

International control of all armies and navies.

A universal system of money . . . so planned as to prevent inflation and deflation.

Worldwide freedom of immigration.

Elimination of all tariff and quota restrictions on world trade.

Autonomy for all subject and colonial peoples—(with much better treatment for negroes in the U.S.).

A "democratically controlled" international bank.

You may wonder what all these temporal decisions have to do with spiritual matters. The answer is hard to find. Probably pertinent was the situation whereby there were involved in this conference (where the labors of the Federal Council of Churches on behalf of the State Department were unveiled for all the world to gasp over) eight college and university presidents as well as "a group of well known laymen," including members of the Council on Foreign Relations, such as Harvey Firestone, Jr. and John Foster Dulles. Mr. Dulles was chairman for the conference.

In addition to the above goals for a peaceful future, the conferees found the United States wanting in past policy, and stated, "The natural wealth of the world is not evenly distributed. Accordingly, the possession of such wealth . . . is a trust to be discharged in the public interest." (Haves-Have nots?) In case this might not be a clear statement of the FCC position, the conference speaker spelled it out . . . "a new order of economic life is imminent and imperative . . . Collectivism is coming, whether we like it or not."

THE INSTITUTE OF PACIFIC RELATIONS

Another organization which had much to do with the formation of the United Nations was known as the Institute of Pacific Relations. This association was investigated by the Senate Internal Security Subcommittee, in 1951 and 1952, for eleven months, and was found to be an instrument of Communist policy, propaganda and military intelligence. It was found that a small core of officers and staff members did most of the actual work, and that members of this group were either Communist or pro-Communist. It was found that, although the American staff of the Institute of Pacific Relations were fully aware that the Institute was in fact an arm of the Soviet Foreign Office, they were instructed to preserve the fiction that it was independent. It was also found that "a group of persons in the IPR attempted to set the stage for a change in U.S. policy so as to accommodate Communist ends."

All of the documentation about the IPR is taken from the final report of the Senate Judiciary Committee, as based on the hearings mentioned above.

In December, 1942, the IPR held a conference at Mont Tremblant, in Quebec, Canada. This conference dealt with the postwar cooperation of the United Nations in the Pacific and the Far East.

Among those attending were:

From the State Department—Maxwell M. Hamilton, Chairman Far Eastern Affairs; Francis B. Harrison, Special Advisor to Philippines; Stanley K. Hornbeck, Advisor on Political Relations (CFR); Leo Pasvolsky, Spec'l. Asst. to Secretary of State (FR); and C. F. Remer, Chief of Far Eastern Section, OSS.

From the IPR—V. Frank Coe (also from Treasury Department); Lauchlin Currie (also from State Department) (CFR); Len DeCaux, Fred V. Field, Harriet Moore, Benjamin Kizer, Owen Lattimore (CFR), and Joseph Fels Barnes (CFR), et al.

All eight of these last named people from the Institute of Pacific Relations were identified as Communists.

Also in attendance at the Mont Tremblant Conference were Philip Jessup (CFR), and Alger Hiss (CFR), who, with Joseph Fels Barnes and Edward C. Carter, selected the conferees.

The ninth triennial conference of the Institute of Pacific Relations, and the second involved in the area of present concern, took place at Hot Springs, Virginia, in January, 1945. In addition to the above named persons, with the exception of Hornbeck, there were present at this conference:

Harry Dexter White (Treasury Department).

Dean Acheson, State Department (CFR).

Eugene Dooman, State Department.

Will Clayton, State Department (CFR).

Miriam S. Farley.

John Carter Vincent, State Department.

Julian Freedman, State Department.

The State Department gave official recognition to this conference. Philip Jessup presided at both these meetings, and the report of the Hot Springs conference was made available to all delegations at San Francisco, on the recommendation of Alger Hiss.

Philip Jessup was the chairman of IPR's American Council, chairman of its international institute, and chairman of its research committee. Of the thirty people recommended by Jessup for the Hot Springs conference, ten were later identified as being associated with the Communist organization. Jessup is now the representative from the U.S. to the World Court.

THE LITTLE MAN WHO WAS NOT THERE

Those who have read Ralph deToledano's "Seeds of Treason" or Bert Andrews' "Tragedy of History" which delineate the activities of Alger Hiss in Washington, and par-

ticularly in the State Department, know there was serious doubt as to his loyalty to the United States as far back as 1941. Whenever the $64 question came up, however, it seems his superior would call him on the carpet and put it to him, man to man, . . . "Alger, are you a Communist?" And Alger would answer, quicklike, no sir." And back to work he would go. It comes as no great surprise then, when reading the memoirs of those who were at the heart of policymaking for the United States during those years, to find that even material written BEFORE Chambers' exposure of Hiss, passes Alger off with the barest tip of the hat.

For instance, Hull in his voluminous "Memoirs," with its comprehensive coverage of the background work for the UN, acknowledges the presence of Hiss in a single sentence. "One of the bright young men at State." James Byrnes, who was Secretary of State after Stettinius, didn't find it necessary to even mention Hiss, though he, Byrnes, was much involved with the UN. Tom Connally says he didn't know Hiss, and that Hiss was a kind of glorified office boy at San Francisco. And so it goes . . . Baruch, Forrestal, Ickes, Vandenberg, Hurley . . . for them, Hiss is the little man who wasn't there.

It is unimportant that the papers of Vandenberg and Forrestal were published posthumously . . . Either they themselves had omitted the role of Hiss, or their editors did. The result is the same.

What is the official record at that time, which can't be written off? From the State Department document, "Postwar Foreign Policy Preparation," the following documentation may be gleaned:

Alger Hiss:

Attended meetings of the Subcommittee on Territorial Problems.

Was an alternate member of the Policy Committee (State).

Was Special Assistant to the Director of the Office of Special Affairs.

Attended meetings preparatory to Dumbarton Oaks.

Was on the Agenda Committee for Dumbarton Oaks.

Was an alternate for the Armament Conference.

Served on the committee to allocate (State Department) officers to "work on the basic instrument of the general international organization."

Was responsible for developing administrative arrangements for Dumbarton Oaks.

Was Executive Secretary for the American Group—DO.

Was present at the pre-Conference briefing—DO.

Was Executive Secretary of the Executive Secretariat of the American Group at Dumbarton Oaks.

Was Secretary in International Capacity at DO meetings with heads of Great Britain, Russia and the US.

Was Secretary of the Steering Committee, DO.

Attended meetings to draw up plans for a general International Organization.

Was on the Committee Preparatory to the Crimean Conference.

Was the State Department representative to the Interdepartmental Committee on Dependent Area Aspects of the International Organization.

Accompanied the President to Yalta.

Was in charge of arrangements for UN Conf. at San Francisco.

Was secretary of the Organizing Group on Arrangements at San Francisco.

In addition to this official list of his activities, in the hearings into the Institute of Pacific Relations, a member of the planning staff of the Postwar Planning Committee in the State Department, Dr. Edna Fluegel, testified that Alger Hiss Became HEAD of postwar planning for the State Department, and as such had access to every document, paper and secret of the United States Government.

The reason for pushing Hiss into the shadows is best told in his own words. In a letter to the House Committee, which was investigating Chambers' charges about him, Hiss stated, "This charge goes beyond the personal. Attempts will be made to use it, and the resulting publicity, to discredit recent great achievements of this country, in which I was privileged to participate."

Of course it would be used, and rightly so, when the true nature of the "great achievements" of which he spoke became known. Belittling the part Hiss played in its construction does not change the fact that the United Nations was set up to subvert the sovereignty of the United States, whether or not this was known at that time by the others involved.

Equally as important as the role played by Hiss, but not as well known to most students of the UN, is the part of Leo Pasvolsky, a Russian-born State Department career man. For a full background on Pasvolsky, refer to the splendid study of the UN by Major Arch Roberts, USAR. Entitled "Why Your Soldier Son Serves Under a Soviet Communist Commander," it goes thoroughly into the meaning of the UN Charter, and points out that the UN is not what its supporters say it is, but only what the CHARTER says it is. After a thoughtful hearing of what Major Roberts has to say about the UN, no sincere American could take issue with the great Democratic Senator McCarran, who is quoted as having said, "To my dying day, I shall regret having voted for the United Nations without first having read the Charter."

One of the "mistakes" the Planners made on their first big push for world amalgamation, was in allowing time for debate on the Covenant. They really believed that the Senate and the people of the United States would find the velvet glove so attractive that they wouldn't notice the iron fist inside. As a result, when it came to the point once more of getting the consent of the Senate, the way was prepared years in advance. "Respectable," "responsible" organizations and groups such as the Federal Council of Churches, and the Council on Foreign Relations, the national news media, et cetera, were positioned in advance in the camp for "world peace and security." Books were turned out in record numbers, promoting world union. Speakers were sent on tour of women's groups, Chambers of Commerce, and Rotary Clubs. By the time Alger Hiss was sent to Washington from San Francisco with the Charter of the United Nations in a fireproof safe, and the picture of the priceless scene reproduced for posterity by LIFE magazine, not only would it have appeared a violation of decency for the Senate to vote against it, it would have seemed close to treason.

When it was brought to a vote in the Senate, only two members found it in their conscience to stand alone against the pressures of the time. The names of Henrik Shipstead and William Langer should be enshrined in the hearts of all Americans who hope to retain the sovereignty of their country. When monuments are built to heroes of this "long twilight struggle," which is, in stark reality, the third World War, these two men should head the list, as they were the first in chronological order to take this lonely road to immortality.

The activities of the UN have been thoroughly exposed, not only in the public press, but in numerous books and pamphlets. Especially valuable is "The Best of the Southern Conservative" by Ida M. Darden, not only for her ability to slash through the obfuscation and get at the core of importance, but because the material was written contemporaneously. The new book by Ed Griffin, "The Fearful Master," is a current expose which kaleidoscopes nineteen long years of portentous action into a very readable reference log. Bryton Barron's "Dream Becomes a Nightmare" presents another view from one who was on the inside at the time.

U.S. "NATIONALS" IN THE U.N.

In 1952, the Senate Internal Security Sub-Committee held hearings into the activities of United States citizens employed by the UN.

In these hearings, 29 employees of the UN were called to testify.

Of the 29, 20 had previously worked in the U.S. Government.

21 of the 29 took the fifth amendment.

4 admitted to having been Communists.

1 admitted to being a Comsymp.

5 of the employees held degrees in economics. 3 more had worked in economic areas in government. All eight of these took the fifth.

One of the twenty nine became a Soviet citizen while supposedly serving the U.S. Another admitted working in UNICEF while a Communist. Still another admitted he wasn't even a United States citizen while working in the U.S. Office of War Information.

Of this group, Senator James O. Eastland, Chairman of the Senate Internal Security Committee, said: "After reading the record of these hearings to date, and acting as chairman during the last two sessions, I must say that I am appalled at the extensive evidence indicating that there is today in the United Nations, among the American employees there, the greatest concentration of Communists that this Committee has ever encountered. Those American officials who have been called, represent a substantial percentage of the people who are representing us in the UN. It is my conviction that most of the people who have appeared before this Committee are not fit persons to represent the United States or the United Nations. . . . These people occupy high positions. They have very high salaries, and almost all of these people have in the past been employees of the United States government in high and sensitive positions. I believe the evidence shows that the security officers of our government knew, or at least had reason to know, that these people had been Communists for many years. . . ."

As a result of these hearings, the twenty-one who had taken the fifth were dismissed. They appealed the decision. Ten of them only had indefinite contracts, and therefore could be dismissed. It was held by the court, however, that of the remaining eleven, four had to be reinstated with full back salary. The other seven asked for compensation instead of reinstatement, and were awarded sums up to $40,000 each. Total reimbursement amounted to over $135,000.

During the hearings, Senator Alexander Wiley, who was on the committee, asked for an opinion from the State Department on the selection of personnel for the UN Secretariat. Dean Acheson, then Secretary of State, replied that the United Nations was solely responsible, and continued, "It was decided at the outset that this should be so. It was believed that if individual staff members were to be beholden to their individual governments . . . . it should be impossible for the staff to effectively support the Secretary General. . . . It follows that United States Nationals on the Secretariat *Do Not Represent the United States* but are representatives of the United Nations, insofar as their official capacity is concerned." (emphasis added).

This statement is frightening enough in itself, but when you consider the background of the four Secretary Generals thus far . . . Alger Hiss (who served at the San Francisco Conference), Trygvie Lie (see "The Mind of an Assassin" for his Communist Leanings), Dag Hammarskjold, a Socialist, and U Thant, a self-avowed Marxist, it becomes nightmarish.

Much has been said in this country about loyalty oaths, but have you ever heard any protests from the Uniliberals about taking the oath to the UN? And they do take one. Here it is: "I solemnly swear to exercise in all loyalty, discretion and conscience, the functions entrusted to me as a member of the international service of the United Nations; to discharge those functions and regulate with the interests of the United Nations *only* in view, and not to seek *or accept* instructions in regard to the performance of my duty, from any government or authority external to the Organization," (emphasis added).

In 1956, the Annual Report of the Senate Internal Security Subcommittee, issued through the Judiciary Committee, demanded the recall of the Soviet Agent, Arkady Sobelov, who was the first Under-Secretary of the UN Security and Police Force, and Chief Delegate of the Soviet Mission to the UN, on the grounds of improper activities in spreading propaganda, and for using force, coercion and duress to induce defectors to return to the Soviet Union.

According to Major Arch Roberts, Sobelov had an assistant on the Secretariat, Alexandrei Vasilev, whose title there was Soviet Representative to the Military Staff Committee. Vasilev signed the report which committed our US troops to Korea. In 1954, the Department of Defense issued a document entitled "The Truth about Soviet Involvement in Korea," which identified this same Vasilev as the general in charge of all movements of the *North* Korean Forces. Meantime, back in the UN, a Soviet Communist was receiving and sending orders to the *South* Korean Forces.

Of course, it is to be expected that the Soviet Union would send dedicated Communists to represent them in the UN. Under normal circumstances, it would be expected that our government would send dedicated Americans. We have seen what sort of Americans the lesser lights were. Now let's take a brief glance at some of the really top brass. Following is a partial list of the representation we have had, with corollary information on each: All of these are members of the Council on Foreign Relations.

Bernard Baruch:
Mem.: Advisory Commission on Nat'l. Defense—'16.
Mem.: American Commission to Negotiate Peace—WWI (Economic Section).
Mem.: Supreme Economic Council.
Mem.: Amer. Delegation on Economics & Reparation—WWI.
Mem.: Presidents Conference on Capital & Labor—'19.
Mem.: New York Stock Exchange.
Mem.: Advisory Staff—League of Nations.
Mem.: Advisory Staff—UN Atomic Energy Commission.
Advisor to War Mobilization Director—'43.
Economic Advisor—American Peace Commission.
Head Fact-Finding Com. on Synthetic Rubber—'42.
Commissioner—War Industries Bld.—'42.

Ralph Bunche:
Professor: Howard University.
Bd. of Governors: American National Red Cross.
Institute of Pacific Relations:
1. Delegate, Hot Springs, TB.
2. Delegate, Mont Tremblant Conference.
3. Member, Discussion Group, Washington Branch.
Mem: Intern't'l Committee on African Affairs—CF—'39.
Mem: National Negro Congress—CC.
Mem: NAACP.
Sponsor: Washington Committee for Democratic Action—CC.
Sponsor: Conference on Civil Rights—CF & CC.
Contributing Editor—Sciences and Society—PL.

Andrew W. Cordier:
Exec. Assistant: Sec'y. General, UN.

John Foster Dulles:
Lawyer.
Sec'y.: The Hague Peace Conference—'07.
Spec. Agent: St. Dept. in Central America—'17.
Counsel: Amer. Commission to Negotiate Peace—'18.
Mem: Reparations Commission—'19.
Mem: Supreme Economic Council—'19.
Dir.: Internat'l. Nickel Co.
Dir.: Bank of New York.
Ch.: War Trade Board.
Ch.: Federal Council Churches—Comm. for a Just and durable Peace.
Trustee: Rockefeller Foundation.
American Representative—Berlin Debt Conf.—'33.
Mem: 2nd PanAm Conference.
Charter Member—UN.

C. M. Eichelberger:
Lecturer—Nat'l. & International Affairs.
Dir.: L N Assoc.
Dir.: Com. to Study the Organization of Peace—'39.
Dir.: International Free World Assoc.
Dir.: AAUN.
V. Ch.: UN Assoc.
Editor: Changing World.
Nat'l. Dir: Com. to Defend America—CD.
Signer: Russian War Relief "appeal"—CF.
Nat'l. Adv. Com.: American Youth Congress—CF.
Com. for Peace Through World Cooperation—CF.
Endorser: Amer. Council to Combat Nazi Invasion—C or CC.
UN Delegate—'45.

Thomas Finletter:
Lawyer.
Partner: Coudert Bros.—'26.
Lecturer.
Author.
Mem: International Law Society.
UN Delegate—'45.

Julius C. Holmes:
Brig. Gen'l. U.S. Army.
V. Consul.: France—'25.
V. Consul.: Turkey—'27.
Asst. Del: High comm. to Turkey—'27.
Sec'y. Legation: Albania—'29.
Asst. Ch.: Protocol & International Conf.—'34—'37.
Sec'y. Gen'l.: Rio Conf.—'35.
VP: NY Worlds Fair—'39.
Mem: American Foreign Service Assoc.
Mem: Academy of Pol. Sci.
Minister: Algeria—'55.
Criminal Indictment Dismissed by Technicality—'54.
Spec. Ass't.: Sec'y. St.—'56.
Nominated by DDE for Amb: Iran—'55.
Nomination Wtihdrawn after Senate Protest.
Consul Gen'l.: Hong Kong & Macao—'59.
Amb: Iran—JFK—'61.
UN Delegate—'45.

Paul Hoffman:
Pres: Studebaker Co.
Mem: Bilderberger.
Aide: DDE
Head: Com. for Economic Development.
Dir: Federal Reserve Bank, Chicago.
Dir: European Recovery Plan (Marshall)
Pres: Ford Foundation.
Man. Dir: UN Spec. Found.
US Com. for the UN.
Trustee: Univ. of Chicago.
Trustee: Kenyon College.

Alger Hiss: For which see "The Little Man."

Philip Jessup:
Professor: Columbia University.
Mem. Bd.: Carnegie Foundation.
Institute of Pacific Relations—TB:
Ch. Bd.: American Council—'39—'40.
Mem. Pacific Council—'39—'42.
Asst. Dir: Conf. of Jurists on Permanent Court of International Justice—'29.
Author:
US Representative: World Court—(DDE).
UN Delegate—'45.
Spons.: Dinner, Amer/Russ Institute—C
Spons.: Amer/Sov. Postwar Relations—CF.
Spons.: Nat'l. Emergency Conf.—CF.
Spons.: Nat'l. Emergency Conf. for Democratic Rights—CF.
Faculty Adv. Bd.: American Law Students Assoc.—CF.
National Security Council (HST).
Top Advisor: State Dept.—'50—'53.
Character Witness-Hiss—'50.

Herbert Lehman:
Partner—Lehman Bros., Bankers.
Governor: NY State.
Office of Foreign Relief (FDR).
Dir. Gen'l: UNRRA.
Mem: AAUN.
Mem.: NAACP.
Spons: Dinner Forum, Amer. Com. to Save Refugees—CF.
Spons: League of Amer. Writers—CF.
Spons: United Amer/Spanish Aid Com.
Spons: ad. in NY Times for Russ. War Relief—CF.
US/Sov. Friendship Rally—CF.
Natl'l. Council Amer/Sov. Friendship—CF.

John J. McCloy:
Lawyer.
Pres: Chase Nat'l. Bank.
Asst. Sec'y. War (FDR).
Dir: Comm. to Reestablishment of the German Gov't.—45.
Ch: International Bank for Reconstruction.
UN Delegate—'45.

Greer H. Hackworth:
Lawyer.
Judge: World Court.
Supreme Court Justice—1915.
Dep't. State—'16.
US Counsel: All treaties of International Joint Comm. on Boundary Waters.
Mem: Adv. Com: Research in International Law, Harvard.
Mem: Permanent Court of Arbitration.
Del: Conf. at the Hague—'30.
Del: Conf. at Lima—'38.
Adv. Sec'y. State: 2nd meeting of Ministers of Foreign Affairs of Amer. Republics—'40.

Henry Cabot Lodge:
Newsman in 20's.
Mem: Massachusetts General Court.
Senator: Mass.
Candidate: VP of US.
Amb: UN.
UN Delegate—'45.
Amb: Vietnam (JFK-LBJ).

Leo Pasvolsky:
Economist.
Author.
Editor—Russian Review—'16.
Editor Russkoye Slovo-Russ Language newspaper.
Editor Americansky Viestnik Language newspaper.
Mem: Research, Inst. of Economics, Brookings Inst.
US Bureau Foreign and Domestic Commerce—'34-'35.
Dept. State: Trade Agreements.
Spec. Asst.: Sec'y State—'36-'38.
Chief: Division of Spec. Research—'41.
Mem: Spec. Com. to prepare for World Monetary & Economic Conf.
Alt. Mem: UN Economic Com.
Adv: 2nd meeting Foreign Affairs Ministers—Havana.
UN Delegate—'45.
Exec. Off: US Advisory Com. on Postwar For. Pol. '42.
Representative to Mont Tremblant Conf.—'42.
Ch: SubCom on Economic Problems (State).

With Hackworth and Hornbeck (also (FR) wrote the program for "trusteeship" system for UN—'43.

Nelson Rockefeller:
Asst. Sec'y. State: (HST).
Coordinator: Latin/Amer. Affairs—'40 (FDR).

Dir: Rockefeller Center.
Treas: Museum of Modern Art.
Trustee: Metropolitan Museum.
Gov: NY State.
UN Delegate—'45.
James T. Shotwell: (See LN Assoc. report).
Edward Stettinius:
Del: UN Organizational meeting.
Partner: J. P. Morgan.
Sec'y. State: (FDR-HST).
Asst. Sec'y. Stat: (FDR).
At Yalta.
Ch: Lendlease Admin.
VP: Gen'l. Motors.
VP: US Steel.
Ch.Bd.: US Steel.
NRA.
Dir: "Share the Work" Movement—'32.
Ch: War Resources Board—'39.
Ch: Priorities Board—'41.
Mem: Adv.Com: Council of Nat'l. Defense—'40.
Mem: Central Com., Amer. Red Cross.
Trustee: MIT.
Arthur Dewey Struble:
Vice Admiral, USN.
Ch: US delegation—UN Military Staff.
Adlai Stevenson:
Lawyer.
UN Delegate—'45.
Spec. Counsel: AAA—'33.
Asst. Gen.'l. Counsel: Federal Alcohol Control—'34.
Spec. Asst.: Sec'y. Navy—'41.
Ch: Foreign Economic Admin.—'43.
Trustee: World Citizens Assoc.
Dir: Intern't'l House.
Dir: Immigrants Protective League.
Dir: Hull House.
Dir: Industrial Nat'l. Bank.
Institute of Pacific Relations—TB.
Governor: Illinois.
Candidate: President—'52–'56.
Amb: UN—'61.
Mem: AAUN.

James J. Wadsworth: Amb: Extraordinary and Plenipotentiary Deputy Representative to UN Security Council.

Committee citations

TB—Transmission Belt.
CF—Communist Front.
CC—Communist Controlled.
C or CC—Communist or Communist Controlled.
CD—Communist Dominated.
CO—Communist Organized.

It is true that institutions do not threaten America . . . people do. A study of the various affiliations of these people brings one to the assumption that all of them are internationalist in their thinking, and are seemingly devoid of the basic thought and feelings which are embodied in the word Americanism. Some of them made common cause with the Communists, and all of them support the world government concept. The institutions they devise are the machinery to achieve this end.

TWELVE BY THE VILLAGE CLOCK

Time after time, committees of citizens, and individual members of Congress have called for investigation of the relationship of our sovereign nation with the monster on the East River, but only peripheral areas have been touched. With te power shift in the world going to undeveloped, uncultured, uncivilized, uncouth nations and people, our danger becomes greater with each passing day. Even if there were no other consideration, this would be true. Tragically, the picture today is even worse than this.

The Arms Control and Disarmament Agency is rapidly causing a reduction in our individual military strength. The Department of Defense is helping in this.

Our hands are tied in Southeast Asia, even while our troops are committed there. The subversion in South America goes on apace. Cuba has a gun at our heart. Cypress is a tinderbox. Africa is being remolded into a series of fortresses for global conquest. And anarchy is rampant in our own nation.

Since 1945, when the UN officially started keeping the peace, not one day has passed when true peace existed around the world.

The courts of several of our states have held that the United Nations Charter is the Law of our Land.

Our citizens are taxed to support Communism and Socialism both in the UN, and through "foreign aid."

The amalgamation of the economic systems of the United States and the Soviet Union is already in process, as planned in the Phoenix Study.

The choice is still yours. If the Congress will not conduct an investigation of these organizations, the states must. The evidence is preponderant that a clear and present danger exists. Organize study groups to review all available material. When you are well informed, extend your influence. Contact your assemblyman. Insist on his consideration of the facts you have compiled. Write letters to the editor of your local paper to inform others. Petition the state assembly to call competent witnesses to testify under oath.

This is our year of decision. Will you answer the crying need for citizen action? Or will the epitaph of freedom be carved this year?

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THE GRAIN PRICE SUPPORT BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ASPIN. Mr. Speaker, on December 8, the House passed a very significant bill, the Strategic Storable Agricultural Commodities Act of 1971. This legislation, approved by a vote of 182 to 170, should do a great deal to shore up currently depressed grain prices.

The bill has two major parts. The first would order the Agriculture Department to buy up to $1.45 billion of grain and place it in a so-called "strategic reserve." Up to 25 million tons of corn and other feed grains, and 300 million bushels of wheat would be bought under this plan. The bill provides that the grain could be sold into the market only at prices equaling at least 120 percent of the previous 5-year market-price average. This premium-price rule is intended to avoid the risk that the reserve grain could have a longterm adverse effect on prices by posing a continual threat of being dumped on the market.

The second part of the bill, which was added by an amendment which I supported and voted for, requires the Government to increase by 25 percent its basic price-support loans for wheat, corn, and other feed grains. This provision would cover both the 1971 and 1972 crops. Farmers would be eligible for the higher payments on their 1971 crops held in storage if title to the commodities had not passed to the buyer. It is hoped that this provision would have the effect of increasing the total grain crop value by some $2 billion.

Now it is up to the Senate to take action on this measure. I hope that the Senate Agriculture Committee will send it to the Senate floor soon after Congress reconvenes, and that the Senate will adopt it promptly.

It is gratifying that the House has taken this important step toward restoring some equity to the Nation's farmers. They have suffered far too long under administration policies which, to put it simply, have failed.

I will continue in my efforts to see that this legislation is sent to the President for his signature. It is important legislation that will benefit the Nation's farmers, and it deserves to become law.

DISCOVER YOUR AMERICA WEEK

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WIGGINS. Mr. Speaker, the citizens who live within the Walnut Valley, Calif., Unified School District have joined with the students in the district to plan a program which they are calling "Discover Your America Week." From February 28 to March 4, 1972, more than 5,000 students, kindergarten through high school, will be taking part and competing in events that will afford them the opportunity to discover the joys and responsibilities of living in the United States.

Among the many activities planned are essay and poster contests, classroom displays, ecology events, and school assemblies. The celebration will culminate with a community concert.

Sponsored by the Walnut Valley Community Clubs Coordinating Council, the event is being made possible by the cooperation of local service clubs, the city of Walnut, the school district, and private citizens. It is truly a total community effort.

I know that my colleagues in the Congress will join me in commending the people of Walnut for their "Discover Your America Week" program.

NATIONAL HOME FURNISHINGS ASSOCIATION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, my very good friend and constituent, Herbert M. Early of Alexandria, Va., was elected 1972 president of the National Home Furnishings Association at its annual meetings during the International Home Furnishings Market in Chicago on January 10, 1972. NHFA is a nationwide organization with over 9,000 home furnishings retailer members.

The incoming president has been a distinguished and active member of the Alexandria community. Mr. Early is past president of both the Alexandria Kiwanis Club and the Salvation Army. He has been the recipient of the Boys Club of America's man and boy award and the Salvation Army's man of the year award. Mr. Early is secretary-treasurer and manager of the Alexandria Furniture Co.

Mrs. Virginia Knauer, Special Assistant to the President for Consumers Affairs, addressed the meeting at which Mr. Early was installed. Mrs. Knauer called the NHFA "consumer confidence program" a good beginning toward resolving legitimate consumer problems. The presidential assistant, however, laid down the challenge to NHFA to establish its own "informal complaint-resolving system." Mrs. Knauer reminded NHFA members that: "I have come to NHFA before with a request for action; the response has always been positive."

Mr. Early's first official act as president was to accept Mrs. Knauer's challenge.

I would like to accept your challenge for the Association. We will make every effort this coming year to establish a consumer-oriented problem solving mechanism and will encourage our manufacturers to cooperate.

The full text of Mrs. Knauer's address insert at this point in the RECORD.

The address follows:

REMARKS BY VIRGINIA H. KNAUER, SPECIAL ASSISTANT TO THE PRESIDENT FOR CONSUMER AFFAIRS, BEFORE THE BREAKFAST MEETING OF THE NATIONAL HOME FURNISHINGS ASSOCIATION, MERCHANTS & MANUFACTURERS CLUB OF THE MERCHANDISE MART, CHICAGO, ILL.

I want to tell you how much I appreciate this invitation to begin the new year with an address before the National Home Furnishings' Chicago Furniture Market.

The new year is appropriately a time for resolutions and a time for predictions. There are many things I would like to give up—sweets, TV football games, chicken lunches, and all-night plane rides. Unfortunately, my husband likes football, so I can't give that up, chicken lunches are standard fare at hotel conventions, so I can't give them up, and I have to take all-night plane rides at times to get back to the office, so I can't give them up. That leaves sweets, which I like, and I don't want to give them up. So Virginia Knauer in '72 is going to be like the Knauer in '71, only a little older, a little wiser, perhaps a little sweeter, and hopefully, not any wider.

You meet here in Chicago today for the main purpose of looking ahead. You have to choose between what manufacturers have to offer and what you believe your market wants. Upon such decisions, fortunes of manufacturers and retailers may rise or fall.[1]

There is another factor, to, which will have an effect, for better or for worse, on what happens in your future and in the outlook for the home furniture manufacturers. That factor is the consumer.

Today, I would like to discuss with you that all-important factor, in terms of what has been done, and what remains to be done.

First, I don't believe that anyone can say that there has not been considerable progress for the consumer, not only in the furniture industry but in other industries as well. There are those, in fact, who may maintain there has been too much progress.

Some of this progress has been the result of the passage of laws, both on the Federal and state levels. In a recent article on consumers legislation on the state level, the *New York Times* said editorially, "Public pressures for improvements seem certain to continue putting consumer protection on a par with environmental protection as a leading issue for state governments throughout the United States."

One proposal, affecting the furniture industry, was recommended by New York City's Department of Consumer Affairs. In effect, the proposed regulation would require furniture retailers to deliver goods within 30 days of the promised delivery date or give the consumer the option of a refund, a credit, or a new delivery date.

Last year, we saw the United States Senate take action on a warranty bill, which, when passed by the House and signed by the President, will have an effect on the furniture industry. In brief, that bill states that a warranty must be clear and legible, it must be meaningful, and that no consumer can sue a retailer for a breach of warranty or service contract until the consumer has exhausted any informal dispute settlement mechanisms established by the retailer for resolving disputes related to a product warranty or service contract.

Much progress has been achieved because of the voluntary efforts of business. Outside, but nonetheless affecting the furniture field, we have seen the beginnings of new voluntary efforts to police deceptive advertising, to improve the quality of automobile repair service, and to improve quality control systems.

In the furniture field, we have seen progress as a result of voluntary efforts.

NHFA, NAFM, and the Southern Furniture Manufacturers Association have developed voluntary "care labeling" program to give the customer adequate information regarding the appropriate method for cleaning the fabric in upholstered furniture.

A number of manufacturers have agreed to participate in this program when they receive requests from retailers.

Still another innovation took place when NHFA instituted its Consumer Confidence Program. Furniture retailers who choose to do so can sign up for the program by pledging to strive for consumer satisfaction and to take all responsible steps to resolve consumer complaints. Those signing the pledge promise to cooperate with any responsible consumer protection agency, including my office.

I have sent each retailer who has signed this pledge a personal letter thanking them for participating in this effort. Retailers can display this letter in their stores but cannot use it in their advertising.

However, I certainly would not have any objections if a retailer took out an ad which said, in effect, that he had signed the pledge and that he was going to cooperate in every way possible with responsible consumer agencies.

Now I said at the start of this talk that these were good beginnings. We still have a long way to go before you can be assured and I can be assured that a sufficient number of programs are being undertaken to resolve legitimate consumer problems.

For one, though manufacturers have offered care labeling to retailers, it is my understanding that few retailers have requested the labels and few manufacturers have put the labels on without specific request.

For another, though nearly one-third of NHFA's members have expressed their willingness to participate in the Consumer Confidence Program, to take all reasonable steps to resolve a complaint, considerable number of NHFA members have not yet volunteered to participate.

The absence of participation in two praiseworthy programs cannot but make one wonder about the absentees. Don't these retailers want to give consumers information on how to clean and care for upholstery? Don't these retailers want to resolve legitimate complaints, don't they want to work with responsible consumer agencies?

I can tell you one thing. If I were a home furnishing retailer in a competitive market, and I was giving care information to my customers, and I had pledged to resolve any legitimate complaints, and my competitors had not taken these steps, I would let potential customers know about it through my adverstising!

And I know such a public statement would have great pulling power on a number of new customers, because I know from the mail I receive that many customers have had very unpleasant experiences at the marketplace, and when it comes time for these customers, their neighbors and their friends to shop again, they will take great care in selecting the retailer who offers them more information and more service.

Before leaving Washington for Chicago, I reviewed the complaints we have received about home furnishings.

One came from a husband in Paris, Illinois. Here's the first paragraph in the letter:

"I purchased a gold swivel chair from (a retailer) in Mattoon, Illinois, in January 1970. The underneath structure of the chair has been totally faulty and now the ball bearing assembly has broken and the chair is totally unusable. If you sit in it, it falls backwards to the floor. Three different people have fallen to the floor in this chair. Oil has come from the ball-bearings and ruined our rug or at least has made four large oil spots. . . . I have called (the retailer) and the manager said there was no guarantee and there was nothing they could do about it. . . . This chair is not what (the retailer) claimed it to be."

Then another letter from a housewife in Springfield, Virginia:

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[1] Note: This text is the basis of Mrs. Knauer's oral remarks and should be used with the understanding that some material may be omitted or added during presentation.

"I was promised delivery of the carpet I selected in two weeks. Two months have passed and still no delivery. I have asked for return of my $200 deposit but the store manager says he isn't able to do that.

He said that the supplier is out of my selection it will be a few more weeks before delivery. He has offered me other choices, but I want the one I selected. I have been waiting and waiting for this new carpet. Is there anything you can do to get my deposit back?"

Analyzing the complaints, I have found that consumers have written me about shoddy merchandise, about deceptive advertising, about failure to deliver goods on or near the date promised.

Some letters are pretty hard to read. One housewife from Pennsylvania wants to know why neither the retailer or the manufacturer answer her letters—and her letters appear to me to be very reasonable. I have had to write to the president of that firm and ask him to answer his mail.

These are some but not all complaints. And I must express the view that these problems are the result of the few, and not the many.

The question to be asked, I believe, is what are the many going to do about it. What are the progressives going to do? Will the progressives act, or will the government have to act?

I have asked this question of other organizations, of other progressive industries.

I asked it of the appliance industry, and their solution, the solution by the American Home Appliance Manufacturers and the Gas Appliance Manufacturers Association, was to create an independent consumer organization called MACAP—for Major Appliance Consumer Action Panel. MACAP is composed of consumer and home economists from outside the industry. MACAP receives complaints from consumers, solicits responses from the affected business, and then recommends a solution, a remedy. Thus far, of 304 serious complaints, 57 percent were resolved satisfactorily for the consumer and for the business; 12 percent are pending, 7 percent are unresolved, 7 percent were unrelated to appliances and 17 percent were deemed unjustified. AHAM has found MACAP to be helpful not only in solving complaints, but in recommending creative programs for use by the industry.

I asked that question of the Direct Selling Association. The DSA answered by a strong code of ethics. A code administrator and his staff receive complaints from consumers and follow them through to see if they are legitimate. If they are legitimate, and the business declines to take remedial action, then the business can lose its membership in DSA.

A number of Better Business Bureaus have answered the question by working with local bar asociations or the American Arbitration Association to establish informal complaint-handling systems. Eight such projects are underway in a number of cities such as Houston, Wichita, and Detroit, and 28 are planned in other areas in the near future.

And so there are answers to all these complaints. There are many versions of an informal compalint mechanism. What is important is not the version itself, but that a version exists, that it is effective, and that it is responsive.

I have come to NHFA before with a request for action. The response has always been positive. Today I have another request.

What I would like to see is for the home furnishings industry to establish its own informal complaint-resolving system, to announce to the nation that it is going to take concrete action to solve legitimate problems, that it is not going to wait around for the government to pass a law, a rule or a resolution that states you must solve these problems.

Now I know that any complaint-solving mechanism involves a number of difficulties. I know that sometimes the consumer is caught in a cross fire between manufacturer and a retailer. The retailer blames a problem on the manufacturer. The manufacturer blames the problem on the retailer. And the consumer is left out in the cold, pockets empty, and in his eyes, and in the eyes of those with similar problems, the whole furnishing industry receives a black eye.

I know that there are other difficulties, but the time has come for responsible retailers and manufacturers of home furnishings to find a practical way to eliminate legitimate problems that confront your customers.

Recently, in an open letter to me in *Home Furnishings Daily,* columnist Earl Lifshey wanted to know what I thought about consumers who asked for adjustments or refunds all out of proportion to the circumstances, who were arrogant, and unreasonable, who demanded more than they could justifiably expect.

Well, Mr. Lifshey, as I have said on other occasions, I don't think much of them, just as I don't think much of an unreasonable manufacturer or retailer. I would argue that both the unreasonable consumer and the unreasonable businessman are in the minority, and I would agree with you that something must be done about these few.

In your column, you quote a merchant as saying, "Why isn't there some protection for the legitimate dealer who is honestly serving his customers? Why should we have to hire a lawyer to go to court? Isn't there some way these things can be arbitrated? As it is now, the dealer just can't win, no matter how viciously consumers may attack him."

I believe, Mr. Lifshey, that an informal complaint mechanism will handle both our problems. An informal complaint mechanism as established by AHAM, by the DSA, by the American Arbitration Association, will on the one hand, protect consumers from errant merchants, and on the other, protect merchants from unreasonable consumers. Remember that MACAP found 17 percent of the complaints to be unjustified.

Such a system will only enhance the reputation of the home furnishing industry, and it may stave off action by the state or Federal Governments.

And so that is my request to you, my challenge. Accept it, act on it, and we will be able to say that in the year 1972, the home furnishing industry took a major step to achieve a better marketing world for all Americans.

Thank you.

BROWNIE TROOP 231 SETS AN EXAMPLE FOR ALL OF US

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. EDWARDS of California. Mr. Speaker, there has been a lot of talk throughout the last few years about a communications gap in our country. It is said that parents and children can not communicate. We have all heard about the credibility gap and communications gap between Government and citizens. It is, indeed then, appropriate to take this opportunity to commend a group of youngsters in San Jose who are mastering the art of communication against odds greater than any of us must face.

Girl Scout Brownie Troop 231 in San Jose, Calif., is composed of nine little girls, between the ages of 6 and 8, all of whom are deaf. By the use of sign language, they sing scouting songs and recite the Brownie pledge. Led by their troop leaders, Miss Nancy Rigor and Miss Mary Burns—graduates of San Jose State College—they convey their feelings through their hands, facial expressions, and attempts to pronounce words.

These youngsters have accomplished a goal that should be admired by all of us here. First, they have learned to communicate so that they can live, learn, and relate to other members of their community. Second, they have overcome a severe challenge. Instead of letting a physical handicap limit their lives, they have continued to develop and grow as individuals and as members of society.

The efforts of Miss Rigor and Miss Burns, as scout leaders and as concerned human beings, should be commended. These children have demonstrated that they need not be cutoff from other people because of their hearing loss.

Let me wholeheartedly commend Brownie Troop 231 for the example they have set for all of us and for other youngsters all over America.

CONFLICT ON WATER POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DINGELL. Mr. Speaker, the Nixon administration from the outset has demonstrated a certain ambivalence with regard to our water pollution problems. This ambivalence was strongly pointed up in separate reports in the Detroit Free Press of November 25, 1971, the Washington Post of December 30, 1971, and the Christian Science Monitor of January 3, 1972.

Mr. Speaker, conservationists and citizens generally will be well advised to follow the Nixon administration's dictum to the effect that the public "should watch what we do rather than be convinced by what we say."

I include the articles in question at this point in the RECORD:

[From the Detroit Free Press, Nov. 25, 1971]

WHITE HOUSE TOLD TO STAY OUT OF LAKE POLLUTION CASE

(By Saul Friedman)

WASHINGTON.—William D. Ruckelshaus, chief of the Environmental Protection Agency, has told the White House to "stay out" of his attempts to stop pollution in Lake Superior.

And he predicted in an interview that he and the target of his efforts, the Reserve Mining Co. of Silver Bay, Minn., will "end up in court, no matter what I do."

The company is currently dumping about 67,000 tons of iron mining wastes into the lake daily. And Ruckelshaus said if no agreement is reached on how to dispose of the wastes, which are called "tailings," he will decide in at least three weeks on a course of action.

He insisted he has not made a decision on whether to go to court against the company. But he said he believes that if he does not do so, the company will go to court to prevent any government action.

And Ruckelshaus added that the company, which he said has been "stalling" on taking action, could continue to stall in the courts, perhaps for years.

"I can't move any faster than the law allows," Ruckleshaus said, "and they (Reserve) are entitled to due process. But I'm going to do what needs to be done as fast as I can."

If the case is taken to court, Ruckelshaus promised "vigorous" prosecution.

"There are some cases that are simply filed," he said. "And there are others you can push vigorously."

Although the case involves a relatively remote area on the northernmost of the Great Lakes, it has become a critical test of the agency's authority and willingness to stop longstanding pollution that began with government help before environmental issues became popular and crucial.

Consequently, Reserve and its parent companies—Armco and Republic Steel—have been lobbying heavily on Capitol Hill, at the White House and in the Commerce Department for the government to take a softer position.

Referring to White House aides who have interceded on behalf of industry in other instances, Ruckelshaus said: "We told them to stay out of it (the Reserve case), so that we can look at the facts, and make a decision on what is the best thing to save Lake Superior."

Lake Superior is the last of the Great Lakes to remain relatively pure, and its continued cleanliness is necessary if the four other Great Lakes are to be cleaned. Reserve, with a Corps of Engineers permit, has been dumping tailings into the lake for nearly 20 years.

Last April, after more than two years of conferences among reprsentatives of the companies, the Great Lakes states, and the federal govrnment, which condemned the dumping, Ruckelshaus issued a 180-day order requiring Reserve to come up with a plan to quit polluting the lake.

During the conferences and ever since, Reserve has insisted on its plan to pump the mining wastes to the bottom of the lake rather than dumping them in. And the company argues that any other plan would be too costly and is unnecessary.

However, their arguments have been rejected by most Great Lakes governors and members of Congress, by the conference, which included scientists, and by an engineering consultant hired by EPA.

The consultant suggested two basic alternative dumping plans: Pipe the heavy tailings to the bottom of the lake and dispose of the powdery wastes on land, or dump it all on land. The consultant's cost estimates for complete on-land disposal were far below those claimed by the company.

On Oct. 28, at the end of the 180-day order period, Ruckelshaus gave the states and the company another 30 days to comment on the consultant's suggestion. The deadline is Monday.

So far, Ruckelshaus said, the company has not replied. And when it does so, he added, it is expected to reject the consultant's cost estimates as too low.

If no agreement can be reached, Ruckelshaus said he can either take the company to court, or refuse to grant them a new dumping permit, in which case he predicted the company would take the government to court.

He suggested the state of Minnesota could refuse to certify Reserve's application for a dumping permit. But Minnesota officials, themselves under strong political pressure, say Reserve could challenge such action in the courts.

Ruckelshaus said he has not yet decided on whether he will insist on on-land disposal, but is "biased" in that direction.

In reply to critics who complain that he has given Reserve an inordinate amount of time to solve the problem, Ruckelshaus said he is proceeding carefully, the better to build a case if and when the issue goes to court.

However, it would be up to the Justice Department to go to court. And Reserve has already directed some of its lobbying efforts at Shiro Kashiwa, assistant attorney general in charge of such cases.

Kashiwa, while attending a meeting in Minnesota several months ago, was given a tour of Reserve's plant by the company's general counsel, Edward Friede, who helped set up a meeting Oct. 5 here with White House officials.

Other lobbyists on behalf of Reserve have included Willis Boyer, chairman of Republic Steel and vice-chairman of the Ohio Republican finance committee; Tom Patton, whom Boyer succeeded at Republic, and an active fund-raiser for President Nixon in 1968; and C. William Verity, Jr., chief executive of Armco Steel, who was also a large Nixon contributor.

Boyer and Verity are members of the National Industrial Pollution Advisory Council, which is under the Department of Commerce. Patton, until his retirement, was a member.

At the urging of all three, Secretary of Commerce Maurice Stans has communicated to Ruckelshaus his "concern" that strong action against Reserve might do economic damage to the company.

Ruckelshaus laughed: "Oh, yes, I've heard from Stans, and I've heard from lots of other people. But we'll make the decision on our own."

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

EPA Chief Bucks GOP Donors

(By Rowland Evans and Robert Novak)

William D. Ruckelshaus, the dynamic enforcer of environmental laws for the Nixon administration, is poised to oppose the will of influential White House political aides and perhaps President Nixon's own inclinations in the nation's hottest battle over industrial pollution.

The case involves Reserve Mining Co., of Silver Bay, Minn., dumping some 67,000 tons of iron mining wastes into Lake Superior over two decades. Early in January, Ruckelshaus is expected to order Reserve Mining to convert its operations to dump wastes in ways that won't pollute the lake. That would require getting rid of most of it on land, thereby setting off a protracted court struggle.

This will climax weeks of struggle within the administration over the wisdom of cracking down on industrial polluters who happen to be generous Republican campaign contributors. Indeed, the Reserve Mining case typifies the Nixon administration's split personality on environmental questions.

Clearly, President Nixon did not calculate the cost to Republican businessmen when he declared war against pollution in his 1970 State of the Union address. Since then, his ardor as an environmentalist has cooled. In private and public (most recently in Detroit on Sept. 23), Mr. Nixon disclaims any intention of making industry a "whipping boy" or "scapegoat."

But the President's views are moderate compared with Secretary of Commerce Maurice Stans, who sees an environmental conspiracy against private industry. He is supported by the two White House aides with intimate ties to big business: Peter Flanigan and the omnipresent Charles W. Colson. To these friends of industry, Ruckelshaus and his Environmental Protection Agency have capitulated to the conservation freaks.

The Commerce-White House group has been particularly upset with what it considers EPA harassment of Reverse Mining, whose two shareholders—Republic Steel Corp. and Armco Steel Corp.—are part of the Republican Party's fund-raising apparatus in Ohio.

Willis Boyer, chairman of Republic Steel, is a vice chairman of the Ohio Republican Finance Committee. C. William Verity, head of Armco Steel, is an active party fund-raiser. Boyer and Verity are members of the National Industrial Pollution Advisory Council set up by Stans.

Nor do these Republican businessmen hesitate to use their connections. When EPA ordered Armco to stop dumping wastes in the Houston, Tex., ship channel, Verity contacted Flanigan at the White House. The result: negotiations giving Armco a six-month delay.

The industrialists were exerting similar pressure in the Reserve Mining case, including a White House meeting between company officials and Flanigan. But Ruckelshaus put his foot down this time. He explicitly informed the White House staff and Stans that he absolutely would brook no interference from them. Up to now, his strong stance has not been overruled by the President.

So tough a posture could not be dared by a mere bureaucrat. Ruckelshaus is a formidable figure back home in Indiana, with a bright future in electoral politics. More important, as an assistant attorney general before moving to EPA, Ruckelshaus developed a warm relationship with a political adviser who dwarfs even Colson in influence: Attorney General John Mitchell.

Consequently, although Ruckelshaus has no easier access to the President's mind and heart than other top administration officials, he does have an indirect route through Mitchell. Using the Attorney General as an unlikely conduit, Ruckelshaus argues the environmental issue to Mr. Nixon.

Moreover, he is buttressed on the Reserve Mining case by popular support in the three states bordering Lake Superior. The governors of Wisconsin, Minnesota and Michigan all are demanding on-land disposal. So is the politically astute Republican Whip, Sen. Robert Griffin of Michigan.

In fact, Reserve Mining's arrogance in refusing to voluntarily curb pollution has enraged citizens in the area. Quite apart from the issues, backing down would be bad politics for Mr. Nixon in the upper Midwest.

That is not the viewpoint at the White House and Commerce Department, however. Conversion to onland disposal would cost Reserve Mining between $48 million and $75 million in capital expenditures and $10 million to $14 million in extra annual operating costs. Is this the proper reward, ask Mr. Nixon's political advisers, for generosity to the President's election campaign fund? That is the thinking Ruckelshaus is bucking in trying to clean up the environment.

[From the Christian Science Monitor, Jan. 3, 1972]

Going Two Ways on Pollution?

A parallel appears to be surfacing between the Nixon administration's no-more-than-necessary approach to school desegregation and its wait-a-minute approach to environmental action.

Of course, from a political point of view the administration may have guessed "right" on letting the courts take the lead in desegregation. Not only did it escape the onus of advocacy among Southerners, but it may feel its move will pay off in the North, too, as one congressman after another is flip-flopping from consistently liberal civil-rights stands to "hold off" decisions on bussing.

But are its strategy and timing right on the environment?

The Nixon administration has seemed lately to be going in two directions at once on the environment. Some of its own men are troubled by the apparent contradiction. In part they argue the administration's record is sound both in programs and actions. But they have no convincing rebuttal to the "protect-industry" implications of Com-

merce Secretary Maurice Stans' speeches and the recent attempts to dilute the water pollution bills in Congress.

Was it wise for the administration to open itself to charges of being a polluter protector? Yet this is what it let itself in for, first by creating the National Industrial Pollution Control Council last year. The council is funded through Mr. Stans' Cabinet department, to the tune of $310,000 for fiscal 1972, and it is generally called the biggest collection of the biggest polluters in the country. Environmentalists suspect that the council had a hand in the administration's curious attempt to attack the water bill in the House Public Works committee after a similar bill had been passed 86–0 in the Senate.

It's not just the council's existence that has the public puzzled over the real motives of the administration on the environment, nor the speeches of Mr. Stans. Even the President has been heard warning against "demagogic" attempts "to destroy the industrial system that made this country what it is."

It is understandable that a Republican administration would want to keep its bridges to industry intact. Some leading Democratic presidential contenders have the same ambition. We ourselves have reservations over the full practicality of the emerging water pollution control legislation. And it should come as no surprise that the administration would obey Republican instincts to spend less and take the states' side against total federal pollution control.

But again, what was the point of the administration's attempt to alter the water bill in the House committee—especially after such one-sided passage in the Senate? There was little new in the administration's pitch to the House Public Works committee, which had already held extensive enough hearings. All signs indicate that the House is going ahead with its $27 billion bill, and that a House-Senate compromise will fall between that spending level and the Senate's $20 billion, much above the administration's proposed $8 billion.

The administration in the end appeared not to be contesting government spending but industry's potential spending. It agreed to the "best practicable" technology requirement for 1976, wanting a two-year safety margin for industries having a hard time complying. It largely concurred in the "best available" requirement for 1981. But it balked at the "zero discharge" goal for 1985.

Now the administration may well have a point that such a goal is impractical, especially as the costs of removing the last percentages of pollutants are vastly greater than, say, removing the first 90 percent. Its case for keeping a system of water quality standards—which would permit some "pollution" outflow into waters that can tolerate it, rather than an outright "no discharge" law in all situations—can perhaps be upheld.

But unfortunately, to the public the administration's objections to the House and Senate water bills seem obscurantist. The President will likely sign the eventual bill, saying he has reservations over some of its provisions, and hoping thereby to niggle down the credit his odds-on November opponent Edmund Muskie will take as the bill's chief patron.

This may be a prudent course, and faithful to the professional opinions of staff environmentalists.

Still, was quibbling over the "zero discharge" goal, like Mr. Stans' "go slow" speeches, worth the risk of the administration's being thought soft on pollution?

If there is any danger of environmental backlash, it won't appear until well after the coming election. In the meantime, it would be too bad if the administration lost its credibility on the environment by seeming too solicitous of its business constituency—especially since the economic impact of pollution control, all things considered, will benefit business as much as the voting public.

DAN FLOOD CAPTURES NEW ORLEANS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HÉBERT. Mr. Speaker, on January 8, the anniversary of the Battle of New Orleans, the city was captured not by Andrew Jackson, but by my own colleague, DAN FLOOD.

He gave the principal address at the annual dinner of the Louisiana Historical Society, and it was, indeed, a DAN FLOOD night.

Those of us who know him so well in the House are aware of his great ability as a speaker. His text was excellent and he had an audience of awe.

In order to share this night with you, I am enclosing the text of his speech at this point in the RECORD.

157TH ANNIVERSARY OF THE BATTLE OF NEW ORLEANS: A CENTURY AND A HALF OF PEACEFUL UNDERSTANDING

(By Congressman DANIEL J. FLOOD)

A century and a half, in the long vistas of recorded history, is but a moment. Yet even so brief a span can encompass great events, decisive for the shaping of destiny. Our own American Republic celebrates in five years the 200th anniversary of its birth—by the standards of the Pyramids a short time indeed, yet one which has greatly influenced the world community in its movement toward liberty and justice. So it is with our remembrance here (tonight?) of the Battle of New Orleans, fought a century and a half ago, just 50 years after the Revolution while the memory of that struggle was still fresh in the hearts and minds of our people.

There is a kind of tragic glory associated with the Battle of New Orleans, which, in a real sense, belongs to all the chronicles of war through the long travail of history. Fought after the signing of peace, it symbolizes in a special way the futility of bloodshed among men and nations. And yet, in as true a sense, it dramatizes vividly those qualities of courage, faith, and loyalty without which nations must surely perish, qualities essential to the arts of war and of peace alike.

Moreover, by the curious and ironic transmutations of history, it marked the last open conflict between this Nation and the ancient Mother-County, and signalled the coming of an era of good feeling which has lasted to this present day. Who can deny that the peace which has existed between the United States and the United Kingdom for over a hundred and fifty years has been a crucial ingredient in the survival of civilization itself in the course of two great global conflicts. And who can deny that the War of 1812—and the Battle of New Orleans—served to establish the unchallenged independence of these United States, even as it initiated a new mutuality of respect between this Nation and the then mighty and far-flung British Empire.

I suppose that the deepest quest and yearning of all peoples in the world today is for peace, a just and lasting peace which shall realize the vision of universal prophets and seers. And yet, while that is so, there is also for us today a special relevance in recalling the spirit of those who fought at New Orleans in that Christmas and New Year season of 1815–'16, especially in an age of affluence and ease.

We live, to be sure, in troubled times, marked by violence at home and abroad. And yet they are also times of prosperity for Americans in contrast with most of the peoples of the world. It would not be unfair to suggest that we are far from mindful as a Nation of the great cost at which our heritage of ordered liberties was secured. An age of technology too easily helps us forget the price of freedom in history.

The fact of the matter is that in many respects our lives are too easy. The answer is not to regard conveniences as evil, but to recognize that if comfort defines the boundary of life, something precious and essential to our humanity has been lost. Additional physical conveniences can mean that our energy and time are made available for more really worthwhile endeavors. They can also mean that by laziness we can sink to a lower level than our forebears. For we have to exert ourselves and seek out things we believe in fighting for, otherwise it is inevitable that we sink down in comfort, mere comfort. The pioneer had no choice but to fight the wilderness. Most of us, most of the time have a choice. The easy choice is the self-defeating one. William James has stated this matter about as well as anybody:

"If this life be not a real fight, in which something is eternally gained for the universe by success, it is no better than a game of private theatricals from which one may withdraw at will. But it *feels* like a real fight—as if there were something really wild in the universe which we, with all our idealities and faithfulnesses are needed to redeem; and first of all to redeem our own hearts from atheisms and fears. For such a half-wild, half-saved universe our nature is adapted." (*The Will to Believe*, 61)

In another place, he wrote of our need to find a "moral equivalent" for war, which would call forth the same qualities of courage, fidelity, and energy in behalf of peace. The world cries out—America cries out—for those who will fight heroically for good: here surely is one continuing lesson which comes to us from the Battle of New Orleans today.

This then is the first thing to be said: *The good life involves fighting.* It requires struggle; it encounters opposition; it knows the meaning of pain and defeat; it faces danger. Any number of commonplace examples come to mind. The artist must put up a genuine fight before he masters his art, and in all probability the fight is never over. Often this is not merely an "up and onward" attitude, but hovers over some brink, such as Beethoven plainly considering suicide at the time of his Second Symphony, or Toulouse-Lautrec hurt beyond endurance, or Whitman reviled, misunderstood, banned. On a lesser scale the student must struggle to learn—all "ten easy lessons" methods being failures. On a larger scale the mother must battle many things to raise her children. Indeed it would seem to be that anything which is got by easy means, without genuine struggle, is lost in the process or turns out to be a fake.

At a time when many are stressing inner calm and escapism as the sum and substance of life, it is highly important that we see the place of arduous struggle. The kingdom of God is not to be gained by ease be kept by this means. Truth is not like a pillow. Count Lichtenberg came far closer to it when he said, "You can't carry the torch of truth through a crowd without singeing somebody's beard." Any worthwhile attainment we can think of is a struggle and demands at appropriate times a fighting spirit. "Put on the whole armour of God." Contentment is a part of that, to be sure, but not the whole of it. We must also be able to stand in evil days, "girt about with truth, and having on the breastplate of righteousness . . . feet shod

with the preparation of the gospel of peace . . . taking the shield of faith . . . the helmet of salvation, and the sword of the Spirit."

I need hardly labor the point that our day—and our Nation—offers ample opportunity for that heroism of the spirit which would strive to redeem the time.

Yet heroism alone is not enough. General Jackson himself is said to have commented wryly as the courage of despair which led General Pakenham to his death: "When our intellect fails us, we have to become heroes." I suggest that by *intellect* General Jackson meant not only intelligence but moral purpose and sound judgment. You will recall Admiral Cochrane's brash toast that he would eat Christmas dinner in New Orleans! The Olympic champion pole vaulter, Bob Richards, made the point when somebody asked him if he prayed before the meet: "Yes . . . , but I never pray to win. I pray to do my best." Only such a faith, comparable to the spirit of those who defended New Orleans confident that, come victory or defeat, America would survive, only such a faith, that can take the possibility of defeat and rise again, is adequate for the tough fight of principle and against evil whether in ourselves, in public life, or in the world at large.

Every time I read the story of David and Goliath I am reminded once again that it is by all odds among my favorite stories in the Hebrew Bible: indeed, it has universal appeal. It says three important things to us today, things pertinent to the Battle we commemorate and to contemporary America. The first of these is that David was victorious because he fought for something he believed in. The second is that he fought with the right weapons. And the third is that the power against which he fought proved to be much less great than it had appeared to be in the beginning.

The more I read history the more I am impressed with the fact that it is the *cause* that usually determines the outcome of a conflict. The greatest strength that man can bring to a battle is the conviction that what they are fighting for is right. Many centuries ago a handful of Greeks succeeded in defeating the mighty Persian Empire, not because they were richer in arms or men or money than the Persians, but because they were fighting for a cause. They were fighting for their homes and families and for the right to determine their own destiny. Against their devotion to such a cause the Persians were powerless.

Each year we celebrate George Washington's birthday and we remember the terrible winter at Valley Forge. The men who endured Valley Forge endured it not because they thought they were close to military victory. They were all but defeated. But they knew that the cause for which they struggled was right. And because they believed in that cause, they stuck it out and the victory was ultimately theirs.

In our own time, who can forget the magnificent courage of Britain when she stood defenseless and alone against the overwhelming might of the Nazi armies? Yet she never for a moment considered giving up, because she knew that she fought for a cause—the cause of human dignity and decency and freedom. David won his battle because he was fighting for a cause.

He also fought with the right weapons. I think one of the most charming scenes in all literature is the one in which King Saul tries to buckle the slender boy into armor that is too big for him. He puts on him a coat of mail and a helmet of bronze, and gives him a heavy sword and a shield. And when David tries to walk in all this equipment he cannot. The armor is more of a hindrance than a help. So he unbuckles it and takes it off. He has no need for such armor, he knows better how to fight without it. He knows the weapons with which he can prevail. As he says to the king, "A slingshot and a stone can kill a lion and a bear; if they can kill lions and bears, they can also kill Goliath of Gath." There is deep wisdom in that. Goliath, with all his heavy armor, was no match for the nimble David. David was free to move swiftly, while Goliath provided a standing target.

How many examples of that does history afford. Think of the Spanish Armada, that vast fleet of lumbering hulks, being harried to death in the Channel by the tiny, swift English ships that darted among them and cut them to pieces. Think of the PT boats of World War II, tiny speedboats of plywood that could dart in and deliver a deadly torpedo against an armor-plated warship. David knew that if he chose the kind of weapons that Goliath used, the advantage would be with Goliath. So he used his own weapons.

David also knew that he was armed with more than a sling and some pebbles. He had a secret weapon as well. He said to Goliath, "You come to me with a sword and a spear and a shield, but I come to you in the name of the Lord, the God of the armies of Israel." That was David's real weapon, the knowledge that he was fighting for God.

The last thing the story has to say it says in a single line: "When the Philistines saw that their champion was dead, they turned and fled."

So the story of David and Goliath speaks to us as we struggle against our own modern-day Goliaths: it tells us that we have nothing to fear if our cause be just and our weapons honorable. It also tells us that the most powerful foe can be overcome.

The most poignant and moving inscription at the Concord bridge was written by James Russell Lowell to honor the British dead—a tribute by an American poet-patriot to a fallen enemy:

"They came three thousand miles and died
To keep the past upon its throne;
Unheard, across the ocean wide,
Their English mother made her moan."

These lines apply with even greater power to the Battle at New Orleans with its astonishing disparity in casualties. They remind us of the essential humanity of the soldier, under whatever flag he may serve.

May our solemn remembrance of the Battle of New Orleans, move us all to a new dedication to America and the ideals which she has embodied during the brief span of her National life. May we fight manfully for all that is worth fighting for, continually reminding ourselves that the weapons of the good fight must ultimately be spiritual and prepare the way for peace. Then and only then shall we find God—alive, real, often seemingly defeated, yet ultimately victorious, for in the words of Lowell,

". . . behind the dim unknown,
Standeth God within the shadow,
Keeping watch above his own."

HENRY AWA WONG, "MAYOR" OF HONOLULU'S CHINATOWN RECOGNIZED FOR HALF CENTURY OF SERVICE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MATSUNAGA. Mr. Speaker, during the last holiday period, a very good friend of mine and one of Hawaii's most beloved citizens, Henry Awa Wong, the longtime unofficial "mayor" of the colorful Chinatown district of Honolulu, was publicly recognized by Gov. John A. Burns of Hawaii for his many contributions to the economic, social, and cultural development of the island State.

Mr. Wong, the son of immigrant Chinese parents, began his distinguished business career around the turn of the century in his father's general store on the island of Kauai, which happens to be my birthplace. Now the owner of one of Hawaii's most famous Chinese restaurants and a director of the Liberty Bank of Honolulu, he has been blessed by great personal success. However, he has never forgotten his humble beginnings and, for more than 50 years, he has tirelessly devoted himself to the welfare of less fortunate citizens in Honolulu's Chinatown and throughout the State of Hawaii.

In my opinion, Mr. Wong's greatest and most lasting achievement is the shining example he has established for those of us elected to public office and for the youth of Hawaii. With the thought that my colleagues will find Mr. Wong's story of interest, I am submitting for the RECORD a copy of Governor Burns' proclamation saluting Mr. Wong for his long service as "mayor" of Chinatown and a newspaper summary of the event which appeared in the Honolulu Star-Bulletin of December 28, 1971:

A PROCLAMATION

Born of Immigrant Chinese parents in Waikiki at a time when that district was known largely for its banana fields and duck ponds, Mr. Wong was educated at schools on Kauai and at Mid-Pacific Institute. He was first exposed to merchandising and business through his father's general store and shoe manufacturing shop on Kauai.

After gaining further experience as a dry goods clerk and buyer, Mr. Wong soon struck out on his own in business in Honolulu. Over the years, he has branched out into a wide range of business activities in Hawaii, many of them involving the economic life of Honolulu's famed Chinatown District. Perhaps the most widely known of his many endeavors is Wo Fat Chop Suey, which is virtually synonymous with Chinese cuisine in Hawaii.

In addition to his substantial contributions to the economic development of our State, Mr. Wong has always given generously of his time and his personal resources to countless numbers of cultural and civic organizations and as patron to many charitable endeavors. As an example, it was largely through Mr. Wong's initiative that the Narcissus Festival has come to be staged annually as one of Honolulu's most popular cultural celebrations.

It is singularly appropriate, then, that public recognition be made of the innumerable and widespread contributions Mr. Wong has made to the total enrichment of our society, of the valuable part he has played in the development of all our economic, political, social, and cultural institutions, and of the shining example he has set as a civic leader and as a distinguished citizen of Hawaii Nei.

Now, therefore, I, John A. Burns, Governor of the State of Hawaii, am pleased to extend this recognition to Mr. Henry Awa Wong, mayor of Chinatown, Honolulu, and to extend to him the fondest Aloha of all his fellow citizens for the inspiration he has given to the people of Hawaii.

[From the Honolulu Star-Bulletin Dec. 28, 1971]

TITLE "OFFICIAL" FOR HENRY WONG

(By Beverly Creamer)

Henry Awa Wong became the official "mayor" of Chinatown yesterday without ever running for office.

It ended his 50-year-career as "unofficial mayor of Chinatown." The title was given him back in the 1920s by the then Mayor John H. Wilson, and it has stuck.

In a ceremony at the State Capitol, Gov. John A. Burns presented the 76-year-old entrepreneur, businessman and restaurateur with a plaque and a proclamation honoring him as a "shining example" of a civic leader and distinguished citizen.

Wong was born in Waikiki just before the turn of the century. His father, a Chinese immigrant, grew bananas for a living in the swampy land of Waikiki. Tiring of that, the older Wong moved his family to Kauai and opened a general store in Hanapepe.

When young Henry was old enough to work, he started as a drygoods clerk in a department store in Waimea, Kauai. He was rapidly promoted to head clerk and buyer, but decided to come to Honolulu.

Shortly after World War I he opened Honolulu's first five and dime store—Kam Variety Store—in partnership with C. Kam Moon.

Though there have been some failures and disappointments, his career from then on reads like the biography of a tycoon:

Senior vice-president of Liberty Bank; president and general manager of Wo Fat Ltd., United Investment, Ltd. and Pacific Insurance Co.; director of Kalakaua Investment Co. and Kona Land Investment; part-owner of the famous Waikiki restaurant Lau Yee Chai; owner of "Hawaiian Oke and Liquors Ltd.," a brewery; president of the United Chinese Society, the Chinese Chamber of Commerce, the United Chinese Society . . . The list is endless.

In 1967 the elder Wong officially retired as president and general manager of Wo Fat Ltd., his last major business enterprise.

STATE BAR UNDER ATTACK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. RARICK. Mr. Speaker, another concerted attack on the integrity of the State judicial systems has been mounted in the form of the suggestion that State bar examinations be abolished.

Should such an innovation come to pass, the U.S. legal profession would move further and further down the road to the inevitable uniform code of law applicable across the Nation.

The danger of such an event actually occurring is evident in the recommendation of the American Bar Association that a national bar examination be substituted in lieu of State examinations.

Another national legal organization, the National Bar Association, actually opposes this recommendation of the American Bar as furthering the cause of discrimination against the black minority.

In lieu of bar examinations, the National Bar Association would admit any student who has graduated from an accredited law school to the bar of the State in which the school is located. At face value, this is a reasonable suggestion; however, it is based on the false assumption that the quality of instruction in every accredited law school is equivalent. This is patently not the case; neither does the National Bar Association make it clear as to the identity of the agency accrediting the school. What would inevitably result, is a national accreditation body that would itself further the cause of a national code of law applicable in every State.

It is, therefore, evident that the national legal organizations have placed their considerable power behind the notion that bar examinations be abolished. Neither justice nor the rights of American citizens could benefit from this.

The alternative is a national uniform code of law applicable in every State—a situation that would effectively destroy the integrity of a State judicial system.

I ask that a related article from the December 1971 issue of the American Bar Association Journal be included at this point.

The article follows:

DO BAR EXAMINATIONS SERVE A USEFUL PURPOSE?

(By Edward F. Bell, President, National Bar Association)

The National Bar Association in 1970 by unanimous vote of its delegates passed a resolution calling for the abolition of state bar examinations. The chief and most compelling reason for that resolution was the extraordinarily high mortality rate among black applicants across the nation and the honest belief that discrimination was playing a major role in producing that high mortality rate. As President of the National Bar Association, I carried this message across the land with results that were nothing short of startling.

Without exception, of the many persons with whom I spoke, none was able to say whether his bar examination was designed to measure an applicant's achievement or his aptitude. There were, in fact, many who declared that they were sure their examination tested neither of the two. This is likewise the case in my home state. An eminent law professor from one of our Michigan law schools has stated without equivocation that the Michigan bar examination is designed to test only one thing, knowledge of Michigan law. I would never concede that as serving a useful purpose.

With few exceptions, state boards of bar examiners justify their reason for being by saying, "We give the bar examination to weed out those who are not qualified to practice or those who do not meet a certain professional level of competence." They generally go about their duties by administering a three-day examination in a variety of legal subjects to a rather large group of potential lawyers. Those papers ultimately are read by them, or in some instances by a reader, and a passing or failing grade is attached to each question. If the applicant passes enough questions, theoretically he will be admitted to practice. If he fails too many questions, barring a successful appeal in those states that provide that remedy, he must return to write the examination again, if he is eligible to take it.

At first blush, there appears to be nothing wrong with this procedure. Therefore, the conclusion might be that bar examinations do serve a useful purpose—preventing those applicants who are not qualified from practicing law. That would appear to be a noble purpose. Yet, in my judgment, this position cannot withstand close scrutiny. By what process of reasoning can we determine that a bar examiner, usually a practicing lawyer and not an academician, has more *expertise* through reading an examination written in three days than a law school that has produced the same applicant over a period of three years?

The answer is clear. The law school that has had an intimate association with the student for at least three years is in a better position to observe his achievements and determine his competence. Most bar examiners, although their test is of three days' duration, never have any contact at all with the student save for the three or four hours on the day his paper is written.

Bar examiners are not gods and have not been blessed with infallibility. It is difficult to imagine how they could be given precedence over the law schools. To permit the examination given by the bar examiner to outweigh everything a student has done in law school is an anomaly. Why should the results of three days ever tip the scales against the results of three years? It is even more one sided than that. An applicant need have only one bad day on the bar examination to offset all the successful work he has accomplished in three years of law school and the other two days of that examination.

The inescapable conclusion is that the legal profession does not have faith in its law schools. This is a major indictment of our law schools but one, I feel, that is spurious. Law schools are not on a by-the-number basis; their accreditation is not based on the number of students graduated. Some scrutiny may be given to the number of their graduates who pass the bar examination, but this would be a rather compelling reason for not graduating those whose qualifications are obviously lacking.

The successful practice of law is characterized by a willingness to devote time and energy to counseling clients and to the preparation of lawsuits. I have been both a practicing lawyer and a trial judge, and I know that it can be predicted almost without exception that in any given case, where there is a legitimate controversy, the better prepared lawyer will prevail. That preparation takes place in the law library or the quiet of one's own study where sound legal reasoning can be fashioned into trial methodology. One of the most important ingredients is time and the willingness to spend it in order to be ready. Research must be exhaustive and the latest pronouncement of the law must be recorded so that they may be presented in orderly fashion for the trial judge or the appellate court. If it appears that I have belabored this point, I have done so deliberately.

AT BEST EXAMINATION IS A MEMORY TEST

I want to show that the bar examination is totally unrelated to what I have described as the successful practice of law. At best, the examination is a test of one's memory, and no lawyer, if he's worth anything, will go into a trial depending on his memory to carry him through. Yet the bar examination seeks to substitute a good memory for the calm, cool, reflective reasoning that good lawyers employ without regard to a twenty-minute time limit on the answer. One's ability to remember, no matter how good, will never equal the well-prepared trial brief complete with the latest citations. A trial judge finds a trial brief a good deal more persuasive than he does the lawyer who constantly shoots from the hip with random citations, even if they are accurate.

If the purpose of the bar examination is to eliminate those who are professionally incompetent how then can that competence be measured if memory takes precedence over preparation and execution? Can it be that the general public, after all, is the best selector of who should be lawyers? It is not by accident that certain lawyers thrive and do well; it is because in the marketplace they

have set a high standard of professionalism while at the same time maintainng the pursuit of excellence. That's the kind of lawyer the public seeks, particularly those who can afford them, and the sector of the public that can't is entitled to nothing less. It is important, moreover, to recognize that even if the purpose of the examination is to determine competence, that purpose has not been accomplished. There are many grossly incompetent lawyers practicing law to day who have passed a bar examination that failed to eliminate them and to prevent them from practicing on an unsuspecting public. Curiously, the incompetent ones known to me are anything but successful, financially or otherwise. For some reason, the world of clients does not beat a path to their doors.

There is some notion that the bar examination is sacrosanct. Nothing could be further from the truth. To abolish the bar eximination has been interpreted by some uninformed persons as the lowering of professional standards. One columnist has described it as opening the flood gates for a group of incompetent lawyers to prey upon the public and to take advantages of them, but this position does not lend itself to close analysis. Indeed, there are four states which have no bar examinations at all for students who have been graduated from one of their state's accredited law schools.

There are some very cogent reasons why bar examinations really serve no useful purpose. A successful candidate for the English Bar wrote: "The examination is intellectually worthless, as well as being academically very poor. It really was just a question of how many facts one could cram in the months before the examination and then put down on paper in the examination room." That describes every bar examination I know. And we permit members of the practicing bar to serve as examiners and administer the examination. It was Justice Black who commented in a recent case: "The right of a lawyer to practice cannot be left to the mercies of his prospective or present competitors."

BLACK MORTALITY RATE HIGHER THAN WHITE

There is another reason that I oppose bar examinations, and it has to do with discrimination of blacks and other minorities who seek access to the proud profession for which we express so consummate a love. In my judgment, the bar examination has long been and still continues to be a device by which certain applicants, mainly blacks, are prevented from practicing law. Many persons have known for a long time that this was the case or they had strong suspicions. They must have known that blacks were experiencing a mortality rate two and three times that of their white counterparts—in some instances, even higher. Surely they must have known that blacks would cry out one day for retribution and that those cries would take the form of lawsuits calling for an end to an examination alleged to be, among other things, unconstitutional. A lawsuit is pending in Michigan on that very ground, and a similar lawsuit is on file in Georgia.

The legal profession should be shocked by the report of the Philadelphia Bar Association's Special Committee on Pennsylvania Bar Admission Procedures, of which Peter J. Licouras, professor of law at Temple University Law School, was chairman. The report, "Racial Discrimination in Administration of the Pennsylvania Bar Examination", was published in 44 *Temple Law Quarterly* 146 (1971).

The Licouras committee stated three general conclusions: (1) that certain practices raised the "strongest presumption" that blacks "are indeed discriminated against under the procedures used" in Pennsylvania; (2) that certain "examination practices (standards and procedures) raise a serious presumption that a not insubstantial number of all candidates (without regard to race) have been delayed or deprived of admission to the Bar through unequal or arbitrary and capricious actions" of the Pennsylvania Board of Law Examiners; and (3) that a "thorough review of the bar examination process (participants, standards and procedures) raises grave doubts concerning the validity of the Pennsylvania bar examination for graduates of law schools on the approved list of the American Bar Association."

Since 1930, the Licouras committee found, there has been a yearly average of four blacks admitted to practice law, and in one ten-year period from 1933 to 1943 not one black was admitted. From 1955 to 1970 eighty-three blacks passed the bar examination compared to 7,300 whites during the same period. There were 10,790 white papers compared to 306 black papers. The white pass rate was almost 70 per cent, while the black pass rate was less than 30 per cent. The committee almost 70 per cent, while the black pass rate for all white applicants was over more than 98 per cent, and the eventual pass rate for the black applicants was 60 per cent. This prompted the committee to issue the following statement: "Statistical evidence demonstrates that a grossly disproportionate percentage of blacks fail each examination, and there is lacking any available hypothesis other than race by which we can explain these proportions."

And so it is in state after state. The Michigan bar examination results released last spring showed three of eighteen black aspirants were successful, or roughly 16 per cent compared to 71 per cent for white aspirants. Maryland published its results a week later, and only one of seventeen blacks managed to pass. Virginia managed to pass none of seven at its last examination. Arizona passed one of three black applicants at its last examination, but then there are only five black lawyers in Arizona. It has been alleged the state's quota is one per year.

One of the questions most often put to me is how to bar examiners discriminate, especially since everything is done by a number. First, let me pay tribute to the many bar examiners across the country who are, in fact, free from any discriminatory impulses. This is not a blanket indictment of all bar examiners, but there are those who fall within the thrust of the sword, and for them I have no praise, only contempt.

HOW SOME BAR EXAMINERS DISCRIMINATE

Of course, no bar examiner is going to leave a signed affidavit lying around in which he confesses his mischief. If that is the proof positive that must be shown in order to establish discrimination, we might as well become ostrichs and bury our heads in the sand. Lawyers are taught that a given set of facts can give rise to what is known in law as a permissible inference. Sometimes the circumstances are so strong that they may be considered as a presumption. Such a presumption exists in the matter of blacks being discriminated against on bar examinations.

There are many ways in which a bar examiner bent on mischief can accomplish his purpose. The first and most insidious practice is to announce publicly to all candidates for admission that no names will be used on the examination papers, only a number assigned by the examiners. Long before the applicant receives his number he is required to submit a picture. Why? The answer most frequently given is: "So that the applicant does not have a ringer take the examination for him." But if a ringer took the examination, the examiner would never know since, presumably, they would look exactly alike. In populous states, moreover, what examiner goes around checking pictures against candidates?

Following the picture, there is generally oral interview by the character and fitness committee or one that may be similarly named. This committee of the Bar, not the bar examiners, talk to the applicant and forward a report to the state admitting authority, which may contain anything from designation of race to hobbies. The information contained in this report may at any time be correlated to the master list that contains the applicant's name and number. The master list itself is the subject of some criticism. In Pennsylvania it was said to be locked under key, but the committee saw several copies of it in the examiners' offices during the time the bar examination was being given. There is no provision generally to prevent bar examiners from ascertaining the names of the applicants prior to the time the examinations are graded and the results announced.

Even if the master list is kept secure, the biased examiner need only to memorize a few of the numbers on the papers as they are turned in, to record them and to grade accordingly. Sometimes it is not that difficult. In some states bar examinations are given where the desks or seats are numbered consecutively with a large card prominently displayed on the desk indicating the number. That number is the candidate's examination number. With relatively few blacks taking bar examinations, it is not difficult to imagine how a black could get the notion that he was anything but anonymous.

Discrimination also takes place in the actual grading of papers. For example, in Pennsylvania it was discovered that 75 per cent of those applicants who took the examination passed with a flat grade of seventy, the minimum passing grade. Further inquiry disclosed that most of those papers reached seventy after a rereading by the examiners. During the process of rereading, certain of the candidates' personal data were available to the examiner, such as law school attended, number of times examination taken, etc. It was concluded there was ample opportunity to match the applicant's name and number. In Arizona the complaint of one black applicant was that his grades, which originally were passing grades, had been visibly changed to lower grades, causing him to fail.

Those states that do not provide the right of appeal cause a widespread belief that some form of discrimination is present, since all the proceedings are secret and an applicant has no recourse.

Consider also that in the forty-six states that give a bar examination, plus the District of Columbia, there are only four black bar examiners, two of whom are in the District. The absence of black bar examiners certainly creates the impression that it is a white-controlled, white-oriented system.

Let me put it another way. Why does a black law student who has successfully completed all his courses through high school, college and law school suddenly find that he is unable to pass that one final examination that permits him to engage in his chosen profession? I don't suggest there should be no black failures at the examination, but it is too much to expect that the failures will embrace such enormous proportions. The black law student has gone to the same school as his white counterpart and has taken the same courses. He has written the same examinations and has passed them. He only fails the bar examination. This prompted a white judge from Pennsylvania to remark about blacks, "But they don't read quickly; they don't think quickly." Which prompts me to remark, "How do you think he arrived at the point to take a bar examination?"

ALTERNATIVES TO THE BAR EXAMINATION

What are the alternatives to the bar examination? The National Bar Association proposes without reservation that completion of an accredited law school within a state would and should entitle that person to practice law within that state. This practice is now employed in Wisconsin, Montana, West Virginia and Mississippi. Certification to practice law by academicians heeds Justice Black's warning. This plan also would have the effect of inducing our law schools to maintain certain quality levels. Each school would strive to maintain its accreditation. The National Bar Association views this as the most desirable approach to the problem of bar examinations.

Another alternative to the bar examination is that some form of clinical legal education program be included in all law school curricula. The obvious advantage of this would be to acquaint the budding lawyer with the practical aspects of the practice of law. The clinical approach to teaching has considerable merit and should be employed in the last year of law school. A student could be assigned to a private law firm, a public or private defender office, a neighborhood legal services office, a prosecuting attorney's office or even to courts to serve as law clerks to judges. That kind of exposure is far more beneficial to the graduating senior than a continuation of the sterile casebook approach to legal knowledge that surrounds the law school classroom. The student, upon successful completion of his academic studies and serving one year in a clinical legal education program, would then be eligible to practice law.

The American Bar Association has recommended a national bar examination in lieu of state examinations. As currently proposed, it does not provide the safeguards needed to ensure against discriminatory practices. For one thing, it would permit the state to give its own examination following the national examination. The last thing an applicant needs is to take two examinations. The National Bar Association would have to be satisfied that a significant number of black examiners were present on the national board, so that one would not simply remove the ogre of discrimination from the state to the national level. We are sensitive to the fact that a national bar examination would eliminate those state bar examiners bent on mischief. But wouldn't some of those same examiners be administering the national examination?

The time has come for the organized Bar to recognize that the grievances of which I complain are legitimate and require redress. Abolition of the bar examination would not lower professional standards, and since whites have such a high final passing rate, it would not materially affect or reduce the number of white practitioners. If anything, the elimination of the examination would increase the number of black lawyers in this country. Since we currently are less than 4 per cent of the total numbers of lawyers, can anyone honestly oppose an increase in this percentage? One of the goals of the organized Bar is to increase minority participation. So long as there are bar examinations, the figures I have given you will not change significantly.

Let us from this day forward make a concerted effort to improve the profession we love. Let us exclude no one from participation therein for any reason other than lack of competence. We must do away with all the vestiges of discrimination in our profession. To proclaim that it does not exist is naïveté or arrogance. Black lawyers have a stake in the legal profession and in the future of America itself. Langston Hughes said it all:

There's a dream in this land, with its back against the wall;

To save the dream for one, it must be saved for all.

HON. JAMES T. LYNN ADDRESSES NATIONAL FOUNDRY ASSOCIATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHWENGEL. Mr. Speaker, it was my privilege last night to be on hand when the Honorable James T. Lynn, Under Secretary of Commerce, addressed a meeting of the representatives of the National Foundry Association.

This is both a profitable statement on principles and an indication of the Government interest in the problems of business and people. It is worthwhile literature for all of us and needs to be thought about and pondered on as we wrestle with the problems of our times.

James T. Lynn was born in Cleveland, Ohio. He graduated from Adelbert College of Western Reserve University summa cum laude in 1948 with a B.A. in economics and political science. He received a LL.B magna cum laude in 1951 from Harvard Law School where he was an officer of the Harvard Law Review.

Mr. Lynn entered the practice of law with the firm of Jones, Day, Cockley & Reavis in 1951, and became a partner in 1960. During his 18 years of practice, he acquired extensive experience in corporate law, including responsibility for corporate acquisitions, dispositions and joint ventures, both in the United States and abroad.

From March 1969 to April 1971, Mr. Lynn served as General Counsel of the U.S. Department of Commerce, at which time he was appointed by President Nixon and confirmed by the Senate to be Under Secretary of Commerce.

Mr. Lynn is a member of the American, Federal, Ohio, and Cleveland Bar Associations.

The speech follows:

ADDRESS BY HONORABLE JAMES T. LYNN, UNDER SECRETARY OF COMMERCE, PREPARED FOR DELIVERY BEFORE THE PUBLIC AFFAIRS CONFERENCE OF THE NATIONAL FOUNDRY ASSOCIATION, STATLER-HILTON HOTEL, WASHINGTON, D.C., MONDAY, JANUARY 17, 1972

It is a real pleasure to participate in this first Public Affairs Conference of our foundry industry.

On behalf of the Department of Commerce, I want to welcome you to Washington on two counts:

First, your visit as a unified group is part of a trend among business organizations that we in the Department find encouraging.

Speaking with a single voice, you can be far more effective in presenting your industry's viewpoint in the councils of government. At the same time, government can be more responsive to your needs and concerns when it is dealing with a convincing unanimity within an industry.

Second, I want to welcome each of you as an individual businessman. If government is to set wise policy and translate it into action that promotes the American enterprise system, we must have more guidance from businessmen who are out there on the firing line, who are coming to grips every day with the hard practicalities of the real world.

You are those men—who have the responsibility to keep a company alive and well in the competitive race and at the same time meet the hundreds of government requirements constituting the rules of the game. We are glad to have you in Washington.

I especially want to urge all of you today to consider our Department your principal point of contact with government. We firmly believe that under the dynamic leadership of Secretary Stans, the "Old Gray Lady of Fourteenth Street"—as Commerce was once known—has been playing a far more effective role in many diverse areas of concern to businessmen. I hope you will become better acquainted with this sprightly lady—a lady of some experience who knows her way around and also has some young ideas that have great appeal for a visiting businessman. So come up to see us sometime—anytime you need help or guidance through the Washington maze. We'll do our best. If in a given case, you don't think we have, I personally want to hear about that too.

The topic I want to discuss this evening is productivity. This is something you expect to hear about at technical gatherings, but you might think it an odd subject for a conference with government in Washington. Except for one small thing:

All the hopes of this nation for a better tomorrow depend on a high rate of productivity growth.

Without it, without the contribution of productivity increases to the real wealth of this nation:

We cannot sharpen our competitive ability to sell in the United States and in foreign markets.

We cannot expand job opportunities fast enough to meet the needs of our growing work force.

We cannot meet the costs of environmental cleanup, or save our decaying cities, or solve the crime problem, or improve transportation, or provide better health facilities, without the wealth produced by rising output per manhour.

And certainly we cannot continue to pay the highest wages in the world and achieve a constantly rising standard of living for our people. This means that every American worker has the most vital stake in improving productivity. His hopes for a better life for himself and his children depend on it.

And so do business profits.

There is no sleight-of-hand, no financial hocus-pocus, that can increase real wages or profits beyond productivity gains. To attempt to do so produces only inflation.

As somebody said once:

"The real pot is only as big as our productivity makes it. This is all there is; there ain't no more."

He is so right—there *ain't* no more!

But if we can even maintain our average growth rate in productivity of around 3 percent per year, that real pot can get awfully big.

So these are some of the reasons why I want to discuss productivity this evening—and why President Nixon has made increases in productivity a primary objective of national economic policy. His creation of the National Commission on Productivity is formal acknowledgement of the key significance of productivity to the economic well-being of every American.

Now it's fair to ask, if productivity is so all-fired important, why hasn't the government been concerned about it long before now?

Well, for one thing, productivity growth in the last half of the 1960's slowed markedly. It averaged only 2.1 percent a year, compared with the 20-year average growth rate of 3 percent. It began to pick up some last year, as the economy expanded, but we are still deeply concerned for another very important reason: our country has never before faced such a challenge to its leadership in the world race for production and markets.

I say never, that's not exactly correct, because we've only been the leader for some 70 or 80 years. But even before that we were gaining on our competitors in Western Europe at a rapid rate. And during the first half of this century, we outdistanced them by a country mile.

But beginning around 1950, it has been a different story.

As the war-torn economies of the nations of Western Europe and especially Japan were rebuilt.

As those countries obtained the technology in many product lines, and management techniques, that brought about our leadership position in the first place.

As those countries developed economies of scale through increased exports and formation of trading entities such as the Common Market.

As all these developments began to converge and build on one another, our country has suddenly found itself in a real horse race.

The technological and managerial superiority which we built up in the course of some 60 years before 1950 is fast disappearing.

Just how fast is revealed in the key index of productivity. During 1965–70, our rates of gain in output per manhour were the lowest of any industrialized nation in the Free World. Our output per manhour increased 2.1 percent, compared with 14.2 percent for Japan, 6.6 percent for France, 5.3 percent for Germany, and 3.6 percent for the United Kingdom.

Granted, their base is much lower. We are still the world leader by a wide margin. The productivity of other industrialized nations is only a half to two-thirds of ours.

But as we all know only too well, productivity is only one of the measurements of competitive ability in the world market. There are also such things as labor costs. And here, from the competition viewpoint, the U.S. is at a very material disadvantage.

Although labor costs have been rising rapidly in competitive countries, the differential is still vast. In 1970, Japanese hourly labor costs, including fringe benefits, were only 26 percent of U.S. levels. United Kingdom labor costs were 37 percent of ours, France 39 percent, West Germany 54 percent. While such differences may narrow somewhat in the foreseeable future it is not likely that wages in these countries will match those in the U.S. for a long time.

Now if the only way to offset these lower wage rates is through healthy gains in productivity, what are our chances? What are the problems involved?

We know some of the negatives:

One of the principal sources of productivity gains as shown by the over-all productivity index has been agriculture, through rapid mechanization. But increases will become increasingly difficult to achieve.

Another negative factor is the shift from manufacturing to a service type economy, where productivity gains come harder. Some two-thirds of the work force is now employed in service occupations such as retailing, education, health and government. We are only now beginning to give productivity in the service sector the focus it deserves. How, for example, do you measure, much less increase, the productivity of a policeman?

A third negative is that we are already at the forefront in many technological areas, and further gains are more difficult. The costs of making improvements in these areas are much higher, and they come more slowly. This is certainly a key problem.

A fourth negative in some industries is the increasing capital expenditure required for pollution abatement equipment, which usually doesn't increase productivity at all, as conventionally measured. Over the long haul, it can't be denied that pollution abatement is a must for productivity gains, indeed, for the continuation of some production. But from the standpoint of unit cost increases in the immediate years ahead, some abatement requirements can look discouraging. For example, in your own industry, I'm told that such equipment will eat up a very sizeable portion of the $1 billion you will spend on capital goods this year. This same is true for many other basic industries.

Now we don't underestimate these negatives for a moment. But even taking them fully into account, we think our productivity goals can be achieved.

For one thing, we know that there is plenty of room for improvement in many manufacturing industries.

In your own industry, for example, I understand that there are wide variations in efficiency in different plants.

One illustration is commercial steel foundries. I am told that the most efficient plants are some 80 percent more efficient than the least efficient plants, that such most efficient plants are about 50 percent more efficient than the average plant.

The disparity in some other industries is even greater. The most efficient plants are two to three times more efficient than the least efficient plants.

I'm aware that there are many special considerations in the foundry industry. Some firms specialize in custom work, where increases in productivity are extremely difficult to achieve. But I'm told that there also are many other establishments that could make outstanding gains through the use of some of the new automated equipment now on the market.

One thing we do know: American industry as a whole is making do with a lot of obsolete equipment—and the average age of that equipment is rising. A recent McGraw-Hill survey showed that 44 percent of business' facilities are over 10 years old. Four years ago the figure was 35 percent.

So the implication is clear for most manufacturing: By using to the hilt the technological capabilities we already have, without breaking new ground at all, many firms could increase their productivity dramatically.

I know what you're probably all thinking. It's easy for me to stand here and lecture about obsolete equipment and the need to modernize our factories and other abstract ideals. But you fellows are on the firing line. You've got payrolls to meet, contracts to fulfill, and shareholders to satisfy.

Before you can go ahead with any investment in plants and equipment, you've got to take a hard-headed look at the general business climate, the outlook for the foundry industry and, most importantly, whether that investment will pay off in increased profits.

And there's no doubt that you've got to take into consideration whether the policies of labor and government are favorable to investment in modern equipment.

Let's consider labor's stake and response in this area for a moment.

As we all know, one of labor's greatest concerns is the displacement of workers caused by the installation of new equipment. This concern has been around a long time, at least since 1812 when British workers went on a rampage and broke up the spinning jennies in Nottingham.

In a particular application, improved machinery or technique can eliminate particular jobs.

But over the long haul productivity gains create many more jobs than they eliminate—designing, making, selling, operating and servicing the machines that do the hard work, that enable men to do more productive work, that pay better, require higher skills, more education, and that free workers for more leisure time, more time to enjoy the good life—travel, sports, interesting hobbies.

Look at the factual record of this process of producing the world's highest standard of living in this country:

Since 1900:

The hours a man works over his lifetime have been cut almost in half.

The number of jobs has almost tripled.

Real per capita income has more than tripled.

Generally, organized labor has followed enlightened policies toward technological change. Labor is represented on the Productivity Commission. That Commission has this to say on the subject: "If we are to maintain and build upon our tradition of high productivity, we must strive to sustain full utilization of our productive capacity, to improve the organization of our human, financial and material resources and to exploit fully our unparalleled reservoir of skill, technology and managerial talent."

And in this connection, the Commission recognized that "Human resources are first and foremost. They are the fountain of energy, skills, organization talent and ingenuity, which must be fully and effectively utilized if we are to realize our productivity goals. Productivity is the basis for progress. Human beings have the life force to make it possible."

But in some instances, by clinging to obsolete work rules, organized labor has slowed, or even halted completely, the installation of new equipment that threaten to displace workers. To help prevent such restriction of new technologies, we must pursue policies that ease the burdens of worker adjustment. As the Productivity Commission said, "A society that seeks the benefits of productivity growth is obligated to safeguard those who otherwise suffer from these adverse effects." Some of these safeguards might include productivity bargaining, job retraining, assisting workers in securing other jobs, and retirement and separation programs that provide special benefits. All deserve close attention in the interest of economic growth and, in some industries, in the interest of industry survival.

I've talked about room in the foundry industry for productivity improvements, and about the role of organized labor with respect to technological change. At this point, you may well ask: "What about the Government? If Government doesn't handle its job right, we in the private sector can't possibly achieve the goals you are talking about!" Fair comment. All right, what is the Government's job?

A key responsibility of Government in this regard is to provide a healthy climate for economic growth. This means a lot of different things. It means relatively stable prices. It means education systems which foster the skills needed in a changing economy. It means adequate investment incentives. A sound fiscal and monetary policy. And certainly belief in the free enterprise system, and in profits as the cement that holds that system together.

Another great responsibility of Government to business is in the area of regulation of business conduct. Where the interests and needs of the public require such regulation, there must be regulation. But where there are alternatives as to how to go about such regulation, the route that meets the need but is least likely to stifle innovation or otherwise do harm to the business sector should be the route that is chosen.

As you well know, these objectives of Government are not easily achieved in today's world. But let me mention a few examples of what we're doing to foster economic growth and encourage productivity increases.

The most obvious, of course, is President Nixon's New Economic Program.

A major provision of that Program is the Job Development Tax Credit. It has the twin aim of creating more jobs and encouraging modernization of plants and equipment in order to boost productivity.

Another very important stimulus to investment in the latest technology is the liberalized depreciation guidelines which President Nixon put into effect last year.

In the international field also, the President has moved as part of the New Economic Program to assure fair and equitable treatment for American products in the world market. Realignment of international currencies and the other trade initiatives that are currently going forth have important meaning for productivity. Wider markets bring increased economies of scale, which can add substantially to productivity.

We also are achieving a better flow of information about new technical developments. More than a year ago the Department of Commerce established the National Technical Information Service to improve access by business and the scientific community to scientific and technological information developed not only in our Department but in other agencies of the Government as well.

President Nixon also will be proposing new initiatives for the future, to stimulate research and development efforts in the private sector. These initiatives will be aimed at removing barriers impeding the use of existing technology and stimulating further development of new technology. No doubt, you'll be hearing more about these efforts in the days ahead.

I've already stated that one of the requirements for productivity gains is a healthy, expanding economy, and every sign points toward a strong advance for this year.

The housing boom will continue.

Autos will enjoy a record year.

Home furnishings also will set a record.

Consumer spending will be at substantially higher levels.

Employment will continue to rise sharply.

Unemployment will drop.

And business capital investment will accelerate. Just last Thursday, the Commerce Department released a survey indicating that businessmen expect a 9.1 percent gain in spending for new plants and equipment.

One more point on providing a healthy economic climate, there can't be a healthy economic climate without peace in the world. And the President's initiatives to bring about peace in the 70's are well known to all of you.

Two hundred and fifty years ago Jonathan Swift wrote in Gulliver's Travels about the man who increases productivity. He said that whoever could make two blades of grass grow where only one grew before, that man would do more essential service for his country than the whole race of politicians put together.

Each of you has the opportunity to be that man, to produce two castings where only one was produced before.

Thank you.

ABC PRESCHOOL CHILD DEVELOPMENT CENTER

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HALPERN. Mr. Speaker, preschool education is coming to be regarded as an important development which enhances and enriches the future learning of children enrolled in such a program.

If the learning process provided by preschool education begins before the age of 6, significant increases in IQ can be detected on future intelligence tests. Such programs also foster better and easier socialization with other children and adults, and teach a child to have confidence in his own abilities.

The ABC Preschool Child Development Center is presently using the most sophisticated equipment available in order to help children prepare for their future. It is important that preschool education continue to provide an environment in which children enjoy learning.

I would like to thank Joseph Gentile, president of Mr. G. Recreation Center. Inc. for bringing these facts to my attention, and should like, Mr. Speaker, to enter the following material into the RECORD:

ABC PRESCHOOL CHILD DEVELOPMENT CENTER

Pre-school education is a relatively new development. Fifteen years ago, it was unheard of. Years of dedicated research was necessary for the concept to become reality.

Recently, a number of major discoveries have been made regarding the development of childhood intelligence. No longer is the theory held that a child's capacity for learning is fixed by birth; A child's capacity to learn is very much dependent on the teaching process. It is now an accepted fact that a child's I.Q. can be increased by as much as 30 (thirty) points with the proper training . . . but the learning process must begin early, before the age of six.

With this tremendous capacity for learning, it is little wonder that an already bright child can be even brighter if proper teaching methods are used.

The ABC Pre-School Child Development Center program is designed to teach children the basics of numbers, number readiness, letters, shapes, words, and reading readiness as well as abstract concepts. Children are taught in groups and on an individual basis depending upon their understanding of individual lessons. They are taught a confidence in themselves and to solve simple problems in addition to socialization with other children and adults.

Children are also taught a love for learning through the use of sophisticated teaching tools such as the closed circuit TV studio with video recorder, programmed learning equipment and a variety of educational toys and games.

On the basis of this, The ABC Pre-School Child Development Center is dedicated to make this contribution to children: To give each child the benefit of their professional training and research and to guide them on to a greater learning capacity and thereby prepare them better for intellectual, academic and social growth.

THE OIL LOOPHOLE IN THE WATER POLLUTION CONTROL BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ASPIN. Mr. Speaker, today I would like to include in the RECORD a recent front page article in the Wall Street Journal and my recent testimony before the House Public Works Committee concerning a glaring loophole in the proposed water pollution control bill, which has already passed the Senate and is expected to be considered by the House soon. The loophole leaves unprotected one of our Nation's most important natural resources: our ground water supplies, on which tens of millions of Americans depend for their potable waters.

The Wall Street Journal article and my testimony follow:

LEAKY LEGISLATION: AN ANTIPOLLUTION PLAN CONTAINS A BIG LOOPHOLE FAVORING OIL COMPANIES

(By John Pierson)

WASHINGTON.—The oil industry has drilled itself a loophole in the clean water bill that Congress is due to pass early in its 1972 session.

Down this loophole, some pollution-fighters fear, could flow enough contaminants to foul water and water-bearing rock in oil-producing states for centuries to come.

Oil's loophole is tucked away near the end of the pending Federal Water Pollution Control Act amendments in a harmless-sounding section called "general definitions." The section resembles the fine print on an insurance policy. Section 502(F) says that the term "pollutant," as used in the bill, means "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes" and a lot of other dirty things. But that it does *not* mean:

" . . . water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located."

WHAT THAT PARAGRAPH MEANS

That's a lawyer's way of saying that while the federal government is going to crack down on other industries, it will let oil producers continue to dump all sorts of chemicals—some of them harmful to humans—as well as very salty water into the ground. Only the states are left to watch out for trouble, and by the oil industry's own admission, some states watch less sharply than others.

When carefully done, even environmentalists agree, these oil operations are safe. Carelessly done, they can poison, and have poisoned, well water and the rock formations through which water creeps.

Democratic Rep. Les Aspin of Wisconsin urged the House Public Works Committee to treat oil like other industries. "I don't want to change that (oil) process. I think the process is right," Rep. Aspin told the committee. "I just want to protect the groundwater in the process."

"You want to subject the oil and petroleum industry to regulation by EPA," snapped Rep. Ray Roberts, a Texas Democrat. The EPA is the Environmental Protection Agency, the federal government's antipollution arm.

The Roberts view prevailed. Just before the Christmas recess, the committee, 31 of whose 37 members hail from oil states, okayed the bill, loophole intact. The full House will take up the legislation soon, and the loophole is expected to remain. The Senate passed a similar measure in November, 86-to-0.

A LITTLE BIT OF WEAKNESS

Oil's exemption was largely the work of another Texas Democrat, Sen. Lloyd Bentsen, and of industry representatives, including officials of the American Petroleum Institute. Ron Katz, Sen. Bentsen's pollution specialist, defends the exemption largely on the ground that oil wells are already regulated under state law, and oil industry spokesmen hammer on the same point.

"The states exercise extremely close control over the thousands of wells into which materials are injected," contends P. N. Gammelgard of the petroleum institute. "These states feel they have things in hand." He stresses that they require producers to get permits for injection operations and that they deploy hundreds of field inspectors to watch for trouble.

An EPA official says that behind the exemption for oil is "the presumption that the states are doing a good job." But he concedes that the exemption is "a protection of existing practices in oil-producing states" and "perhaps a little bit of weakness."

Groundwater, the stuff that Rep. Aspin wants to protect, is the water beneath the earth's surface that supplies wells and springs. There's more water underground than on the surface in the U.S., and groundwater is usually purer than surface water.

According to Jack Keeley, an EPA water expert, about 20% of the nation is entirely dependent on groundwater. About a third of the 100 largest U.S. cities get all or part of their drinking water from wells. Nine of 10 rural families drink groundwater. More than half the water used for irrigation and livestock comes from underground. Industry consumes more than seven billion gallons of groundwater a day.

Unlike surface water, groundwater once polluted stays polluted long after the source of contamination has come under control, Mr. Keeley told a Senate Public Works subcommittee. "The restoration of a polluted groundwater resource is very expensive, very lengthy and very difficult," he said.

POLLUTED FOR CENTURIES

In its report on the antipollution bill, the Senate committee said that polluted groundwater, because it lacks living organisms and flows slowly, "could remain polluted for centuries."

The loophole in the bill exempts a number of oil operations from the kind of federal-state supervision that other industries will face. In drilling a well, for example, oil men lubricate the drill bit with "muds," which can contain phosphates, caustic soda, formaldehyde and other chemicals. Once a well is drilled, oil geologists explain, they may pump hydrochloric acid down it to enlarge the little spaces in the oil-bearing rock. Often, when a well appears to have stopped producing, they'll force oil, gas, water or chemicals down to flush out more oil.

Finally, when a well is deemed dry, it may be used for disposal of the brine that often comes up a well along with oil. Oil-field brine is a lot saltier than sea water and may contain lithium, potassium, bromine, sulphur and iodine in amounts that exceed acceptable levels for drinking water.

Oil men used to get rid of brine by putting it in evaporation pits on the surface. But according to Mr. Gammelgard, state officials saw long ago that this was fouling lakes and streams. Many states then told oil producers to put their brine wastes deep underground. Now, each day some nine million gallons of brine are pumped into 40,000 wells.

These methods of producing oil and disposing of brine are recognized as useful and legitimate. The EPA's Mr. Keeley told the subcommittee that all other ways of getting rid of brine are "less satisfactory." David Evans, a geologist at the Colorado School of Mines, recently wrote that injecting brine back into the rock formation from which it came helps keep the ground above from sinking.

Nevertheless, these operations risk polluting the groundwater, environmentalists say. Brine, acid, chemicals and other things are pumped down wells under great pressure to force them out into the rock formations at the bottom. In most places, groundwater lies at a shallower level than oil and is separated from it by layers of impenetrable rock. Still, when an oil well is improperly constructed or when the tubing gets rusty, pollutants can escape into the groundwater on their way down to the deeper oil layers.

Because groundwater moves so slowly, it may be a long time before pollution shows up in a water well—20 to 30 years, according to Jay Lehr, executive director of the National Water Well Association.

SOME ACCIDENTS

Some oil men pooh-pooh the danger. Rep. Roberts of Texas told the House committee that "there is no way" leaks could happen "in any of the reasonable oil-producing states." Wilson Land, director of the Petroleum Institute's committee on exploration, said that each of the nation's 33 oil-producing states regulates brine injection. But in some states, he conceded, regulation "is probably not as stringent as in some of the other states."

And accidents do occur. In a statement submitted to the Senate subcommittee last year, the National Water Well Association said that "instances of water pollution . . . have been reported in operations involving injection of oil-field brines." EPA experts say brine has polluted groundwater in Texas, Kansas, Arkansas, Ohio, California and Oklahoma.

According to a U.S. Public Health Service study, about 10 brine-injection failures are reported to Kansas state authorities each year. Ralph O'Connor, a geologist with the Kansas Board of Health, says there have been "some instances" of groundwater pollution from brine injection wells, usually older wells that lack an inner tubing providing extra safety.

AN AMBIGUOUS APPROACH

Mr. Evans of the Colorado School of Mines reports that injected brine has erupted from the ground "like geysers" in Michigan, Texas and Kansas. And Frank Conselman, past president of the American Association of Petroleum Geologists, while stressing that underground injection of brine is safe if properly done, says the process can cause trouble if precautions aren't taken to insure that the brine gets to its destination. Monitoring is essential, he adds.

Despite these warnings, Congress' approach to the groundwater problem has been ambiguous at best.

Acting on behalf of the Nixon administration, Republican Sen. John Sherman Cooper of Kentucky introduced a bill that would have set up a program of federal-state water quality standards for groundwater as well as navigable waters. The Senate Public Works Committee rejected this approach because "the jurisdiction regarding groundwaters is so complex and varied from state to state."

Both the pending Senate and House clean water bills establish a federal-state system of permits for the discharge of pollutants "into the navigable waters" but not into groundwater. In the next breath, however, both bills say that the permits must "control the disposal of pollutants in wells"—to protect groundwater, according to the Senate committee's report.

And elsewhere the legislation requires the EPA to prepare programs for "eliminating pollution of navigable waters and groundwaters." It requires states and localities by 1974 to develop areawide waste-treatment management plans that control the "disposal of pollutants on land or in subsurface excavations . . . to protect ground and surface water quality."

The EPA is required to publish information on how health and welfare are affected by "the presence of pollutants in any body of water, including groundwater," and to issue information on how to control pollution resulting from "the disposal of pollutants in wells or in subsurface excavations."

This is bad news for chemical, steel, paper and other companies that have a small but growing number of waste-injection wells. They'll have to meet federal or federally approved standards. But the oil industry won't have to. For oil, the saving word is "pollutant"—defined as not including the stuff oil producers put in the ground.

THE NEED FOR CLEAR FEDERAL AUTHORITY OVER GROUNDWATER POLLUTION

(The Honorable Les Aspin of Wisconsin, Testimony Before the House Public Works Committee on the Federal Water Pollution Act Amendments of 1971)

Mr. ASPIN. Mr. Chairman, thank you very much for this opportunity to appear before the Committee on a subject of vital importance to the future health and environment of the country. At the outset, let me say that I believe both H.R. 1896 and S. 2770 are excellent and courageous pieces of legislation which will have an enormous effect in preserving and restoring to health most of our nation's waters.

I emphasize most of our waters because I believe there is one vital area of water pollution that is not adequately treated in either the House or Senate Public Works Committee bills: groundwater pollution. Both bills' treatment of this vital area is, at best, vague, ambiguous, confusing and, at times, apparently contradictory. At worst, the two bills are deceptive and almost totally inadequate in their treatment of groundwater pollution.

As the Committee knows, of course, groundwater is that water which lies below the surface—as opposed to lakes, rivers, oceans and other surface waters. Groundwater comprises almost one-fourth of our usable water; about 56 million people depend almost entirely on groundwater to supply their water needs. It is probably not an exaggeration to say that no natural resource is more important to any country than that resource which supplies potable water, and groundwater provides a vital percentage of this country's supply.

There are a couple of very basic problems with the two bills' treatment of groundwater pollution which are so severe that they appear, without reason or rationale, to virtually exempt the subject of groundwater pollution from the purview of federal study and regulation. At this point, I would like to quote and refer to various sections of the Senate bill S. 2770. These references will apply equally to H.R. 11896. I would also like to add that I am not an expert on either of these bills.

My purpose in testifying today is simply to draw to the Committee's attention what I feel are some ambiguities and inconsistencies concerning one relatively narrow area of this generally excellent landmark legislation.

The term "groundwaters" is referred to frequently throughout S. 2770. Sec. 102. (a), for example, states:

The Administrator shall, after investigation, and in cooperation with other federal agencies, State water pollution control agencies, interstate agencies, municipalities, industries, and the public prepare and develop comprehensive programs for eliminating pollution of navigable waters and *groundwaters*. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of *any waters* in any State or States, and of discharge of *any pollutant* which may affect such waters. (My emphasis).

The term "groundwaters" also appears in Secs. 104. (a)(4), 106. (h)(2), 209. (b)(2)(I), 304. (a)(1) and (2), and 304. (e)(E).

Title IV—Permits and Licenses, as the Committee knows, provides much of the teeth in this legislation by establishing the basic procedures involved in the setting and enforcing of water pollution standards. Nowhere in Title IV is the term "groundwaters" mentioned. Both Secs. 401. (a)(1) and 402. (a)(1) use the term "navigable waters", but omit reference to groundwaters. Why groundwaters should be conspicuously included in the other four titles of the bill, but not in Title IV, is a mystery to me. I searched through the report of the Senate Public Works Committee but was unable to find any

explanation whatsoever for this apparent, and significant, inconsistency.

The second problem is Title V, Sec. 502. (f) (2) of S. 2770, which specifically excludes from the definition of the term "pollutant" any:

Water, gas or other material which is injected into a well to facilitate production of oil and gas, or water derived in association with oil or gas production and disposal in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located.

What does this mean, especially in relation to ground-water pollution? There are two basic ways groundwaters become polluted. The first, and most important one, is through contamination from municipal septic tanks located throughout the country. The second, pollution of groundwaters due to waste injection wells, is by far the leading factor in the pollution of groundwater reserves by *industry*. Of the more than 24,000 injection wells presently operating in the U.S., 99 percent of them are operated by the petroleum industry.

As the Committee knows, waste injection wells dispose of liquid wastes by injecting them into deep subsurface strata. There is much controversy over both the necessity for using waste injection wells under certain conditions, and the environmental dangers involved in their use. There is no reason for getting into the specifics of this controversy here. I am sure we can all agree that waste injection wells do pose at least some very significant environmental problems which have not yet been overcome. The important thing is that Sec. 502.(f) (2) of S. 2770, if left in, would mean that the Administrator of the EPA would not even have the authority *to obtain data, conduct studies and make recommendations* for the establishment of environmentally-sound regulations of 99 percent of the country's waste injection wells, the primary industrial polluters of the nation's groundwater resources. It is important to emphasize that the Section 502. oil industry exemption prohibits the Administrator not only from the promulgation of enforceable federal standards for 99 percent of the country's waste injection wells, but actually withdraws the Administrator's authority to obtain and analyze much needed environmental data on these waste injection wells.

The effect of these two provisions in the bill, taken together, is to make a sham out of this legislation's often expressed and apparently clear intention to treat the subject of groundwater pollution as a well-deservedly important component of the bill's comprehensive attack on water pollution. (With your permission, Mr. Chairman, I would like to include in the Committee hearings a copy of three articles from the publication *Oil Daily*, which give further evidence of the expected effect of this proposed legislation on our groundwater reserves).

I recommend that the Committee do three things to remedy this strange and unwarranted treatment of groundwater pollution in the legislation. Agreeing to any one of these three suggestions would strengthen and improve the legislation. All three of the suggestions, however, are necessary for fully restoring the area of groundwater pollution to its proper place in this legislation.

(I) The term "groundwaters" should be included after the term "navigable waters" in Secs. 401.(a) (1) and 402.(a) (1). This would simply allow groundwater pollution to be regulated in the same manner as the pollution of the nation's other water resources, which are included under the provisions of Title IV. Indeed, this is the most important of my three proposals because it would allow enforceable federal standards for groundwater pollution control to be set. Specifically, it would allow federal standards to be set for the use and operation of septic tanks, which, as I noted before, are the main cause of groundwater pollution.

One other important point is that the distinction between navigable waters and groundwaters is not always an easy or accurate one. Sometimes a navigable water and a groundwater source run into each other, or come close to each other, so that seepage from the polluted groundwater source could pollute the navigable water or vice versa. To say that the federal government can regulate the ecology of one, but not the other, is silly and counterproductive.

(II) Sec. 502. (f) (2) should be deleted from the legislation. As I stated above, this section simply has the effect of eliminating the Administrator's authority to obtain environmental information on the operation of 99 percent of the country's waste injection wells—those owned by the oil industry. Unless this section is specifically deleted it will be impossible to establish federal regulations for the operation of oil industry waste injection wells, even if groundwater pollution is included under the Title IV provisions. This is so because Sec. 502. defines oil industry wastes, when injected into wells, as *non-pollutants*. Thus, if Sec. 502.(f) (2) is not deleted, we will be saying by legislative decree that if a groundwater source is contaminated from injected oil industry waste, then it is really not contaminated at all because those wastes are non-pollutants. "Just look at the definition of pollutants in the Act; your water can't be polluted," we can tell our aggrieved constituents.

The best solution, I believe, is simply to delete this provision and allow the Administrator to at least study and analyze data on groundwater pollution by all of America's waste injection wells.

(III) Whether the Committee adopts one, none or both of the above suggestions, I would strongly recommend that it include a full and direct discussion of how it intends the area of groundwater pollution to be dealt with under the legislation. The importance of the area of groundwater pollution clearly warrants such a discussion.

In summary, I know that many groups would very much like to see the proposed Federal Water Pollution Control Act Amendments of 1971 significantly weakened. My proposals, however, would strengthen the bill and would serve to make the bill's apparent intent more consistent with its reality. The Water Pollution Control Act has been billed as comprehensive legislation and I believe that is what it should be. It will not embody a truly comprehensive attack against water pollution unless the subject of groundwater pollution is treated in a meaningful way. Far too often, the expectations for a piece of remedial legislation far outstrip the reality of the bill's effect, and disappointment, frustration and cynicism result—from the public, from the industry or agency being regulated, from the bureaucracy and, often, from Congress itself. Both the House and Senate Public Works Committees have put in an enormous amount of energy and resources into this truly landmark legislation precisely to prevent this sort of situation from arising. The fact that this legislation is as tightly written, as meaningful and as comprehensive as it is, is a tremendous tribute to both the work of the two Committees and to the potential of our legislative process. The further refinements I have suggested would simply add to the Committees' achievement.

Failure to include in a meaningful way the area of groundwater pollution in this legislation will, I predict, lead to the enactment of corrective legislation in a relatively short period of time. I think now is the better time to remedy this omission, before we wake up one morning to find that a large portion of the nation's drinking water has been irreparably contaminated.

PROBLEMS FACING COMMERCIAL BROADCASTING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. RARICK. Mr. Speaker, I recently reported to the people of my district on the present threats to the continued existence of commercial broadcasting. I insert the report at this point in the RECORD:

PROBLEMS FACING COMMERCIAL BROADCASTING

In a previous telecast, I discussed the so-called organized consumer movement. I attempted to show briefly that there have been subversive influences in the background of the drive for consumer rights and that the long range goal of the "consumerists" is not so much to protect the consumers as it is to destroy free enterprise—to outlaw profit. Under the guise of protecting the rights of millions of consumers, the consumer lobby is mobilizing an attack on the productive sectors of our society, both labor and management, using our free enterprise economic system to self destruct itself and transfer our free economic system into a government-managed and controlled society.

A very important private sector in our economy which is beginning to feel the brunt of the regulation and control activities of the consumerists is the commercial broadcasters—both radio and TV. Because of the limited number of frequencies available for use in a given area, the commercial broadcasters find themselves in a quasi-private enterprise category. In a way, they are similar to a public utility. Yet, there is room for competition by public preference of programming more so in the area of radio than television.

From their beginnings until the present, both radio and television stations have sought to inform and entertain the public and to operate in the public interest as private entrepreneurs, with their main source of income coming from advertisers—not the listening or viewing public who are consumers. If the public approves of a program they support the sponsor—if they disapprove they don't buy the product and in some instances so advise the sponsor who for the reason of economics of profit drops his program.

In spite of numerous criticisms of biased programs presented via radio and TV levelled especially against the national networks; most citizens, I believe, will agree that the commercial broadcasting industry has done a fairly creditable job in entertaining the American public while informing them in certain matters.

Today I thought we'd talk about the threat to commercial broadcasting by the federal government which is being perpetrated in the name of the consumer as well as talk about a few of the most serious problems besetting the private broadcaster. Some of these problems are public broadcasting, also called educational TV, CATV (cable television), and license renewals.

For the past few years there has been a concerted movement for expanded public broadcasting paid for, of course, by taxpayers—programs not paid for by advertisers but where the taxpayers are forced to be sponsors.

To illustrate the effect of the consumerists on broadcasters, I quote a portion of a letter recently received from a constituent, in this instance, a radio broadcaster:

"Business is bad enough as it is. We have had the cigarette business taken away from us, although newspapers, magazines, and billboards can still carry it. I understand

that we are still subsidizing the tobacco farmers to some $60,000,000 a year. Does this make sense? I can't carry cigarette advertising on my radio station and yet they take my tax money to subsidize the tobacco farmer."

Prior to the ban of paid cigarette advertisements, TV stations were required to give free equal time to groups opposed to cigarette smoking. Then, all cigarette ads were banned.

And in recent weeks, the Federal Trade Commission (FTC) raised the question to the Federal Communications Commission (FCC) of compelling broadcasters to air counter commercials. For example, a radio or television station presenting a paid advertisement to show the advantages of a certain gasoline would be required to give equal time free of charge to a consumerist or ecology group to show the bad qualities of the gasoline—how it pollutes the air, for example.

A group of Satan worshippers has demanded equal time to that used by ministers, priests, and rabbis for religious programs so that they might present their views in opposition to God and in favor of Satan.

If opposing positions on issues or products are kept within the bounds of decency and truth, I can see the justification for presenting both points of view. However, it seems only fair that if one advertiser has to pay for the air time, then the opposition should likewise have to pay. Otherwise, counter commercials could be extended to include soap, toothpaste, cars, fluoridated water, and just about every other product. To gain favor for license renewal commercial broadcasters are already required to give free public service time to public service broadcasts for dogooders.

The public broadcasting can be expected to promote, in large part, material which could not obtain a sponsor because it is unsalable, and sponsors could ill-afford to be linked with it. The sponsors, as businessmen who are selling a competitive product to the public, understand what the people want as opposed to what the bureaucrats, who have all the answers, think the people need.

If broadcasters are required to allow free time to counter almost every paid advertisement it only makes sense that private broadcasters will be forced out of business. Then the Federal Government would take control and, since taxpayers never need a profit, ban most if not all advertising. This would not only be detrimental to free enterprise but would also result in a nationalized and fully controlled broadcasting system, the real goal seemingly desired by the consumerists.

By way of confirming the threat to free thought, there has been established an Advisory Committee of national organizations to determine the range of interest to be served by public broadcasting throughout the United States. A cursory glimpse at the Advisory Board offers no satisfaction that it represents any cross-section of the American people. In fact, the majority of the organizations listed, are highly controversial and exist primarily for the purpose of influencing public opinion and political action.

I insert a list of the Advisory Committee:

To assist it in determining the range of interests to be served by public broadcasting in communities throughout the United States, CPB has established an Advisory Committee of National Organizations. The Advisory Committee presently consists of—

American Association of University Women.
Consumer Federation of America.
Boy Scouts of America.
General Federation of Women's Clubs.
National Association for the Advancement of Colored People.
National Conference of Christians and Jews.
National Council of Churches.
National Council of Senior Citizens.
National Congress of PTAs.
National League of Cities.
National Conference of Mayors.
National 4–H Club Foundation.
National Education Association.
National Wildlife Federation.
National Audubon Society.
U.S. Jaycees.
National Catholic Office for Radio and Television.
League of Women Voters.

This replacement threat to private commercial broadcasting can be found in the continued expansion of public broadcasting. Commercial broadcasting has cooperated with the supported public broadcasting in the form of educational programs for many years even before the Carnegie Commission made its study and recommendations, expanded to include radio, which led to the passage of the Public Broadcasting Act of 1967. This law established the Corporation of Public Broadcasting which later spawned Public Broadcasting Service, and National Public Radio.

What does concern commercial broadcasters is the long range financing of non-commercial TV—who will pay for it? It has even been suggested that a tax be placed on the gross receipts of commercial broadcasters as well as on their excess profits. It is obvious that such taxes would only hasten the death of commercial broadcasters and usher in full tax supported communications media. Other proposed sources of permanent federal funding proposed for non-commercial TV and radio include an excise tax on all TV and radio sets sold, a tax on TV advertising, and fees collected from households with TV and radio sets, and a tax on gross receipts from long distance telephone calls, domestic and on overseas telegraph and radio messages as well as general tax funds matching non federal contributions to public TV on a 2 to 1 basis. Federal funds for public broadcasting have risen from an initial appropriation of $5 million in fiscal 1969 to $35 million in the current 1972 fiscal year. Legislation introduced in the House would increase federal payments to $160 million fiscal year 1977. Commercial broadcasters cannot compete against free government subsidies.

In fiscal 1970, state governments contributing $19 million assisted by local school boards and state boards of education contributing $28.2 million were the largest sources of funds for public broadcasting. Whether funds come from local, State or the federal government, it is only the long-suffering taxpayer who foots the bill. And consumer organizations would herald this as a public benefit!

The Corporation for Public Broadcasting (CPB) was established as a private corporation supported by public funds. While not a government agency, the CPB must submit its requests for funds to the Office of Management and Budget as if it were a regular agency of the government. That is why the CPB would like to have a permanent source of revenue dedicated to its support. In excess of 200 public TV stations are anticipated as a part of its network by the end of this year.

The tax-funded Corporation for Public Broadcasting recently came under criticism for the high salaries of $85,000 and $75,000 respectively paid newsmen Sander Vanocur and Bill Moyers. It also was chastised by the top adviser to the Nixon Administration on telecommunications policy for centralizing control in a "fourth national network."

President Nixon in a message on education reform to the Congress on March 3, 1970 gave his support and encouragement to an expanded role for public broadcasting system in his New American Revolution in which the federal government will continue to usurp functions reserved by the 9th and 10th Amendments of the Constitution to the States and local citizens of controlling and operating public schools. In remarks concerning the role of the National Institute of Education, the President said:

"The National Institute of Education would examine questions such as these, especially in that vital area where out-of-school activities can combine with modern technology and public policy to enhance our children's education. It will work in concert with other organizations and agencies dedicated to the educational uses of television technology. Prominent among these is the Corporation for Public Broadcasting, which the Congress established in 1967 as a private entity to channel and shape the use of Federal funds in support of public broadcasting. With its authorization for Federal funds expiring shortly, the time has come to extend the Federal support for the Corporation to stimulate its continuing growth and improvement. Accordingly, the Secretary of Health, Education and Welfare is today transmitting a bill to authorize funds for the Corporation for a three-year period. This will permit the Corporation to grow in the orderly and planned way so important to a new undertaking. A portion of the annual Federal funding would be based on matching the dollars raised by the Corporation from non-Federal sources. The Congress did not intend that the Corporation derive its funds solely from the Federal Government. Therefore, increased contributions from private sources should be stimulated during the early years through the incentive offered in the matching process."

As evidence of the growth of public broadcasting in Louisiana, I quote the text of a release of January 5, 1972 of the Louisiana Educational Television authority:

"Moise W. Dennery was elected 1972 chairman of the Louisiana Educational Television Authority at its meeting in Baton Rouge, Wednesday.

"Clarence J. Jupiter, director of development at Xavier University in New Orleans, was elected vice-chairman; Mrs. Lucile Woodard of Baton Rouge, secretary and Dr. Walter Mosley, head of the language department at Northwestern State University in Natchitoches, treasurer.

"Dennery, a New Orleans attorney, was temporary chairman appointed by Gov. John J. McKeithen prior to Wednesday's meeting.

"The authority plans to operate a network of six educational stations around the state.

"Numerous applications for the unclassified civil service position of executive director, with a salary range of $20,000 to $25,000 per year, have been received, reported Dennery.

"An executive committee consisting of the four officers and two other members of the 18-man authority to be named by Dennery will select applicants meeting the authority's criteria for the position for interviews with the entire body at its next meeting, Feb. 2.

"The authority will occupy offices and one studio in the Department of Education building in Baton Rouge. Other network stations will be in New Orleans, WYES–TV; Monroe, Shreveport, Lake Charles and Lafayette. Its 1972 budget is $130,000, appropriated by last year's legislature."

Many informed citizens see in the expansion of a public broadcasting system with its own production facilities the establishment of a framework for the nationalization of all broadcasting when the commercial broadcasting stations are forced out of existence by unbearable taxes and other arbitrary bureaucratic regulations which make it unprofitable for their continued operation.

Over a year ago, a former FCC Commissioner reportedly urged the newspapers to take a more active part in the fight to preserve broadcast freedom by warning that any controls imposed now on broadcast journalism would be imposed on newspaper journalism later. It seems only logical that if the consumerist demand for free counter advertisements is upheld that the same regu-

lation applicable to radio and TV would be sought to apply to newspapers, magazines, and other publishers.

For the Federal Government to be in the broadcasting business, directly or indirectly, is no different from its being in the newspaper business or, for that matter, going into commercial movie business. A controlled press is recognized as a threat to freedom and so must be a controlled public broadcasting system. Official Government radio and television in other countries, as opposed to free enterprise radio and television, have never proven superior to private enterprise.

Another potential problem for commercial over-the-air broadcasting is cable television (CATV). Cable television, a private enterprise endeavor, charges fees for its services and broadcasts only to subscribers for a charge.

It provides a multiplicity of channels to communities that are unable to support adequate over-the-air television stations and adds additional programs even in cities having several TV stations. CATV has advertisers only when it originates. The FCC is in the process of developing regulations and guidelines for cable television. It is important that the Congress determine a cable TV communications policy which would best serve the American public.

The Supreme Court has held that CATV systems are passive receivers and do not actively perform copyrighted works. Hence, they are not liable for copyright payments. If we agree that fair competition and not favoritism in the communications media will serve the public interest, then we must agree there can be no fair competition between cable television and over-the-air television unless both industries bargain and pay for copyrights.

Yet another problem facing the broadcasting industry today is that of challenges to the renewal of their broadcast licenses by special interest community groups. Consumerists have taken the lead in a new challenge to commercial broadcasters known as community control of broadcasting. First, a so-called consumer group monitors and investigates the programs of the broadcast station to ascertain if the station's programs are relevant to the particular special interest group—usually an ethnic group—in the community. For example, it is being asserted that if one-third of a city's population is black, then one-third of the radio and TV programming should be beamed to the black segment of the city and one-third of the programs should be produced, directed, and presented by blacks.

Then, if it is determined that the programs of the broadcaster are not relative to the needs of the special interest group, the group will either challenge the extension of the broadcaster's license which must be approved every three years by the FCC or, by threatening loss of license renewal, force a contract with the broadcaster binding the broadcaster to change station policies, personnel, and programming in favor of the special interest group.

This notion of community control of broadcasting supported by a court decision got its start about 7 years ago in Jackson, Mississippi where community groups filed an application to renew the license of a TV station. After lengthy litigation, a court ruled that the station had failed to meet adequately the needs and aspirations of the group, namely blacks, as determined by northern white liberals. This decision has encouraged other groups to challenge renewal of licenses of radio and TV stations. One will appreciate TV programming much more by simply tuning in a Mississippi station to see what that state's owners are required to program.

In this regard, a tax free grant supported institution calling itself the Stern Community Law Firm about six months ago petitioned the FCC to force broadcast stations in Albuquerque, New Mexico, to disclose private yearly financial statements so that a determination could be made as to the actual extent to which stations devote their resources to specific categories, such as news, public affairs, and community oriented programs. This action was designed to obtain information for filing petitions urging the FCC to deny license renewals to stations not devoting enough of their time and resources to problems and interests of the Mexican-Americans.

The FCC has gone a long way in thought control from when established by Congress to monitor stations and frequencies to prevent reception distortions and overlapping interferences. Yet even today the public interest would be better served by the FCC regulating the stations rather than having them regulated covertly by private groups. The true consumers can exert their best control, over free enterprise radio and TV. Who ever heard of a consumer threatening to boycott taxpayers?

Yes, the broadcasting industry is beset with many problems—problems which must be understood by the public if the best course of national action is to be followed.

Public broadcasting is not the answer. Broadcasting media should not be supported by tax funds. I am firmly convinced that the best broadcasting system is in private sector because private commercial broadcasting best serves the interests of the greatest number of citizens and best provides for freedom of speech.

An appealing argument is made that one of the assets to public broadcasting is the praiseworthy dissemination of education and culture. The unanswered question is "Whose culture, and education in what? Who is to decide?"

It appears that we are well underway in creating a monster domestic propaganda agency paid for, but not controlled by, the American people.

Cable television has possibilities of meeting the needs and tastes of groups with special interest and of many other individuals. Its potential should be studied; its use, well planned; and by all means it should be competitive with no special favors from the government.

While not perfect, traditional commercial broadcasting has rendered a yoeman service to the public good. It should continue in a competitive manner under government regulation in the public interest to assure that programs are in good taste, truthful, and fair. Private special interest groups should not be allowed to supplant the role either of the broadcaster or of the FCC.

Only the truth shall keep us free. Privately owned and licensed, independent broadcasters constitute the best broadcasting method for disseminating the truth.

CHANGING A SYSTEM THAT DOES NOT WORK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HALPERN. Mr. Speaker, it was over 200 years ago that America's first penitentiary was built. Since that time, the terrible conditions of prisons and their dehumanizing effect on men have been the subject of much discussion. We have only to look at the Soledads, San Quentins, and the Atticas, however, to realize what little progress reform has made. As a result of the increasingly evident failure of the correctional process, we are witnessing today a revolution not just behind prison walls, but in our thinking about prison reform. Criminologists and corrections officers alike are beginning to question the legitimacy of prisons—not only their operation but their very existence.

The changing face of corrections is the subject of a penetrating seven-part series published by the Christian Science Monitor in December. The writer, Jack Waugh, conducted a number of interviews across the country to obtain the views of wardens, guards, and inmates alike.

Based on the interviews, Mr. Waugh finds that the heart of the prison reform problem lies in the inequality of our criminal justice system, particularly, unequal sentencing. Our prisons are cesspools for minority group members who have neither money nor influence, and have usually committed crimes for that reason. Consistent punishment must be in the first order of any prison reform, says Waugh. It is more urgent, than internal reforms.

Of equal concern is victimless crime. Fifty percent of our prison population is made up of those who have committed crimes against no one but themselves. We are filling our cells with drunks, gamblers, and prostitutes, thus overloading our criminal justice system, diluting our total reform, effort, and raising our costs. We should decriminalize the law, points out Waugh, and treat—not institutionalize—these individuals.

Once a man gets inside prison, however, it is the isolation and loneliness that is so unbearable—and so fruitless. How can we expect to rehabilitate a man—make him part of society again—when we shut him up for so long and so far away that he forgets what it is like to be a man?

Isolation has always been a characteristic of the American prison system. Two centuries of "reform" have not changed that. But if isolation is not new on the scene today, the politicization of the American prisoner is—and this is what Waugh cites as the most difficult problem correctional authorities face today. Prisoners of the 1970's regard themselves as political prisoners in a criminal society. It is society, not the offender, who is at fault. The problem this poses for rehabilitation is evident. As one criminologist puts it, "What do you do to rehabilitate a political prisoner—brainwash him?"

Another more recent problem is the ever-increasing tension between guards—95 percent of whom are white, and inmates—50 percent of whom are black or brown. California has seen more guards killed in 1970 than in the previous 17 years. As the Christian Science Monitor series makes evident, our prisons are contributing to, not stemming the current crime rate.

What is the answer? The series offers no pat solutions, but avenues of action are suggested.

Separating the convict from the community and the community from the convict is the "basic slab of penal philosophy" on which U.S. prisons rest. True reform requires that we change this situation. We should make prisons necessary for only the most hardened criminals—

about 10 percent of our prison population. The rehabilitation of the rest must be carried out within the community. How do we do this? The series' last article is a special survey of seemingly successful rehabilitation efforts by other countries to bring the community and the inmate closer together. The real potential for change lies in the community's hands—for they are the ones who can make the difference in our inmate's lives and futures.

Mr. Speaker, at this time, I insert in the RECORD this excellent Christian Science Monitor series—in hopes of stimulating citizen action to change our prison system so that rehabilitation has a chance:

[From the Christian Science Monitor, Dec. 13, 1971]

PRISONS: CHANGING A SYSTEM THAT DOES NOT WORK—THE SWING OF THE PRISON PENDULUM—I

(By Jack Waugh)

Atsushi Nagashima, Japanese Ministry of Justice: "In Japan we hate crime, but not criminals. They are part of our family and they are treated as such."

An ex-inmate, pointing toward San Quentin: "It oughta be bulldozed into the bay."

NEW YORK.—"The day I came out of prison," says Clyde Thompson, "17 other men came out with me. My sweetheart was there with a suit of clothes for me to wear. But not another man was met."

Once a murderer, Clyde Thompson is now a minister. Never in his long years in the penitentiary did he think that he would ever walk out from behind those walls.

Now, 13 years later, every morning of every weekday, he stands outside the bus station in Huntsville, Texas, meeting the unmet.

At about 9, the convicts let out of the Texas Penitentiary that day begin to drift down from the Walls Unit. Clyde Thompson's knowing eye spots them instantly in their prison issue, their unpressed grays and tans, their lives as wrinkled as their clothes. If they have no job, he finds them one, if no place to go, takes them into his home.

FLOTSAM TURNED LOOSE

Every day, like flotsam, the unmet walk out from behind the walls of 200 U.S. prisons, tarnished testimony of the failure of the walls that have held them.

David Rothman, a penal historian from Columbia University, has said: "The rebellion and the hesitant, finally bloody, putdown of the inmate uprising at Attica last September was curious. Traditionally no warden would have waited so long to move in. Hostages or not, there would have been no pause, no delay, as there was at Attica.

"Why did the correctional authorities withhold, then? They held back because prisons are losing their legitimacy. There was a feeling that the demands of the inmates were sane—and the authorities were right [prison officials granted all but three of the 30 inmate demands at Attica]; indeed, people thought all those things had been instituted long before."

Attica was violent testimony that they had not. More than a hundred years of prison "reform" has left the United States still with Atticas and San Quentins and Soledads and Rahways.

Criminologists and penologists now are beginning to think the unthinkable: that prisons, in their existing form, indeed have lost their legitimacy, that there is no evidence that reform has worked and that prison systems must be totally transformed.

RELENTLESS CYCLE

Prisons, like pendulums, make repeated arcs through time. Since their beginnings 200 years ago, they have swung again and again through seven-step cycles: There is always (1) brutality and neglect inside the walls, triggering (2) inmate rebellion, which is (3) quelled, stirring (4) outrage without the walls when the public gets wind of it and demands (5) immediate reform, which is followed by (6) quiet again, in the asylum and (7) lapse back into public forgetfulness.

Today prisons are winging again through Phases 2, 3, and 4, headed for 5, en route to 7 via 6 unless the cycle is broken as it never has been since prisons began.

For nearly all of the two centuries since the Pennsylvania Quakers founded the first penitentiary in the United States, the legitimacy of prisons and their reasons for existing and the manner in which they are run have never basically been questioned. And Phase 1 in the cycle always, inevitably, has ended in Phase 7. What may be new in the cycle that is repeating itself in the 1970's is that prison reformers now are not merely questioning the operation of the present prison system but its basic legitimacy, its reason for being.

Prisons, long viewed as walls of fear and terror and punishment, are potential gateways of promise.

There is a way ultimately to transform prisons, and it calls for the best from the society that is outside the walls. The solutions are implicit in the problems. And avenues of action will surface throughout this series. But here is the heart of the matter, as sifted from scores of interviews across the U.S., inside and outside prison walls:

Problem: Half of the six million people arrested every year, as well as half who languish behind prison bars, today are there for so-called "victimless" crimes.

By criminologists' definitions, drunks, gamblers, prostitutes, drug addicts and others who fall into this category commit crimes where there is no immediately visible victim—apart from the offender himself. Thus, in the legal sense, these crimes are said to differ from violent crimes like assault.

Solution: "Decriminalize" the law, and send the committers of "moral crimes" where criminologists now are demanding more and more they be sent—elsewhere but to prison.

Where? Perhaps, as in Massachusetts, to drying-out tanks overnight, or as in Sweden, turned over to specially established temperance boards, or to narcotics rehabilitation centers.

Problem: Offenders are sent to prison to do unequal time for equal crimes. Out of the crazy quilt of criminal justice comes a tapestry of sentencing and parole dictated by the arbitrary whim of judges, juries, and parole boards.

Solution: Make uniform the law that sends people to prison and make just and sensitive the decisions that let them out. If necessary, take sentencing out of the hands of judges and juries and put it in the hands of a special prison admissions board, which could also take into account extenuating circumstances and probation where it seems necessary.

Problem: Prisons are the most shrouded and unopen public institutions. So closed off from society's eye are the walls that prison officials can do anything to anybody inside, and nobody outside will ever know.

Solution: Open up the prison walls to unlimited community and press scrutiny.

Traditionally prison officials and the press have not trusted one another. One solution: a "Code of Ethics" to govern both administrators and newsmen. Administrators would grant free access to inmates and guards; in return, newsmen would confront administrators with evidence of oppressive conditions and also write the administrators' side.

This idea is already beginning to take shape in correctional and press circles.

Problem: Men and women still go out of prisons unmet, homeless, penniless, and jobless, foredoomed to return again.

Solution: Programs should be devised to ensure that no convict goes back on the streets without a job to fill and a place to go.

Problem: Prisoners are consigned to forced pariahship, with no contact and no continuity with the community that banished them. They forget how to be part of it because they aren't allowed to be.

Solution: Make prisons a part of society. The community should not only be allowed to see inside the walls, but to reach out, to visit, to encourage, to change, to reaccept, the convict it has banished. Every prison should have its own citizen advisory committee.

These are more than reforms. They are the beginning of the dismantling of the prison itself as it has traditionally been for two centuries. Ultimately only the hardest of criminals need to go to prison—and once there, be grouped into small enclaves and made the subject of intensive campaigns of human rehabilitation and salvage.

This is already beginning to happen. Some U.S. penologists see indications that only the most difficult convicts are coming into their institutions now.

BIBLE GIVEN TO A KILLER

The man who now meets the unmet at the Huntsville bus station was himself once the most feared and hardened inmate in the Texas Penitentiary. Clyde Thompson killed two men to get there, and at least six others were slain because he tried four times to escape. He was sentenced twice to be executed in the electric chair and finally given three life terms and thrown into isolation with not even a spoon to eat with, so bad a man was he considered to be.

For 13 years he lay in roach-ridden isolation at Huntsville, with only a single hole in the door of his cell and with cockroaches to eat the food off his hands at night.

In isolation he had about five hours of daylight each day with nothing to read until a guard brought him a Bible which at first he angrily tried to refute, couldn't, then started to memorize, and, finally, to live by.

"The time was," he says, "when I would have killed any man who stood in my way to breaking out of that penitentiary, and the time came when those prison walls could have fallen down around me and I would not have left unless I was told I could."

ONLY JULIA WROTE

After he was released from isolation and cautiously put in with the general inmate population, he began conducting Bible classes behind the walls. A Huntsville minister heard of him and urged the congregation to write him. Only one did, a woman named Julia. She went to visit him. And for seven years she devoted her life to getting Clyde Thompson out of prison. One day, 13 years ago, she succeeded. He was paroled. And the warden came down to help him tie his tie, and put the French cuffs on the shirt Julia had brought him because he didn't know how. He had spent 28 years behind bars, all his adult life.

Once the deadliest killer in the Texas Penitentiary, the Rev. Clyde Thompson is now an ordained minister in the Church of Christ "and married to Sister Julia." He has returned to Huntsville and made the prisoners his ministry.

No amount of prison reform got Clyde Thompson out of prison. He and Julia did it with little help.

Before prisons were invented, society whipped convicts too poor to fine, and fined those too rich to whip. For misdemeanors and minor felonies—the stocks; for more serious felonies—banishment; for capital offenses—the gallows.

Cut and dried. No confusion. No prisons.

FRIENDS DEMAND PENITENCE

Then one day the Friends decided prisoners ought to be penitent as well as punished. So why not a "penitentiary?"

Make the walls four feet thick. But the walls were not only to keep the convict in, but the community out. The theory was: That's the only way a man can be penitent in perfect peace.

Not so cut and dried.

And people have been confused ever since. They flatout don't know what prisons ought to be for. To keep society safe from criminals? Or criminals safe from society? For vengeance? For punishment? How do we treat them when we do keep them—bad? Good? Do we love them until they are better? Or hate them forever? Do we try to rehabilitate them? Educate them? Reform them? Just throw away the key and forget it? Or do we do all those things?

We do all those things.

Keeping the convict strictly in and community influence strictly out is still the basic slab of penal philosophy on which modern prisons in the U.S. rest.

Upon it was built the highly regimented, isolated systems that exist today and only now show signs of cracking. Prisons still are built away from the community. Inputs and outputs are still strictly curbed. The two worlds kept as separate as possible. "Inside" and "outside" are still the lines of demarcation of prison life.

POTENTIAL FOR CHANGE

The potential opportunity is to change these traditional lines of demarcation, and to make prisons unnecessary for all but the most hardened and murderous of felons.

And even they are a opportunity. For to say some men are good only for throwing away is to deny Clyde Thompson.

Some prison reform has spun out from the repeated cycles of upheaval. Probation and parole measures have been changed, indeterminate sentences adopted, halfway houses started, furloughs instituted, even convict self-government tried.

Some of these, billed as reforms, have come up Frankensteins, the indeterminate sentence, for example. Criminologist Gresham Sykes looks at the rest of them and says, "They may not have made a wit's bit of difference. There is no hard evidence that they have."

These reforms and countless others are still being tried within the nation's prisons. Some of them have bettered conditions within the walls, but all of them together have not slowed the crime rate or made significant inroads in what is still the major problem how to keep a man out of prison the first time, and if he is released, the second, third, and fourth times.

MOST-TALKED-ABOUT REFORMS

The two rising stars of modern reform, the ones being talked about most in the '70's, are to build more but smaller, more specialized, more manageable prisons; and to bring prisons and—more importantly—inmates closer to the community.

The first of these is as old as reform itself. And it is subject to bursts of "what good will that do?" Counter to this trend, Texas is building a new unit that will house 2,000 prisoners, and George Beto, director of the Texas Department of Corrections, is saying, "It isn't size that matters—it's how the place is run that matters."

Another prison director, Winston Moore of the Cook County Jail, is saying that what is needed is, "not smaller prisons but an end to inept prison administration."

And Carrol Waymon, a psychologist in California, is saying, "We can build a new prison on every street corner. All that means is that we'd then find ways to fill them all, even if it meant devising some new offenses we haven't yet thought of, just because the new prisons are there and need filling. That's the way it works."

The second of the "new" reforms—bringing inmates and prisons closer to the community from which they came isn't new either. But it is the one that departs from the old-as-prisons philosophy of keeping the convicts in and the community out, and both separate.

It is the one that holds promise of breaking the pendulum's basic swing. It is the one that may, if any can, make prisons as we know them obsolete. Because men and women who reform in prison are those, like Clyde Thompson, who have felt the touch of something better. Something better almost always means the touch of someone better. And that something and someone is rarely found within prison walls.

Criminologist Norval Morris has said: "Reform is faddy. We always want quick and simple and cheap solutions, and there aren't any. Reform is not shortwinded."

It isn't very long-winded either.

Just a century ago, the nation's foremost reformers met in Cincinnati as the first national prison association and adopted a Declaration of Principles. It said nearly everything that has been said since:

Reformation, not vindictive suffering, should be the rule of inmate treatment; prisoner classification must be modernized; reward a prisoner for good conduct; stop making corrections jobs political, since that is the chief obstacle to reform; officers should be trained; disparities and inequities in prison sentences should be removed.

WORDS FROM THE PAST

It said a prisoner should be disciplined so as to win his goodwill and preserve his self-respect; prisons should make for industrious freemen rather than orderly and obedient prisoners; prisons should be small with like offenders put with like; the law should lock up "higher-ups" in crime as well as lesser operatives; there should be a more judicious exercise of the pardoning power; there should be better prison architecture geared for humanity and inhabitation; prison management should be centralized; prisoners should get social training by proper association; and society-at-large should be made to realize that it is responsible for crime too.

Today criminologist Hans W. Mattick gazes at that list of lofty goals and snorts: "They haven't been realized yet in 90 percent of the institutions."

Gresham Skyes also contemplates that list from a century ago and says: "It makes me think that maybe the old liberal solutions to this prison problem make sense. What is wrong is we haven't been applying them. What if we did just what we always said we would do to make society better?"

[From the Christian Science Monitor, Dec. 14, 1971]

VOICES FROM BEHIND THE WALLS

(By Jack Waugh)

Inmate, Texas Woman's Prison: "Prison? It's like the world has stopped and you've lost contact with life; like you've stopped living—yet you are."

Inmate, Cook County Jail: "There's only one step beyond jail—and that's the graveyard."

SAN FRANCISCO.—The voices from behind the walls are the voices of felons and sinners mixed together, of murderers and child molesters, burglars and bad-check passers, rapists and robbers, dope pushers and dope takers, draft evaders and parole violators, wife beaters and husband slayers.

They are the voices of the poor (many) and the rich (few), of the reformed and the unreformed, the angry and the apathetic, the guilty and the innocent; of those who should never be there and of those who, some say, should never be let out.

Their common bond is doing time. Their common goal is getting out. Their common condition is that they got caught. Their common jailer is the inconsistent criminal-justice system that sent them there.

They speak with no common tongue. But here is why some of them are there and how they feel and what they say:

He is black, had a wife, and couldn't find a job on the outside, so he took up burglary. He has been in prison 11 years, serving out a 42-year sentence of four counts of robbery:

"We're all here because we have limited backgrounds. I have it broken up into thirds—one-third of the inmates shouldn't be in prison at all. Another third should only be here a very short time. And the last third should die here because they are detrimental to themselves and everybody else.

"Now, in this prison, 80 percent of the problems we have are inmate instituted. Man, I tell you there has been a time when you gave the inmate over you more respect than you gave a guard. The worst part about prison is that when you are all thrown into the same coop this way it contributes to your wrong-headed education. Here you not only learn to burglarize—from experts—but you enlarge your talents. You can learn to become an expert safe cracker if you want, and you can learn to shoot dope if you don't know how."

He was 18 when he was first sent up on a narcotics conviction in 1953. He has been out twice for eight months each and back in again for burglary and theft. He was a tough, rebellious inmate, a hard case, so he spent nine years on the "line" in the Texas Penitentiary picking cotton and hoeing the ground. He has passed more days than he cares to remember in solitary. He is a Mexican-American, now 37, and about to be paroled:

"Prison has been a home where I stayed while I was young and growing up. I made a parent out of the penitentiary. It has been a career for me. And when I went out I was unable to adjust to the free world. I had become dependent on this place and I wasn't prepared for the outside. I didn't want to come back, but I couldn't get adjusted outside and I fell right back into my old way of life. I wasn't forced to do it; I just wasn't prepared for anything else.

"The penitentiary has changed. There is still brutality here if a man needs it and they wouldn't hesitate to beat your brains out if you insulted an officer. And it's probably still worse in other pens. But there are methods now to discipline a man without brutality, little things—shelling a gallon of peanuts, strict rules, no talking in the dining hall. To me it's worse than going to solitary."

She is white, 22 years old, pregnant, and in prison, sent up four months ago on a bad-check charge:

"It's lonely here. I get depressed and want a friend I can talk to. But you can't make friends with anybody or the matrons assume it's a homosexual relationship and they break it up. You go to the mess hall four times with the same girl and they separate you.

"The women in prison, they play house. One is the daddy, one is the mother. There is a brother, sister, and grandparents. Most of the women have families on the street and they do it just to occupy their minds or to aggravate the matrons.

"What I am afraid of most is being locked in that cell at night by myself, going into labor and not being able to get a matron there on time. But I am luckier than some. My mother will come and get my baby after it is born, and I won't have to put it in a foster home or up for adoption."

He is black and he has been in prison in two states, Texas and California, since 1951,

most of his adult life, and each time on a narcotics charge, the last time in Texas:

"I pled guilty as most of us do in Texas. To fight a charge without money is out of the question. And here you work, pardner, you work. You begin to realize how much work a human being can do. But like any other form of prison life, it is left up to you whether you become bitter or not. Eventually you become conditioned to the point you can cope with it.

"I was doin' it out there, man, and I know I had to pay. But you have got to know if a man commits a crime it's not the end of the world for him.

"By getting into this bag so early I didn't know what else to do. I had this fixation the first time I got out of San Quentin—I refused to do time out of the pen and in, too. I couldn't accept the fact that parole was just a change in custody, rather than a release.

"Now it's reached the point if I get out and get in trouble again, I'll get throwed away. The struggle I have is still with myself. Can I get out there and make it? But I believe now I am ready and I have never said that before."

He was an Iowa farmer. He had served time in his home state for burglary in the 1950's. Then traveling through Texas alone in his camper in 1965, he was stopped by two state troopers, got angry, hit one, got in a running shootout with both, and got 17 years. Away from home, the lawyer assigned him by the court was a law partner to the District Attorney who prosecuted him. His children have since grown up back in Iowa, his wife has divorced him, and I was his first visitor in 6½ years in the penitentiary.

"It makes you bitter. I can't see no benefit in keeping a man in so long. It doesn't deter others from committing a crime. They keep you the longest possible time. I came up for parole in 1968, but the parole board wrote me a form letter saying it would review my case in one year and I haven't heard back since."

"She is white and only 28. But she has seven children on the outside and a husband in prison. The family couldn't make ends meet so she passed bad checks twice and this is her second time in. Her mother has two of her children, her mother-in-law has another, three others are in a boys' home and she is fighting the adoption of her 18-month-old daughter.

"I've learned all about homosexuality here. I didn't know anything about it before. I have learned to shoot dope, and with what I have learned since I have been here I could even be a better check buster now."

He is one of 42 men on death row, a condemned multiple murderer. Five years ago he was only 19 and he killed his common-law wife, her brother, her father, and a state patrolman. A Mexican-American, now 24, he faces a capital sentence, four 99-year sentences, and one 25-year sentence. His crime—murder with malice—is the most serious a man can commit.

He is an outcast, considered too bad to live, and he awaits execution. Sitting in the cross breeze of the "death row" day room, he says:

"I can spread my arms and touch both sides of my cell, and that is my whole life.

"We are looked on as the scum of the earth. But 90 percent of the men on death row are no worse than the rest of the prison population. It's hard to get a death sentence. Most of us, if we had money, a proper defense, or friends, or anyone to fight for us would have never gotten death.

"Most of us have no objection to being punished for our crimes. But justice is unequal. Men who can't fight back are bound to get a more severe punishment than those who can. The 'D.A.' isn't out to see justice done, he wants to get a conviction and build a record. And, in my case, the judge was old and I was young. He was white and I was brown. He was well off and I was poor. His social status was high, mine low. He knew the D.A., I didn't. He is going to believe the state, not me. So we—most of us here—went into court without a chance in the world."

Another on death row, white, condemned to the chair for murder, now 44 years old, no longer hopes, is no longer optimistic, and no longer wants to live—if the choice is a commuted sentence:

"I pray every day the Supreme Court doesn't abolish the death sentence like they're talking about doing, because then every man on death row—650 of us in this country—will get a life sentence automatically. I am too old for that now. I would rather sit in 'Sparky' (the electric chair) and get it over with. When they electrocute me they can't do nothing to me then but bury me."

John Irwin, ex-California inmate, now associate professor of sociology at San Francisco State College: "The difference between felons and nonfelons is that felons couldn't bring enough pressure on to stay out of jail."

Few people knew who Robert Apablaza, a housepainter, was—or cared. Four years ago he was arrested for selling a matchbox full of marijuana to undercover agents in New Orleans, and a judge sentenced him to 50 years with no provision for parole.

It was not until four years later, after he had escaped once, fled to New York, been recaptured and was under threat of extradition that the case caught the eye of one man, William vanden Heuvel, chairman of New York City's Board of Corrections. And when that happened extradition was dropped and Mr. Apablaza was set free.

The world knew who the sons of TV-personality Johnny Carson, and the late Sen. Robert F. Kennedy, were. They, like Robert Apablaza, were arrested on charges of drug possession. Neither went to prison.

Possession is not the same as selling drugs, of course; observers doubt, however, that children of such prominent citizens would receive a 50-year sentence even for selling.

In Odessa, Texas, last March, a jury found Bentura Flores guilty of selling $10 worth of heroin to an undercover agent and sentenced him to 1,800 years in prison—the penalty District Attorney John Green had asked. Sentences of 60 years, 88 years, 99 years, and 250 years for crimes similarly uncovered have issued recently from Odessa courtrooms. All have been laid on Mexican-Americans. All were arrested selling drugs to the same undercover agent.

A jury in Dallas, Texas, going Odessa 600 years better, last April sentenced Robert Floyd Angel, a black criminal with a past record, to 2,500 years for armed robbery and murder. In Dallas other sentences of 1,001, 1,000, and 1,500 years have been handed down.

An inmate's time in prison continues to be at the whim of judge, jury, and parole board. Reformers call for the unbending force of consistent punishment for like crimes across the United States, even to establishing elected boards of admission, sentencing, and release above and beyond the courts and parole boards.

The boards would have the same latitude judges now have to consider extenuating circumstances. The aim of the reform would be to end the wide divergence of sentencing now found in the U.S.

This would confine the court's function to saying guilty or not guilty.

The boards should include prominent local citizens along with penitentiary officials. Membership should be regarded as a prestigious as well as a responsible position—rather like local school boards are today. Boards should be set up for each state prison system.

As yet, most talk among specialists deals only with taking sentencing out of the courts. The concept of the new boards is not yet widely discussed, or accepted; it has not been tested; but prison reformers agree that it appears to be at least one logical way to tackle the current patchwork of sentencing procedures, which often turns up bizarre results.

Another approach, already begun, is to work to upgrade the quality of judges; such efforts continue.

Most criminologists, prison officials, and inmates agree that unequal sentencing is among the first orders of business in any prison reform—more pressing than all the internal reform of prison life behind the walls, more critical and urgent than all the rehabilitation and work-release programs and half-way houses put together.

The fact of uneven justice lands hardest of all on the black and minority poor. Blacks and Mexican-Americans alone now make up more than 50 percent of the inmate population of some of the nation's prisons—California for one. And as many as 85 percent of the inmates in some prisons in large urban states are black. These ratios run far in excess of black and Chicano percentages of the total population.

Moreover, most prisons, as they have always been, are cesspools for the poor, their walls and pickets holding men and women without money or influence, who had committed their crimes in the first place for that reason, and who went to court with a poor legal defense or no defense at all.

Eighty percent of all crimes in the country are committed for money. And the poor constitute an overwhelming majority of the inmates now in United States prisons.

John Irving, an ex-inmate turned sociologist, who has been out of prison for 15 years but has made its study his life work ever since, says: "The poor inmate is seeing more sharply than ever before that crime is rampant throughout the system, committed by rich and poor alike. And he is asking Why am I the only one going to prison."

Not only are the accused unevenly sentenced for identical crimes but one-half of them are sent to prison for crimes that are not crimes against persons or property in the strictly legal sense.

These are crimes which are said to have no immediate, visible "victims." As criminologists see it, no one has had his property or person violated against his will in such crimes, which are not seen as crimes against society as such.

There are 200,000 inmates in U.S. prisons, 15,000 of them women. Six million adults are arrested every year in the United States for nontraffic offenses. More than 3 million of them are for what George Beto, director of the Texas Department of Corrections calls "sins instead of crimes."

Among them according to legal definition: drunkenness (which accounts for one out of every three nontraffic arrests every year), drug addicts, gambling, disorderly conduct, vagrancy, abortion, juvenile delinquency, and a mix of sex offenses—adultery, statutory rape, carnal knowledge, prostitution, pornography, and obscenity.

Washington, D.C., has a sextet called the Washington Six, a half dozen drunks, who have been arrested 1,409 times among them for public drunkedness. Collectively they have spent 125 years in the city's jails and prisons.

Several states are mulling the dectiminalizing of their laws. At least one, Massachusetts, has acted. Governor Francis W. Sargent in November signed a law making public drunkenness without an accompanying felony a medical matter rather than a criminal offense.

Velda Dobbs, for 20 years Warden at Goree, the Texas women's prison, says, "There was a time when the black narcotics case just wasn't in this prison. In the last two years it has become the No. 1 offense of the in-

mates here. Murder used to be, but now it is only No. 4. Theft and bad-check passing both rank above it as an offense women are committing.

Crime at any given time is what leaders define it to be. Criminologist Gresham Sykes, of the University of Denver, says: "Remember, in his time, Jesus Christ was a criminal, too, convicted and sentenced to crucifixion. What would you do with a 'criminal' like him today—put him through psychotherapy and rehabilitate him?"

For blacks, prison is an extension of the life they live in the ghettos. Ninety percent of all black males can expect to go to jail or prison sometime in their life. "And what acts society now calls criminal," says Jose Paris, a black Attica ex-inmate, "are the very acts we call survival."

[From the Christian Science Monitor, Dec. 15, 1971]

FROM LOCKSTEP TO CLENCHED FIST—III

(By Jack Waugh)

Criminologist Gresham Sykes: "What do you do to rehabilitate a political prisoner—brainwash him?"

ATTICA, N.Y.—1821. Prisoners moving down the dim-lit cell-block row, single file, each looking over the shoulder of the man in front, their faces inclined to the right, their feet sliding and shuffling in demeaning unison. The lockstep. The trademark of the convict that was.

1971. A single inmate's arm upthrust through the bars in defiant anger and outrage. A clenched fist—the trademark of a convict that is.

Most of the 150 years between the lockstep and the clenched fist were the years of the prison warden, guard, and corrections officer. He was unquestioned authority with unquestioned power. Now the inmate is beginning to question that authority and that power—and he has listeners outside the walls.

Behind this turn smolders an active new element in prison life, which, while there before, was slumbering. Modern criminologists and penologists called it the politicizing—also known as the radicalizing—of the prisoner. And it is as active in prisons now as a charged electron.

Nearly every warden and prison director in the United States believes with Russell G. Oswald, the unsmiling, said figure of Attica, director of the New York Department of Corrections, who said: "It is the most difficult problem we face in prisons today."

A TWO-SIDED PROBLEM

It can be viewed from two angles: It is straight-out agitation, fomented from the outside, nurtured from the inside, highly-organized, conspiratorial, and destructive of the prison as an institution. That is how most guards and corrections officers see it.

Or it can be seen as a wave of hope. That is how the prisoners themselves and critics of prisons outside the walls see it. Those bivouacked in the latter camp believe with the prison psychologist from California who says: "What politicizing has done is give greater hope and determination to an inmate to resist becoming a vegetable and a robot behind those walls."

There are also two ways to look at whether prisoners are truly political or not. One viewpoint says flatly, "The robber who holds up the service station and shoots and kills the manager—he's a political prisoner? That man is a criminal."

The other point of view: Society made him do it, whatever it was. Poor, he has no job, no money, he faces a wall of discrimination, a world on the outside that to him is cruel and puts him down. The crime that he committed was against a corrupt society that puts him down politically. No matter what he did, he is a political prisoner.

This view sets Winston Moore's teeth on edge. The black director of the Cook County Jail in Chicago says, "You let that philosophy prevail and what you've got is an out for every prisoner, no matter how heinous his crime. It's the system's fault, therefore he doesn't have to do anything for remorse. Now he can go out and kill you again. Rehabilitation is impossible when you tell a man it wasn't his fault."

The rise of the political-prisoner syndrome parallels the development on the outside of black militancy.

Buffalo law professor Herman Schwartz says: "'Prison is for blacks just a stopping point through life, a natural extension of his existence on the streets." Or as one ex-Attica inmate puts it: 'Our communities are already prisons to us. Jail is just a concentration camp."

All sides agree that some prisoners are truly political, especially now that draft resisters and others who in some way bridle against the system are occupying more cells than ever. And so are such convicted political assassins as Sirhan Sirhan and James Earl Ray.

RADICAL LEADERSHIP STRONG

And whether all prisoners are political is an academic question because, as criminologist Gresham Sykes says, "Whether they are or not, they believe they are, and that is what matters. You can't arrest a black man in San Francisco today without it being considered a political act."

From the beginning, the political movement in the prison cellblock and yard has had black leadership, dating back to Malcolm X, the slain Black Muslim who served time in Massachusetts prisons in the late '40's and early '50's. He was to become the father-philosopher of the radical movement in American prisons.

Since his time, the Black Muslims, joined by the Black Panthers and the Puerto Rican Young Lords, have grown to make up the nub, nucleus, and leadership of the radical movement behind prison walls. The Panthers are still a force inside prisons, though their importance has declined outside. The arm with the clenched fist is predominantly a black arm.

The focus of the militancy on the streets which shook the nation's cities in the '60's has shifted now behind the walls. Indeed, a case can be made that one of the reasons the streets are now quiet is that much of the black leadership once active in the ghettos is now in prison.

While the political revolt in the cellblock broke out in the '70's, it incubated for a full two decades.

John Irwin's goate twitches when he tracks back into the roots of the movement. Though white, he was a part of it. Now an associate professor of sociology at San Francisco State College, he was for five years—from 1952 to 1957—an inmate in the California prison system.

FROM PRIVILEGES TO RIGHTS

He says: "It started with a few books. We read behind those walls, those of us inclined that way. And we got ourselves into little intellectual cliques. We traded books. It was going on in prisons all over, and the reading was remarkably the same from prison to prison—most of it running to literature, the humanities, history. I was reading the same books Malcolm X and later Eldridge Cleaver were reading—among them J. B. Bury's "History of Greece," Will Durant's "History of Civilization," H. G. Wells' "Outline of History," and Gibbon's "Decline and Fall of the Roman Empire.'

"That was the foundation. It was what we were all reading, but we were just the beginning. Now it has gone to the more radicalized Marxist stuff—Mao, Guevara, and the black protest literature. We didn't have that black rage smoldering in us. It was a socialist dream I had. These new convicts have the radical dream."

The lockstep inmate wanted privileges. The clenched-fist inmate wants rights. And that's the critical difference between the convict world of then and now. That difference kept prisoners in lockstep then; it is firing the political rebellion now.

John Irwin believes that the only right that should be denied the convict is the right to roam. Besides living under the shadow of punishment—which every inmate considers denial enough—the felon is denied the right to vote in some states even after he has served his time. In many prisons, his mail is censored throughout his prison life. He has none of the rights inherent in the "free world"—free speech, the right to assemble, the right to advocate, in some cases not even the right to worship as he wishes.

California psychologist Carrol Waymon says there is "a deep dichotomy about prisons. We are taught from the time we are born that this is a democracy. We are taught to protest, to take our grievances to the proper authorities. We are schooled to believe we have rights and we are taught we should caucus, apply pressure—anything to protect them.

"But when you go to prison, you are to stop all that at once, cut it off. Yet you are the same person who went in only suddenly everything you were taught was right becomes wrong."

The American Civil Liberties Union and the National Committee for Prisoners' Rights (NCPR) are spearheading a legal war raging now within and without the walls. It aims to restore such rights to inmates in the penitentiary cellblocks.

LEGAL ATTACK CLARIFYING

The legal action so far centers on what the lawyers in the briefs call "cruel and unusual punishment"—solitary, bread and water, physical abuse, and the myriad of traditional mental hardships convicts are heir to.

The Landman decision, handed down in Virginia on the last day of October this year, has successfully attacked some of these basic breaches of human rights and become a model for the legal push inside the walls.

In it, the court ordered the Virginia State Penitentiary System to halt a host of "cruel and unusual punishments"—bread and water diets; the use of chains, handcuffs, or tear gas unnecessarily; holding inmates nude for extended periods of time.

It forbids prisons to clamp inmates in a solitary cell with any other inmate except when necessary and then only for a short time. The court ordered the penitentiary to hew to minimum due-process standards and it guaranteed convicts sole, unimpeded access to the courts and to counsel.

Other ever-more-sophisticated cases are headed for court dockets in the country, addressing the civil rights of due process, speech, and freedom from censorship. And cases are now mounting to break open the prison walls to greater press and community scrutiny. The ACLU in New York has just initiated a court suit aimed at forcing the federal prisons to permit press interviews with individual inmates, a practice they have never permitted.

UNIONS A GOAL NOW

This basic drive for fundamental rights for convicts has spawned a natural extension—prisoner's unions. They are working outside the prison walls to become the bargaining agents for inmates within.

The leading prisoner's union in the country was founded in California just last spring by a group of ex-inmates headed by John Irwin. Its programs are nearly identical to demands that surfaced in the Attica rebellion last September. The union wants to become the inmates' collective bargaining agent not only for human and civil rights but for such alien ideas to prison life as a liveable wage.

Canada is even now experimenting with higher wage scales for its inmates; Sweden has long paid its prisoners relatively well.

This new, cresting wave of civil-rights demands is viewed by corrections officers with puzzlement. To them, basic inmate's rights are what one warden says they are: "The right to food, lodging, and clothing, and the right to do time without interference from others. But decisions about what is good for him and not good for him—they can't be his to make.

THE 1961 STRIKE BECOMES POLITICAL

It is the abrupt veering away from the basic philosophy of "do your own number and get out" that shakes prison officers everywhere. The new number is collective action. And that is what politicization and radicalization is. Officers in every penitentiary are resisting it with every device at their command. They believe it represents a serious threat to the stability of the prison and to the well-being of other prisoners.

Some 140 years have passed on American penalty history since the shuffling lockstep was the pervading sound of prison life. During those years the struggle behind the walls was for better food, better living conditions, and freedom from brutality.

Then in February, 1961, inmates at California's Folsom prison went on strike. It started as a traditional rebellion against prison conditions, but it mutated into a set of demands that were political in nature. It was the first. And the subsequent Folsom Manifesto has since spread through the penitentiaries of the country.

Elements of the manifesto surfaced in full-blown view in the Attica uprising last September. The political issue was, with that, clearly out in the open.

The demands for amnesty for offenses committed during riots, the call for deportation to a "non-imperialist country" (to which societies before prisons would have said, "Why not?"—banishment was a chief tenet of correction then) are all ideas of the age of the politicized prisoner.

The genesis of the clenched fist was Folsom. But its end is nowhere in sight.

[From the Christian Science Monitor, Dec. 16, 1971]

TWO VIEWS OF ONE SYSTEM—IV

(By Jack Waugh)

THE OFFICERS

Robert Miers, inmate, Texas State Prison: "There is no good penitentiary. To be confined, to be restricted, to not be able to make any decisions that affect your future—if that's your future life, then being locked up 30 years in the Shamrock Hilton would be bad."

HUNTSVILLE, TEX.—They call him "Walking George." And it's a name he earns. George Beto is director of the Texas Department of Corrections, the czar of Texas prisons. His domain is a $25 million-a-year business. His constituency is 15,600 convicted felons—murderers, sex offenders, rapists, robbers, and dope pushers.

He has brought the Texas prison system about as far into the 20th century as any in the country.

A big-shouldered Texan, he leads a constant round through the system's 14 units. He walks anywhere within the walls without fear, watching, talking, available to any inmate who wants to approach him—and many do. There is no unit in his empire he doesn't visit in his big black Fury III at least once a month—and most of them more often than that.

His philosophy of corrections reaches down to the last cell in the uttermost unit of the system because he literally takes it there himself. And it is a simple one:

The enemy is inmate idleness, so you put him to work. It is also permissiveness, so your discipline is swift and sure. But even in security, the atmosphere is relaxed. They may be the waste of society, but they are still human beings, so listen to what they say and help them if you can. Understand them, know them. There are only two ways—either you run the prison or the inmates run you. And there are only two kinds of prisons—clean or dirty.

Working that philosophy, George Beto has built the Texas prison system into a Beto-run, clean, highly disciplined industrial dynasty. Every inmate who is able bodied works, and gets no salary. Every prison structure in the system has been built by the inmates themselves—many of them are highly skilled.

There are no less than a dozen prison industries within the system. The Texas Department of Corrections runs textile mills and a box factory. It makes brushes and furniture, brooms and mops, soaps, waxes and detergents, garments, mattresses, shoes, belts, and license plates. It retreads tires, cans food, repairs Texas school buses, and makes dentures. From September, 1970, through August, '71, it generated $7,083,077 in industrial sales. Besides this, it maintains machine shops, printshops, and woodworking shops for exclusive in-prison use.

FARMING JUST AS VAST

A Texas work-use law permits the prison to produce industrial products for other tax-supported activities in the state. And unlike many prisons it gets little static from labor unions. (California law forbids its prisons to build anything worth more than $2,000 with inmate labor.) The machinery and equipment used in the penitentiary shops is modern and up to date. "The secret of good prison industry," George Beto says, "is good equipment. You can't 'poor-boy' it. This is no horse-and-buggy operation."

The agricultural side of the Texas prison system is just as vast. Some 200 inmate cowboys wrangle 20,000 head of cattle on penitentiary ranges. And from its crop rows, tended by inmates on the line (3,000 inmates work as farm labor), comes most of the food that feeds the system's 15,600 inmates.

From the penitentiary's fields and pasturelands, mills, and refineries come 16,000 head of hogs every year, 3,500 head of cattle to slaughter, 80,000 dozen eggs, 100,000 chickens, 9 million pounds of milk, 100,000 pounds of cheese, 50,000 gallons of ribbon cane syrup, 120,000 pounds of peanut butter from prison-grown peanuts, 3½ million pounds of Irish potatoes, 2 million pounds of sweet potatoes, 360,000 pounds of milled rice, one-quarter million pounds of corn meal, 400,000 gallons of canned products, and 6 million to 8 million pounds of fresh vegetables.

Of the 60 cents' worth of food each inmate in the system consumes a day, only 13 cents' worth has to be bought. Everything else is produced within the penitentiary's 105,000-acre empire, and all of it by inmate labor.

The first job every inmate gets coming into the Texas system, if he is able bodied, is six months on the line—hard, back-bending labor in the fields, and recalcitrant, rebellious prisoners are often sent back to the line as punishment. On-the-line inmates labor under a gun. Armed bosses on horseback supervise as the inmates stoop in the fields. A boss called the "long arm," with a high-powered rifle over his saddlehorn, watches from a distance for any sign of an attempted break.

"The thing our critics criticize us hardest for," says Byron Frierson, the man who for 25 years has superintended the system's vast agricultural program, is that "George Beto makes inmates work. And to a lot of people work is a dirty word. But permissiveness and idleness are the powderkegs of prison life. We don't admit either one here."

CELLBLOCKS HAD BEEN CALDRONS

It has taken George Beto 10 years to build the Texas penitentiary into the industrial-agricultural barony it is, picking up where his predecessor, O. B. Ellis, had left off in the early '60's.

In the pre-Ellis days before 1948, the Texas system was a sump tank of deterioration. Prisoners ran the units, and the tanks and cellblocks were caldrons of terror, extortion, and forced rape. Pictures taken during those years line the corridors of virtually every unit in the system, and George Beto smiles as he passes them and says, "I hang them there lest we forget the way it used to be."

The Texas system also reflects George Beto's fixation with education. A classics scholar and former college president who reads Greek and Latin, he maintains an education program that goes up through the junior-college level and is manned by educators from Texas school systems. Many inmates who are illiterate when they come read before they leave—they are forced to go through school up to the eighth grade. Other inmates with deficient educations have gone all the way through the junior-college program. One-half of all Texas inmates are involved in the educational program on some level.

George Beto likes to remind visitors whom he personally—and often—tows along in his wake that because of the education program the average IQ of the Texas inmates has jumped 10 points in 10 years. It was 85. Now it's 95.

The 14 units in the Texas system range from the maximum-security Ellis unit, where the toughest prisoners, the high-escape risks, are incarcerated, to the prerelease center called the Jester unit, a prison without walls where convicts about to be paroled or discharged roam on an institution that looks like a campus, attending lectures geared to helping them make it back in the "free world." There are no high-towered pickets with searchlights at Jester or "long arms" or tracking dogs. The only guns are locked up in a gun case in the warden's office.

But as much as George Beto walks, it is the bosses and officers, men such as C. L. McAdams, who has been a warden in the system for 30 years, who must deal with him day by day. White, rough hewn, with little formal education, authoritarian, with the nickname "Bear Tracks" ("big as a bear and he leaves tracks in every prison where he goes"), he has a legend about him that transcends Texas borders. C. L. McAdams is the most feared warden in the Texas system.

Three inmates I talked with who had served under him considered him the ultimate sadist. But others said that he runs a tight, tight prison and respect him for it. Clyde Thompson, an ex-inmate who served 28 years in the Texas penitentiary, says of him, "If you keep your business straight, you have nothing to fear from McAdams. If you don't he's the last warden you would want over you."

"TREAT 'EM FIRM, BUT FAIR"

He has spent a career in the corrections system trouble-shooting in the toughest of the Texas units.

He says: "I got one philosophy, you treat 'em firm, but fair. And you treat 'em all alike and you keep 'em working because idleness is the devil's workshop."

Warden McAdams is the perfect example of the strict authoritarian prison boss. His relationship to the inmate is as parent to child. As we walked the corridors of the Wynne unit in Huntsville together, the prisoners who approached him, or whom he called in because they wanted to see him, were treated as errant kids, and they acted that way. If they had had hats, they would have been in hand.

His tactics, though he came by them naturally, are textbook methods in the successful handling of the defiant and undisciplined child.

In 1948 when he was sent to the Retrieve unit in south Texas, it was run by prisoners

and out of control. The month before he came, one inmate had beheaded another with a meat cleaver in the dining hall. And only three days after he arrived the inmates "struck" in the mess hall and demanded to negotiate with the warden.

McAdams strode into the hall, didn't say a word, but picked up the nearest inmate by the scruff of the shirt and dragged him out into the corridor alone and demanded what his grievance was. One by one he took the inmates out, not permitting them to negotiate as a group, but isolating them, separating them, until he had found the leaders and thrown them into solitary.

One Texas inmate has said of C. L. McAdams, "The man knows the inmate so well that there is almost no difference between us. He can look down into that cell tank and tell you what you're thinking. Bear Tracks would make a perfect convict."

Of prisoners, Bear Tracks says, "Those that don't like me don't like me because I don't let them do what they want." Moreover, in any confrontation C. L. McAdams, like any parent, one way or the other, always holds the upper hand.

And in Texas, so does the entire prison system.

THE INMATES

Mike Middleton got out of the Texas penitentiary four months ago. He had been in nearly two years, and the memory of it is still heavy on his mind, the taste of it still bitter on his tongue.

"In dehumanizing men," he says, "Texas has got to rank with the worst.

"They have a system in Texas called 'the big bitch' and it ought to be outlawed. A man can be convicted and go to the pen three times on felony charges. Then he can be out three days, be picked up on the street for the smallest infraction, and with those three convictions behind him be sent back again—and this time for life. There are hundreds of men in Texas prison on 'the bitch.'

"And in there, you don't know the things the bosses [guards] do to degrade and make you less than a man. Your life is a constant strip-down. Every man that works goes through a strip shakedown twice a day in all weather, when he comes in for lunch and when he comes back in the evening. On construction jobs you can get strip shakedowns four times a day—to keep you from taking anything in and bringing anything out.

"And there is nothing stopping bosses from taking off on convicts. A whole squad of men back from 'the line' could have done something to make a boss mad, and they are put up against the wall and that means you are going to solitary, too."

"YOU AREN'T WORKIN' FAST ENOUGH

"One day I was chipping rock with a ballpeen hammer," he says, "and this boss—we had had trouble before, he didn't like me—kept watching me and said, 'You aren't workin' fast enough.' He said, 'Use the sledge in one hand and the chisel in the other.' Well, that meant having to swing a sledge one-handed. That sledge weighed 30 or 40 pounds and I couldn't swing it. And that boss went into a screaming fit, put me on the wall, and called the assistant warden. He charged me with never working and doing some agitating—a bad offense in a Texas prison.

"I went to trial before the assistant warden, the captain, and a sergeant and explained I physically couldn't swing that sledge. I spent 8 hours on that wall and then went into solitary. I was there 7 days. And the warden came in and said, 'You ready to come out?' and I said, 'I'm not going to swing that sledge, warden,' and he said, 'Then you stay in there some more.' And I was in there another 15 days."

In the Texas prisons, the bosses maintain a system of building tenders—inmates put in charge of tanks and cellblocks, and handed a measure of power and authority over the other inmates. It is a hark-back to the old days of giving power to selected inmates.

Every inmate I talked to within the Texas system complained that at one time or another he had been brutalized by building tenders, or knew men who had, while officers turned their backs or gave tacit approval."

"It's the way the bosses get to a man they don't like without having to lay a hand on him themselves," Mike Middleton says. "Man, I know if they get a real bad agitator, they send him to solitary and his chances of getting out of there without being beat up are slim. The building-tender system can lead to real violence and even death for somebody.

"One tender got killed in our unit over a newspaper. This Mexican kid named Frank wanted to read the paper, but the building tender took it and gave it to a white inmate instead. Frank went and got a shank—there were a dozen or more knives stashed away in that tank—and stabbed him 15 times. And instead of taking him into Houston 40 miles away they headed with him to Huntsville 180 miles north. The tender died that night.

"They put Frank in lockup for 60 days, but he never came to trial and he was finally put back into the general population. I guess to this day he literally believes he can get away with murder."

"KILL-OR-BE-KILLED" IMPRESSION

"To survive in the penitentiary," Mike said, "you have got to radiate the impression that you are willing to kill or be killed, that men can't push you and get away with it. You are being tested all the time. Prison life is full of strong inmates preying on the weaker. And forced rape is the way one man subjects and shows his authority and status by subjecting another to his will. You save yourself from this by instant violence yourself, establishing yourself immediately as a dangerous man to fool with. Or you just radiate an aura of superiority of 'I-don't-care-about-any-of-you'—in effect isolate yourself from the general population. You are there, but you're not there. Either way you have got to let other inmates know that you wouldn't hesitate to creep up on a guy and slit his throat if you are pushed hard enough.

"There is a strict unwritten inmate code in the penitentiary. And it has got to be strictly obeyed. Men are not in a good mood very often in prison, if ever. Asking a man, 'What's the biggest score (robbery) job you ever pulled?' or sitting on his bunk uninvited, or rapping with a man without finding something about him first—those are things you never do. And when you brush against a man, you had better apologize. If you don't then the man is free to do what he wants to you. I have seen a shank put in a man's back for that."

"MAKING YOURSELF SMALL"

"And the only way to really make it with the bosses is to withdraw into yourself, both mentally and physically—literally make yourself as small as possible. It's another way they dehumanize you. They want you to make no waves in prison and they want you to make no waves when you get out.

"On the surface the Texas prison system seems to run with few attempted breaks—there are about a dozen each year—without sit-downs, without bucks against prison authority, without riot or rebellion."

Mike Middleton says such things happen, but officials have so much strength it never gets out.

"A man," he says, "must realize when he revolts against prison authority that he is putting his life on the line.

"In Texas they have the full power to use any weapon in any way to put down any rebellion. It is a rule—by any means necessary, a wipe-'em-out attitude.

"And convicts have a low threshold of boredom. It's usually a case of 'what are we doing today, rioting today, huh?' The monotony is ever present.

"And if a man stays in that place long enough he becomes as docile as sheep. Eventually they break most men—not all of them, but most of them."

A black inmate who has served time in the Retrieve unit, where Mike Middleton also made time, and who had been in both the California and Texas prisons, says, "The man is right. I see it in the blacks. The difference is they all get domesticated here. Those black brothers become like house cats in this penitentiary."

[From the Christian Science Monotor, Dec. 17, 1971]

THE JAILER AND THE JAILED—V

(By Jack Waugh)

Criminologist Norval Morris: "In the big prisons there are still areas where guards won't go."

Winston Moore, executive director, Cook County Jail: "We were set for a guided tour of the prison and the warden asked if he could go along because he was afraid to go by himself."

CHICAGO.—Since Attica, every prison officer in the U.S. today pays a price—the price of an uneasy mind.

Guards in particular, on the line with inmates day in and day out, live in a state of tension. It is having two effects:

It is driving them to be tough, but it is also driving many toward advocating reforms inside the walls—for their own safety. A radicalizing of guards has accompanied radicalizing of inmates.

Some guards in some prisons are very tough indeed. They tolerate not the slightest deviation from rule. The next step beyond that is brutality.

More moderate guards believe that strict discipline is indeed necessary—but that reforms are an equally necessary part of an overall answer to conditions that produce an uprising like Attica. Guards who become liberal in demanding prison reform find themselves aligned wtih inmates against prison administrators.

Says P. J. Ciampa, director of organization for the Correctional Officers' Union in New York:

"The foot dragging in prison reforms is at the top. You wouldn't believe some of the meetings I've been to with wardens. You could close your eyes and swear you were hearing a cheap Edward G. Robinson movie."

DEMANDS SPELLED OUT

After Attica, the International Union of American Federal, State, Local and Municipal Employees, which is the bargaining agent for New York's correctional officers, angrily spelled out a list of demands:

Greater safety; better restitution to the families of guard hostages; improved conditions for inmates; better training for officers; better radio communication within the walls; more decisive firepower with which to put down an inmate uprising. All were granted.

Most prisons that run without visible trouble and rebellion are citadels of authoritarianism. In some cases it is tempered with humanity; in other cases not. The inmate, in any case, is clearly the caged and the guards the keepers.

Wardens who run their prisons that way tend to look on the delay in moving against rebelling inmates at Attica, and on experiments in inmate self-rule, such as is being practiced now at Washington State's maximum security prison in Walla Walla, with horror. The Walla Walla inmates have an elected inmate government and sit in coun-

cils of self-determination over their prison life.

FAILURE FORESEEN

At least three wardens and prison directors of totally divergent backgrounds—Winston Moore, black warden of the Cook County Jail; George Beto, white director of the Texas prisons; and James Park, San Quentin's associate warden and a clinical psychologist—look at the Walla Walla experiment and predict certain disaster.

The prison walls attract certain kinds of men as guards just as they attract certain kinds of men as inmates. Though there are marked exceptions, the prison systems of the U.S. draw heavily on men in their late 30's or early 40's who have retired from the military services.

As we walked down the long, near-empty corridor toward death row in one prison, the correctional officer assigned as my escort, said, "I've only been here a few months. Just got out of the Marines after 20 years. Had to have something to do and this seemed kind of natural."

In the New Mexico state prison, for instance, a veteran gets preference when he applies to be a guard. Five points are added automatically to his test score, whatever it is, and often make the difference between his being hired and not hired. Most of the guards in the prison are ex-servicemen. In San Quentin, also, many of the guards have a military background.

SERGEANT-PRIVATE RELATIONSHIP

There is a lot of intellectual and emotional comfort in prisons—despite the tentative terror there—that the guard with a military bent can slide into quickly. The relationship of guard to inmate is one of sergeant to private, drill instructor to raw recruit.

Few men live closer—yet farther apart—than the jailer and the jailed.

Some 95 percent of guards are white; half of all inmates in the U.S. are either black or brown, and in some prisons in urban states, the ratio of black inmates reaches as high as 85 percent.

Twenty-six percent of all guards are over 50 years old; the average age of inmates is under 30.

Most guards and officers are middle class; most convicts are lower class. Most inmates in American prisons come from the big cities; most guards still come from the isolated back country where many prisons are situated.

SALARIES HAVE BEEN LOW

Salaries for guards have been low, though some have risen in the last two or three years. Across the U.S., 21 percent of all guards make more than $8,000 a year. A breakdown shows that 36 percent earn less than $6,000 a year; 43 percent earn between $6,000 and $8,000 a year; 16 percent earn between $8,000 and $10,000; 5 percent earn more than $10,000.

Albert Curtis earns $10,500 a year as a sergeant in the Cook County Jail. White, he works in a world that is 85 percent black. Most unusually, his prison director is black, his lieutenant is black, and all of the officers under him are black. More typically, 8 out of every 10 inmates are black.

He is a studied, skilled practitioner of the guard-inmate relationship.

We stood in the cellblock together, our backs against the bars as the inmates began to pass through the mess line, their tin plates in their hands. The menu was beans and frankfurters and bread.

Sergeant Curtis always stands inside the cellblock when the men eat, "to make sure the weaker don't get left out."

BANTER OF THE "PUT DOWN"

His banter is the banter of the "put down": "Don't push off me again," he growls in mock threat to one inmate, "or I will make you look like those beans." Then to another passing inmate making a remark about the food. "That's all you ate at home. I don't know what you're griping about."

"Come on," he shouted out into the cellblock, "all you black Muslims [who don't eat pork for religious reasons] come up here and get those hot dogs."

As the inmates filed by, he said to me: "I rap to them. I put them down in a way. They are all different. Some I know from the neighborhood on a first-name basis. Some I don't talk to at all or speak respectfully to. Others, if I don't call them dumb and rap on them, they would be hurt."

Breaking off, he said, "OK, you two, in a minute I'm going to slap both of ya. And if that cigarette falls in the food, you are goin' to eat it all."

GUARD KNOWS PATOIS

Lt. Ned Lenoir comes from a different world than Albert Curtis. A black man, born in Mississippi, raised in the ghetto, he is one of the less than 5 percent of the correctional officers in U.S. prisons who are not white. As a lieutenant, he earns $11,500 a year.

He moves through the tiers and the corridors of the Cook County Jail, a two-way radio crammed into his hip pocket, the clatter of the cellblocks and the steady drone of prison life competing with much of what he says.

From the streets originally himself, he instantly catches the near-whispered patois of the black inmate. He believes being black in a largely black inmate world gives him an advantage most white correctional officers don't have. But he also insists that color doesn't basically matter. He says:

"We treat the inmates like human beings. Most of the time we ask them to do something rather than rapping them alongside the head. That's why we have had no riots. No matter what their crime, it isn't your job to judge them, but to keep them safe."

Lt. Lester Sykes, black, only 27—about the same age as the average Cook County inmate—is Ned Lenoir's peer. He also earns $11,500 a year. Together they supervise much of the day-to-day routine in the bleak old prison on Chicago's California Avenue.

EVEN REVOLUTIONARY HANDSHAKE

If anything, Lt. Sykes is even more attuned to the patois and rhythms of the inmates than Ned Lenoir, down to greeting a stranger with the revolutionary handshake. Easy and smiling, he moves up the catwalks that face off into the cells of his units. He is a stickler for order. By jailhouse rules, inmates may stuff a Bible, a dictionary, law books, and an ashtray between the bars of their cells. But everything else must be kept inside away from the bars. A violation brings on a Sykes dress down:

You sleep here, man?"

"Yeh."

"You know better than to put your shoes in those bars, man, take 'em down."

It is like a father chastising a wayward son.

As Lt. Sykes moves down the catwalk and out into the corridor again, he says, "We make a big thing out of a man keeping his cell clean, because if we don't, he starts to thinking he is finished."

Some black guards can develop a rapport with black inmates, but increasing the number of black guards in the U.S. is no guarantee of instant solutions, experts point out. Many blacks don't want to be guards for a number of reasons, and some prison administrators simply discriminate against any black who might want to become a guard.

MORE BLACKS MIGHT HELP

More black guards might help, however, in jails where white inmates are in a small minority, reformers say.

Better training is also desirable, they say. Today, most training for guards is on the job. It ranges from about two weeks to six weeks. Sometimes a new guard is simply told where to go—and he goes, on his own.

Conscientious prison officials are looking for better methods, mixing in classroom instruction. In New York, correctional officers themselves have pushed for reforms, and every guard in the New York system now receives some form of training.

On discipline, the correctional philosophy of a black guard who successfully keeps order and a white guard who does is remarkably the same.

In the Cook County Jail the ring "61" on the interprison phone system is a Mayday call. It means trouble in some cellblock. Within 20 seconds Ned Lenoir and Lester Sykes can be in any cellblock in the prison.

When five inmates two years ago took guards hostage and put knives to their throats in an isolation cellblock, Ned Lenoir was beaten to the scene only by Winston Moore, the executive director himself (also black). In a rush of running officers they stormed the cellblock without hesitation and disarmed the inmates.

NO TALK, NO HESITATION

There was no negotiation, no talk, no hesitating over hostages. It was no different than what a hard-nosed white warden would do in the Texas penitentiary.

A primary reason for increased tension between most guards and most inmates is that the social structure of life behind the walls has been sharply realigned in the decades since the 1940's.

Traditionally, prisons were run in relative quiet within the structure of a guard-inmate trade-off. White guards handed over limited power to selected white inmate leaders in return for keeping the prisons calm and riot free.

But now "inmate power" has changed color, from white to black. Blacks are now the leaders in the cell blocks and prison yards, and the guards, still overwhelmingly white, don't want to give power to them.

That fact, criminologist Gresham Sykes says, "is breaking down traditional institutional and social patterns in American prisons." The result is instability in prison yards everywhere and prisons on the edge of riot and rebellion. Dr. Sykes says, "Twenty percent or 30 percent of any inmate body acting as a unit can bring a prison to a standstill." There is scarcely a penitentiary in any major urban state today that hasn't that potential just in its black inmate population alone.

ANOTHER SHIFT UNDER WAY

Another critical shift is under way behind the walls. And it issues from the same fountainhead—the rise of young black inmates. Largely through their eyes, prisoners are looking at guards differently than ever before.

Tony Newland, a white ex-inmate who has spent nearly half of his life behind bars at Folsom, Soledad, and San Quentin, describes it this way:

"Inmates have redefined the enemy. And he is the correctional officer. He is now considered an oppressor, and that is new in prison life. Before, a guard was no more significant than a prison wall. No inmate knew the names of more than one or two officers and didn't care. But today, to blacks, the prison guard is no different from the cop cruising the ghetto street. Therefore he is an enemy. Prison guards, looked at in that way, no longer have the protection they once had.

"BUT BY DESIGN"

"Now you are beginning to see guards being killed behind walls, not by accident, but by design. [Nine correctional officers have been slain in California prisons alone since 1970. In the prior 17 years four had been killed—and three of them in one incident in 1953.] Now many prisons are divided into armed camps—guard and inmate—with both waiting for it to happen. It's raw, naked human fear on both sides and you can't run a prison on that."

Yet the relationship between the keeper and the caged is an interdependent one. "Each," says a close observer of the California

prison system, "is playing a part in a game. The men must stay behind the walls, the guards must have the appearance that all is well. It is a symbiotic relationship. The guards have to depend on the inmates to follow the rules—and vice versa. When either one fails there is either brutality or rebellion."

[From the Christian Science Monitor, Dec. 18, 1971]

THE REFORMED AND THE UNREFORMED—VI

(By Jack Waugh)

THOSE WHO CHANGE

George Beto, director, Texas Department of Corrections: "I hesitate to use the word 'incorrigible.' Today a man may be incorrigible, but who knows what he will be tomorrow?"

LOS ANGELES.—Robert Ernest Miers came up to death row in Huntsville, Texas, on Aug. 25, 1952, a condemned killer. The sheriff of Bexar County where he was held for 18 months until convicted, said of him: "In my humble opinion I know that he is the most insincere, vicious, and dangerous prisoner I have ever known."

On Jan. 9, 1953, before he could be sent to the electric chair, the then Governor, Allan Shivers, commuted his sentence. But so mean was Bobby Miers then that the Governor said he should never be let out of prison.

One November evening this year, nearly 19 years later, Bobby Miers sat in a small office on the Ramsey unit of the Texas penitentiary and talked.

"When they took me off death row," he said, "they locked me up in isolation. And I made it a point to be a troublemaker. I knew the inmates expected it of me and the warden expected it of me. All the things I was accused of I had done. And if I hadn't, I was going to do them anyway. The inmate population looked on me as a leader, even though I was only 21, a youngster. I had known a lot of them from before. I had spent five years in a federal reformatory before I came to Huntsville. It was their concept of me, and I had to hold my position.

ISOLATION WAS—HORRIBLE

"Isolation was mentally a horrible place. We were physically laid up there on two meals a day. I broke my arm, and cut my heel strings in protest—as much to have something to do as anything.

"Then in the early '60's they turned us all out of isolation and put us to work. But I was so mean the only man who would take me was John Durbin (then chief steward at the Walls unit in Huntsville, now director of food service for the Texas Department of Corrections).

"So I was put to work making the noon and supper meals. Mr. Durbin kind of raised me, put the responsiiblity on me, and said it was up to me whether I lived up to it or was a failure.

"Well, in the process, a lot of things happened to me. The man made me understand it was more important to be a human being than it was to be a big-time professional convict. He had a different concept of me. And suddenly I wanted to start living up to what he expected of me instead of what others did.

"MY GOALS WERE PRISON GOALS"

"Before all this I had done a lot of reading. When I first went into isolation it was about the time of the hearings involving Sen. Joseph McCarthy. And I was fascinated. It proved to me that an accusation carried more weight than a denial. And I read and read.

"But despite all that reading, my mind was still in the penitentiary, my goals were prison goals—winning the esteem of my fellow inmates and the respect and the fear of the warden. And I had both.

"But then I started working for Mr. Durbin like a dog—16, 18 hours a day. I stayed at that job about six years until one day he took a vacation and while he was gone I had a disagreement with one of the officers and I was sent here to the Ramsey unit to a hoe squad. I caught that line and beat on that ground for a year. And while I was on that line I didn't pay much attention to what I was doing except to keep out of trouble.

"Then this major on the Ramsey unit made a remark to me one time and what he said made me understand in no uncertain terms I had to learn how to think—not what to think, but how to think. Do you understand? I suddenly realized few of us do any thinking.

"With it I realized I didn't have enough words at my command even to think with. After you use the 300 words you have, then you have nothing to do but react and when I reacted it was always violent. It had happened to me all my life: I was one big ball of emotion. And when my vocabulary was not such as to allow me to explain to anybody how I felt or what I was up against, the only thing I could do was rap somebody alongside the head or start cussing.

"It had me miserable all my years—just a little thing like that. I wondered why I hadn't come up with that earlier, why somebody hadn't told me."

Bobby Miers, totally hung up behind that word "think," started taking courses in the education program at the prison while officers watched warily. He has worked his way from 10th grade to within only two courses of a junior-college degree.

And something else happened to him: "Somewhere in all this I realized I was a person instead of a convict, that I still had my pride and self-respect. Before, I had always been a professional convict. When I changed, I still had the advantage of knowing how my fellow convicts felt and thought, and it gave me an edge. But if I had used that edge to my own advantage, you see, I would still have been a professional convict. Anybody who realizes that difference will probably never come back to the penitentiary.

ON THE BRINK OF PAROLE

"I realized that it was not a matter of bad luck with me or that I was a victim. It was a lack of standards, man, of values. I wasn't like the square on the outside. He's not on an emotional elevator. A convict is. When my emotions rose, I went out to satisfy them. A square doesn't."

Bobby Miers has gone now from the meanest man in the Texas penitentiary to the brink of possible parole. He isn't the same man whose sentence was commuted to life in the penitentiary. He isn't the same man who went to death row 20 years ago.

It isn't that the prison changed him. He himself says, "A penitentiary brings out the worst in a man, it just isn't designed to bring out the good. A man has got to reach down inside himself, take hold, and change."

That's what happened to Bobby Miers. Now he is where nobody ever thought they would find him—up for parole. And the same prison officers and wardens who once feared and hated him are hoping he gets it.

THOSE WHO DO NOT

Clyde Thompson, ex-inmate, 28 years in the Texas Penitentiary: "Punishment doesn't cure a man. Punishment made me worse."

Robert Davis, ex-inmate, New York prison system: "The penal system made me a better crook."

Not every prisoner finds the self-revelation to save himself that Bobby Miers did.

Every third prisoner who walks outside a prison wall, either free or on parole, will be back. There is a fraternity of inmates. Bobby Miers calls them professional convicts. He was one. "I had friends," he says, "in every prison in the United States. I came into the prison system as a young man and was raised by it."

Tony Newland, an ex-inmate, who spent 15 years in the California prison system and is now studying sociology at San Francisco State College, was another professional convict. "As individuals," he says, "we considered ourselves thieves. Prison was but an occupational hazard with us, like falling might be to a bridge painter. We went to prison to do our own number, get out, and go back to doing what we do."

SOME EXPECT TO COME BACK

Some inmates in this fraternity of inmates go out expecting to come back. One inmate for instance, stood in a prerelease room at the Walls unit of the Texas penitentiary early on a November morning this year. He had spent 17 years off and on in prisons in Alabama and Texas for robbery and he was about to be released again that morning. He said: "Am I going to stay out? I don't know, I am going to steal again, I know that."

"There's a fellow out there says he is coming to meet me. And I hope he doesn't, because I promised him if he did I would do this robbery job with him. I don't really want to do it, because I don't want to come back. But if it's the only ride I have to Houston and if he's there, I promised him. And I guess I'll go with him."

Some inmates who leave not only know they are coming back, they are relieved when they do. Isaac Easley, who has served 11 years in the Texas penitentiary for robbery, says, "Fifty percent of the men I have seen come back actually seem to be contented. 'Yeh, man,' they say, all jolly and full of thrills, 'I just couldn't make it out there.' And it doesn't seem to matter about the time they bring back with them, whether it's two years or 30 years."

PRISON SYSTEM CRITICIZED

Criminologists universally indict United States prison systems for doing little to halt this cycle. Prisons, they say, do not reform, deter, or rehabilitate.

Hans W. Mattick, director of the Center for Studies in Criminal Justice at the University of Chicago, says: "Prisons isolate and incapacitate. We have contradictory expectations of them. Simultaneously we expect them to rap a man alongside one ear while whispering reform to him through the other. We call this rehabilitation? You don't train aviators in a submarine. Indeed, in proportion that a man adjusts himself to prison life he unfits himself for any other life on the outside."

Carrol Wayman, a black psychologist who works with prisoners in the California system, says: "The most telling point of all about correctional institutions is that they can't correct. They are run on contradictory concepts. When men and women are prodded at the end of a stick or a gun there can be no rehabilitation. The agenda is survival, period."

"SEE YOU IN 90 DAYS"

No inmate or exinmate will say a prison ever helped him. "Prisons," says Jeannette Spenser, an exinmate in the Westfield women's prison in New York, "are geared to failure. There is no rehabilitation there, no help for you. If you get help, you do it yourself. Ten years ago 70 percent of the women doing time were in there for drug- and drink-related crimes. There was no narcotics rehabilitation program then—or today. The percentage now is up 15 percent. All that happens to you is you serve your time, you're given a set of clothes, and the officer says, "Good-bye, I'll see you in 90 days."

"'It's that great sense of injustice convicts feel," says Tony Newland. "After you finish your time you are told that wipes the slate clean. But meanwhile they have robbed you of every means to survive in this world. It becomes a vicious circle of in-and-out for

the rest of your life. We come out, feeling we have paid our debt, whatever it was. But on the outside it is the same thing in a different form. We are discriminated against in countless ways. We find a rationale out there to commit other crimes. Hardened criminals? Man, prison is where they make them hard. That's the forge up there—in Soledad and in Quentin or wherever."

"YOU EITHER REBEL OR SUBMIT"

Michael Middleton, a Texas exinmate, describes the deterioration that sets in on convicts that don't resist it.

"If I had a life sentence in that place I would agitate for the sake of agitating. With time that long you either have to rebel or submit. Years in the penitentiary make a vegetable out of a man. I have seen men 40 years old who started out human, but now can't discuss the weather. They can't even read a pocketbook any more. They look for comic books to read instead.

"And they walk around with vacant looks on their faces. If they were turned out to society now, they really couldn't make it. They have deteriorated so far they can't even be paroled."

Pat Wood, a white ex-inmate in both the Women's House of Detention in New York and Santa Rita women's prison in California, says: "The thing is you are treated like an animal for so long you begin acting that way. And then they tell you when you get out to go and lead a middle-class life. Given that kind of training, it's impossible to do."

THEY HAVE TAKEN ALL HUMANNESS

A black inmate in Goree, the Texas prison for women, convicted of murdering her husband, says: "The problem is, they keep you so long you become like an animal. The walls make animals out of you. They expect you to go back into society as human beings when they have taken all humanness out of you. They keep you so long it affects you mentally and physically.

"What happens time and again is that you come in angry, and then there comes a point when you decide to live by the law—when you actually are rehabilitated. Then is when you should be let out. But they don't, they keep you until you pass that point and lapse into an animal."

That is the chorus of complaint from the inmate side. There is hardly a dissenting note to be heard from any cellblock in any American prison. In Sweden the longest a criminal, even the most violent of men, is held in prison—with few exceptions—is ten years. Then he is released under a carefully prepared program of community supervision. The penalty for pushing heroin would likely not be prison at all, but probation.

INNOVATION BECAME NIGHTMARE

An innovation pioneered in the California prisons in 1917 hailed at first as a great liberal reform—was the indeterminate sentence. It has turned into a nightmare. Envisioned as a means to let the deserving out early, it has been used by prison officials instead as a weapon to keep men who bridle at prison ways incarcerated indefinitely. It has maximized the discretionary powers of the California Parole Board. Now even reformers, who once thought it a good idea, are calling for its end. And the California Department of Corrections, pressed by the outcry, is charting changes that will guarantee inmates that they will be told six months after coming to prison when they can expect to get out.

Convict George Jackson, one of California's "Soledad brothers," convicted originally of a $71 robbery, spent 10 years in prison under an indeterminate sentence and was finally shot and killed in the San Quentin prison yard last August.

Clearly it is difficult for prison or parole officers to tell if a convicted murderer or robber or rapist is truly a changed man, that he will go out and not come back.

CHANGED BY A NEW THOUGHT

Convicts—particularly the most violent—are men who need help, not just to be punished, dumped in the "hole," or locked behind bars for a lifetime. There are others whose experiences parallel that of Bobby Miers, men who were changed in a moment of self-awakening and maturity. It is something that can be sparked by the smallest incident, idea, or particle of help. Bobby Miers was changed from a killer by a new thought about himself. Clyde Thompson, a man considered in his time—the '30's—as the most dangerous convict in all of Texas, was changed in isolation by reading the Bible. And he got out only because one woman, who was later to become his wife, spent seven years trying to get him out.

Howard King was a contemporary of Bobby Miers and perhaps even more of a prison terrorizer. Serving two concurrent sentences of life and 99 years, he once said he was "harder than concrete" and that he would break any warden in the Texas system. He has just been paroled. Before he left he had become a "model" prisoner.

Nobody "broke" these men. Nor did any of them receive systematic help from society or from the prison system.

What they did they did for themselves or with the help of perhaps one lone, interested individual who may have just passed briefly into and out of their prison lives.

How many other violent men, presumably lost forever to society, can find that moment of change—with help—there is no way of knowing.

CONTRA COSTA SAND PITS?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WALDIE. Mr. Speaker, in the near future the Land Appeals Board of the Department of the Interior will issue a decision which will have a profound effect on a great part of my district.

The Board will determine whether a claim for sand mining operations in an area earmarked for park and recreation development should be upheld.

I sincerely hope that the Board will see that the claim is not upheld and that the area can be used for the recreation and parklands vitally necessary in this area.

A recent editorial by television station KPIX provides an informative look at this issue and I would suggest that my colleagues give this editorial some study.

The editorial follows:

CONTRA COSTA SAND PITS?

One of the more interesting elements of western history was the process of "staking a claim" for mining purposes, on vacant public lands. Many valuable land holdings in present day California started as mining claims.

Well, the East Bay Regional Park District recently discovered that the laws under which such claims were made are far from dead. In 1964, a Mr. Steven Kosanke, a Utah mining engineer came to Contra Costa County and laid claim to 360 acres of vacant land south of Pittsburg. He then began plans to do open strip mining for sand. County officials, however, had for years planned to include the area in a large regional park. As a result, the future of the acreage has been in dispute for several years. Mr. Kosanke bases his claim on an 1872 mining law. The East Bay Regional Park District bases its claim on the 1964 Recreation Act which designated the area for recreation and the Environmental Protection Act of 1969 designed to preserve natural open space in and around urban areas.

The Bureau of Land Management, after extensive hearings last year, denied Mr. Kosanke's claim. He appealed to the Department of Interior where a three-man panel overruled the previous decision and gave Mr. Kosanke the go-ahead. Now the matter is being further appealed to the Secretary of the Interior, Mr. Rogers Morton.

We believe that the park use is far more appropriate for this land than an open sand mine which would scar the hillsides and destroy the recreational value of surrounding areas. We urge you to write to the Secretary of Interior and ask his support of the East Bay Regional Park District's position on these park lands. The public interest carries great weight in a decision such as this.

PROPERTY TAX RELIEF RECOMMENDED FOR ELDERLY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Kenneth E. Dunlap of Arlington, Va., was a delegate at large at the recent White House Conference on Aging.

Mr. Dunlap made a two-fold representation to the Conference which I believe may be of interest to those who are concerned with solutions to problems for the elderly.

I insert the text of Mr. Dunlap's presentation at this point in the RECORD:

PROPERTY TAX RELIEF FOR THE ELDERLY

(By Delegate-at-Large Kenneth E. Dunlap)

Mr. Chairman and Delegates to the 1971 White House Conference on Aging, I am Kenneth E. Dunlap, Arlington, Virginia, Delegate at Large, representing approximately 20 million Elderly Homeowners and an indeterminate number of Elderly Renters, Delegate to the 1971 Virginia White House Conference on Aging, and Member of the Arlington County Commission on Aging.

Elderly Homeowners are facing a financial crisis in that thousands and thousands are being forced to sell their homes and are trying to rent due to spiraling property taxes which increased 28.1 percent betwen 1963 and 1969, together with an increase of 32.9 percent in home maintenance and repairs for the same period. It is to be noted that Social Security Benefits, the major source of income for most, have increased approximately 20 percent for this period. Elderly Renters face increased rents due to spiraling property taxes.

By passage of Public Law 874, 81st Congress, chapter 1124, 2d Session, an instrument to provide financial assistance for local educational agencies in areas upon which the United States has placed financial burdens by reason of the fact that the revenues available from local sources have been reduced as the result of the acquisition of real property by the United States, the Congress recognizes that the Federal Government has an obligation to State and Local governments for depriving them of substantial revenues, in the form of real property taxes, on property owned, in many instances occupied and controlled by it.

By way of example, it is established in a report dated July 1971 entitled "A plan for Department of Defense Facilities in the National Capital Region" under the caption "Existing Facilities" indicating that of a total

of 56,729,000 square feet of government owned, 44 percent or 23,459,260 square feet is located in Virginia, 35 percent or 20,505,800 square feet is located in Maryland and 21 percent or 12,763,940 square feet is located in the District of Columbia. I am fairly certain and I'm led to believe that like conditions exist throughout the United States.

The purpose of this recommendation is to provide property tax relief to the Elderly homeowner and renter by providing the making of fair and equitable payments by the Federal government in lieu of property taxes to State and Local governments. This proposed Federal payment in lieu of taxes will compensate in part for resultant loss in tax revenue and can be passed on to the Elderly. It most certainly falls short of meeting the full obligation the Federal Government would assume were it privately owned and operated. In the case of Federal real property with respect to which payments in lieu of taxes are made to States or local governmental units pursuant to any other Federal law, the amount payable under this action with respect to such property shall be reduced by the amount paid under such other law.

On the other side of the ledger and in order to meet these needs, I, as an Editor, Auditor and Retired Government Contract Negotiator, submit a plan, which, if approved by Congress will provide substantial revenue to offset the Federal payment made in lieu of taxes. My plan, made the subject of a beneficial suggestion in January 1966, of cutting composition costs in the maximum amount of $80 million annually in the printing of Technical Manuals by Contractors furnishing equipment under Government contracts to the Army, Navy and Air Force in the total amount of $400 million annually, remain unacceptable by the Department of Defense in that they believe savings to be overstated and by the General Accounting Office in their letter of July 28, 1969, which reads in pertinent part "* * * our report dated November 1966 to Congress would appear to achieve essentially the same goal as I suggested * * *" in January 1966 even though the GAO report states "We did not undertake an evaluation of all aspects of the procurement of technical manuals by the military departments." The point I covered in my suggestion was not evaluated by the GAO whose examination of the records of 5 contractors only out of 15 selected as a sample of 100 top dollar-wise Contractors, under contract with the military departments of our government is not considered representative. The maximum savings of $80 million annually has now reached a saving potentially of $480 million of a total expenditure of $2.4 billion for the 6 year period. In view of these facts, which I will be glad to document on request, I am including this as a major part of my recommendation for further review by the Government Operations Committee.

Ladies and Gentlemen, I ask for your prayerful consideration of my twofold recommendation. It is high time we alleviate the many problems of our Elderly, realizing full well that we fall tremendously short of matching, dollar for dollar, the Foreign Aid program. Thank you.

This, Mr. Chairman, is my recommendation. I move its adoption.

IN MEMORIAM: DR. RALPH JOHNSON BUNCHE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CONYERS. Mr. Speaker, diplomats and integrity, like old men and wisdom, are not always found together in those engaged in the game of international politics. International accord turns on the good will and steadfastness of those who design strategies and plan moves. Less the threads of harmony fray and tear, the game must be played by those whose counsel is wise and whose insight is clear. Because of the many inconsistencies in both men and politics, chance seldom finds men of stature and integrity in positions of power, and when it does, they seldom endure. Ralph J. Bunche was an exception which proved the rule.

Born in Detroit, Mich., in 1904, Dr. Bunche could claim a list of accomplishments which would shame most men. As a young man, he studied government and international relations at Harvard University where he earned his Ph. D. in 1934. He pursued his studies from there to Northwestern University, the London School of Economics, and the University of Cape Town, South Africa. After returning home, he took up residence in Washington, D.C., where he headed Howard University's political science department. He must have been as superlative an educator as he was a diplomat for among his former students can be counted some of Africa's great leaders, including President Jomo Kenyatta of Kenya, former Nigerian President Amandi Azikiwe, and Wwame Nkrumah of Ghana.

His debut into the world of government and politics began during World War II when he worked in African affairs with the Office of the Coordinator of Information and later with the Office of Stategic Services. As a State Department representative, he participated in the planning of the Dumbarton and San Francisco conferences in 1945. From this early association with the United Nations, Dr. Bunche's career climbed steadily upward. Soon after, he was appointed U.N. mediator to succeed the murdered Count Folke Bernadotte at the time of the partition of Palestine.

In 1950, he received the Nobel Peace Prize for his role in the subsequent Arab-Israeli armistice. Ralph Bunche did the detailed organizing of the United Nations Emergency Force during the 1956 Middle East crisis, a force which helped dampen antagonisms in that part of the world until 1967. As the Secretary-General's first representative in the Congo, Dr. Bunche also organized the U.N. effort to prevent the spread of civil war in the former Belgian colony after its independence in 1960. His distinguished positions within the U.N. administration include Under Secretary for Special Political Affairs as well as Under Secretary General. Perhaps most gratifying from our perspective, he was the highest ranking American in the United Nations until his resignation 10 weeks before his death last week.

Dr. Ralph Bunche, like his great friend the Reverend Martin Luther King, Jr., was a man of profound insight, of objectivity, of compassion, and of vision. He, too, had a dream, a dream of the ideal world peace. It was a goal which he never confused, and which he hoped to realize through a strong and just United Nations. In his own words, he believed that "the United Nations must ever be strong and unassailable; it must stand steadfastly, always, for the right."

He believed that the problems of the world are "human problems," none of "which cannot be solved by peaceful means." Mediation and conciliation, compassion and understanding were his tools; peace was his goal. In losing Dr. Ralph Bunche, the United States has lost a great representative, the United Nations, a great citizen. Let us hope that in the future, nations of the world will neither profain his dream nor mock his methods, for he truly belonged to us all.

COMMUNICATION GAP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DERWINSKI. Mr. Speaker, we are often told of the generation gap and the communication gap, and these and other gaps are charged to be the cause of many problems facing our society.

Therefore, I am especially pleased to direct the attention of the Members to a commentary in the "Marian Megaphone," a publication of the senior journalism class of Marian Catholic School in Chicago Heights, Ill., by one of its editors, Angie Speca, which in my opinion is a very sensible, objective commentary by a youngster on the attitude which teenagers should have toward their parents.

Miss Speca's commentary follows:

IN FAMILIES—WORDS ARE CONFUSING

Misunderstandings weaken the relationship between parents and their teenagers. For example, parents kill a love existing between themselves and their teenagers by being "over protective." Yet many of us fail to realize that parents' concern and interest in their teenagers, even though badly expressed, is really a show of love.

By the time a teenager reaches his senior year in high school, maybe younger for some, he should have proved to his parents that he is a responsible person. He should be able to handle his own personal situations, such as friends and places to go by using common sense. When parents constantly question their child's judgment, it makes the teenager feel he is losing his responsibility. He feels it will not make any difference whether or not he asks his parents for advice because in the end his parents tell him to listen to them because "we're older and more experienced." With that as a predictable answer, a teenager just resorts to doing as he pleases behind his parents' back.

Teens, on the other hand, should be willing to listen to the advice their parents give without storming out of the house after the first harsh word is spoken. They too should have open minds and try to help make the conversation beneficial to understanding both sides of the issue.

Teens should make an effort to confide in their parents, but the parents should also realize that a monologue or a lot of threats is not the solution to a real personal problem.

If teens and parents tried harder to understand each other, their family life would be much happier.

—ANGIE SPECA.

FREEDOM LIGHTS FOR SOVIET JEWRY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HALPERN. Mr. Speaker, on December 13, a rally was held at Madison Square Garden in New York. The Freedom Lights for Soviet Jewry rally was significant and, at the same time, characteristic: It exhibited the solidarity of feeling which Americans have with the oppressed Jews of Soviet Russia.

As in the past, this Congress has expressed its concern over actions taken by the Government of the Soviet Union against that country's Jewish minority. The Freedom Lights for Soviet Jewry rally has given articulate expression to this concern and reiterated the belief that the human rights of all peoples must never be abridged under any circumstance. Indeed, the Soviet Union is a signatory to the United Nations Declaration on Human Rights, a document for which it has shown little respect and less observance.

At this convention, attended by more than 10,000 people, the minority leader of the House of Representatives, Hon. GERALD R. FORD, gave voice to the beliefs and hopes of the people there assembled. I know all of my colleagues would concur with the minority leader that the sentiment of Congress is clear, a sentiment which the President has the opportunity to make fully known upon his visit to Moscow.

So that my colleagues can fully appreciate the text of Mr. FORD'S remarks, I would like to submit them for the RECORD. This cogent appraisal of a situation long overdue for rectification demands attention at the highest level.

Following is Representative FORD'S speech:

REMARKS BY REPRESENTATIVE GERALD R. FORD, REPUBLICAN LEADER, U.S. HOUSE OF REPSENTATIVES, FREEDOM LIGHTS FOR SOVIET JEWRY RALLY, MADISON SQUARE GARDEN, NEW YORK, N.Y., MONDAY, DECEMBER 13, 1971

I am very proud to be with you tonight. This massive demonstration is in the finest tradition of the United States. I say so because this gathering is positive in its approach rather than negative, constructive rather than destructive, and for a great cause rather than against such a cause. The cause advocated here is human freedom.

It has been brought to my attention that today is the eve of the second light of the Hebrew festival of Chanukah. I have learned that this is an occasion when one is supposed to light candles to commemorate an ancient struggle for Jewish liberation. As a fellow American who is inspired by the deeds of Israel and the brave struggle by so many Jewish residents of Soviet Russia, and as the person responsible for the leadership of my party, the Republican Party, in the United States House of Representatives, I want to join in lighting some candles of hope. Let there be beacons of light that shine forth from this meeting to let the Jewish people of the Soviet Union know they have not been forgotten.

I see no point in elaborating on or repeating the facts of which you are so painfully aware. You know that there are more than 40 Jews in prison in Russia merely because they sought the right to join coreligionists in Israel. You know that Sylva Zalmonson is dying in captivity. You know about the deprivation of cultural and religious rights, the scapegoating of Jews, the Anti-Semitic propaganda, the discrimination in education and employment. You know about the cruel obstructions placed in the way of those who seek to emigrate.

The real reason I came here from Washington is to discuss what the United States Government can do to help Soviet Jewry.

Some of our diplomats and experts on the protocol of statesmanship have, in the past, insisted that we have no business as a government to comment on the internal and domestic affairs of another nation. But that has not stopped the Soviet Union from intervening in the internal and domestic affairs of Czechoslovakia, of Hungary, of Poland, of Romania, of Lithuania, of Latvia, and of other nations. They certainly showed no sense of propriety in intervening in the India-Pakistan dispute when they vetoed the United Nations' efforts to stop the bloodshed!

Since the Soviet Union uses its veto at the United Nations and asserts itself through the U.N. when it suits Russian convenience, I feel that it is now very appropriate for the United States to remind the Russians of the United Nations Declaration on Human Rights. And I speak specifically about the right of the Jews of the Soviet Union to live as normal human beings with all the rights and freedoms enjoyed by others—and especially the freedom to leave the U.S.S.R. if they want to.

Earlier this year, President Nixon in a telegram to Max Fisher, president of the Council of Jewish Federations and Welfare funds, urged freedom of emigration for Soviet Jews as explicitly provided for by Article 13 of the United Nations Declaration on Human Rights. He also called for cultural and religious freedom for Soviet Jewry.

It would now appear to me that the President of the United States has an historic opportunity to serve a compelling humanitarian cause on his forthcoming visit to the Soviet Union. The President will be speaking with the prestige of our great nation. The Russians will be seeking various concessions and compromises from the United States. The time would be ripe for President Nixon to very appropriately raise the issue of Soviet Jewry with the Soviet Government.

When Prime Minister Trudeau of Canada visited Moscow he told the Kremlin how Canadians felt about the oppression of the Russian Jews. Leaders of many other nations have similarly expressed themselves. President Nixon can exert the greatest impact on behalf of Soviet Jewry. I have talked with the President and he has indicated a deep concern.

Accordingly, I will recommend very strongly to the President that he consider this line of direct action. If the decision is made at top levels now, there will be adequate time for planning and structuring the most effective approach.

The Jewish people of the Soviet Union have been singled out for special restrictions. They are denied the consideration accorded other minorities. The Kremlin is very sensitive to this issue. It has undermined the Communist pretensions of human equality and social justice. Indeed, there are some indications of minor concessions by the Moscow authorities to the rising outcry of world public opinion. This year more than 10,000 Jews were permitted to emigrate to Israel in response to the pressure exerted by men of good will. 1971 has been a record year and hopefully the first step toward greater and greater progress.

But this is not the moment to relax our efforts. Too many lives are at stake. Too many men, women, and children are waiting. Too many people are in jeopardy.

The President has a very clear mandate from the Congress. Our Congress has adopted many resolutions and other expressions requesting and authorizing the President to act on behalf of those subjected to religious discrimination by the Soviet Union, as far back as 1953, the Congress condemned the persecution by the U.S.S.R. of all minorities. In 1954 the Congress asked the Churches and Synagogues of America to set aside a portion of their services on Easter Sunday and Passover for special prayers for deliverance of all those behind the iron curtain who are denied freedom of worship. Perhaps it would be wise to repeat this in 1972.

Even now there is new legislation pending before the Congress. I have offered my support for a House Concurrent Resolution that calls for the free exercise of religion in the Soviet Union and asks that country to permit its citizens to emigrate to countries of their choice.

Attorney General John Mitchell, on behalf of President Nixon, has already disclosed that Soviet Jewish refugees could be admitted to the United States under the parole authority provided by our immigration laws. I congratulate the Attorney General on this initiative. This makes it unnecessary for Congress to pass additional legislation covering nonquota Visas for Soviet Jews. This action by our administration imposes no limitation on the number of Jewish refugees who could be admitted to the United States. I refer, of course, to persons who may not elect to settle in the state of Israel because they have relatives here or for some other reasons.

I might mention at this point the fact that the Voice of America has increased the amount of its broadcasts in Russian, on Jewish subjects, beamed at the Soviet Union. This is significant but I personally believe that there should be Voice of America broadcasts in Yiddish. Not only would this tend to enhance the Jewish cultural heritage among Soviet Jews, but it also would be a symbol of U.S. support for Jews in the Soviet Union.

Your President has a long record of deep concern in these matters. As far back as 1959 when he served as Vice-President, Mr. Nixon inaugurated a practice of presenting to Soviet leaders lists of names of Soviet residents, including many Jews, who were denied exit permits to join relatives in the United States. In fact, Mr. Nixon innovated this approach on a visit to Moscow in that year, 1959.

I would make a particular point with the President that he place high on his agenda the liberation from Siberian labor camps of all persons jailed for Jewish activities. Also, there is no reason that a government which pretends to be civilized cannot for humanitarian considerations notify Israel, whether or not Israel is diplomatically recognized at this time by that government, of numbers and dates of departure of Jews to be released from Russia. Then the Jewish Agency and the Israeli government ministry of absorption would be in a better position to make adequate preparations for housing, feeding, jobs, educations, health and so forth. Now tragically, there is no notice whatever until the trains arrive in Vienna from Russia.

It was with a sense of horror that I read of the Soviet policy of confining to mental institutions as psychiatric cases those persons with courage enough to speak out against the government. I was shocked that Russian doctors would lend themselves to a policy of declaring insane those individuals whose views trouble the authorities. When the world psychiatric association met last week in Mexico, the association refused to condemn the Soviet's use of psychiatry as a tool for political repression.

In this country we have an American Psychiatric Association. I would recommend to the A.P.A. that it adopt a suitable resolution condemning the Russian psychiatrists when

the association meets at its coming convention.

Perhaps educators, clergymen, scientists and people of various other professions in the public sector of American life could do likewise when Soviet policies involve a particular profession. This struggle must be waged on a people-to-people basis as well as a government-to-government basis.

After tonight, I will return to Washington better equipped to see the President of the United States on the basis of the strong dedication to human liberty demonstrated by you here in this great meeting in the city of New York. I can bear witness that America cares. Over the harbor of this city stands the Statue of Liberty. It symbolizes the role of our nation as a champion of the oppressed and as a haven for those who seek to worship God in their own way. It is a light to the world.

Let our American values again demonstrate to the peoples of the world that we Americans have not changed in our devotion to the freedom and brotherhood of man under the fatherhood of God. I thank you.

PASTORAL BY CATHOLIC BISHOP OF MEMPHIS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith an extraordinarily fine pastoral issued by the Catholic bishop of Memphis, the Most Reverend Carroll T. Dozier.

Bishop Dozier states unmistakably that "the present American military action in Vietnam is not justified. The only morally acceptable act on our part is to withdraw all our armed forces and begin to repair the damage we have done."

Bishop Dozier also reveals that he is starting a diocesan draft counseling service so that he will be able to carry out his pledge to give "my support to any young man of draft age who refuses to serve in the military because he conscientiously objects to war and killing."

Bishop Dozier states categorically that Vietnamization "is a program not for ending the war, but for continuing it with undiminished intensity."

I can think of no more clear or cogent expression of the immorality of the continuation of the Vietnam war than this statement which comes from a clergyman who, having served as a priest in the diocese of Richmond, Va., was elevated to be the bishop of Memphis.

Bishop Dozier's pastoral follows:

PASTORAL

(By the Most Reverend Carroll T. Dozier)

WORLD WAR II

Christian sensitivity was almost completely extinguished during the course of World War II. In our fervor to crush the warmaking power of Germany and Japan we American Christians tended to lose our perspective. We readily accepted the call for their unconditional surrender as the only legitimate solution to that war, even though it meant the killing of millions more people. Many innocent women and children died in Hamburg, Dresden, Berlin, Tokyo, and other cities that we bombed in our effort to break the will of our enemies.

Such indiscriminate bombing is clearly wrong. Catholic moral teaching has consistently maintained that the end does not justify the means. In no way can the directly intended killing of innocent people be justified. It cannot be accepted no matter how urgent the purpose for which it was done.

The atomic bombing of Hiroshima and Nagasaki was the final atrocity. Most American Catholics easily accepted the direct killing of 200,000 people in these blast as a means of ending the war. Our consciences had been numbed by the intensified destruction of whole areas by increasingly severe weapons. Pope Paul has rightly called the dropping of the atomic bomb an "infernal massacre," an "outrage against civilization," and prayed "that the world may never again see such a disgraceful day."

MODERN WAR

It is precisely because of the immense destructive power of modern weapons that recent Popes have spoken out clearly and strongly against war. Pope Pius XII said that war as a means of settling disputes was simply "out of date," because of the enormous violence it involves.

In *Pacem in Terris* Pope John XXIII wrote, "In this age which boasts of its atomic power, it no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice." And Pope Paul cried out to the United Nations, during his historic visit, "No more war, war never again."

The Second Vatican Council called for all men of good will to evaluate war "with an entirely new attitude." It praised those "who renounce the use of violence in the vindication of their rights." It requested all countries to enact laws which "make humane provisions for the case of those who for reasons of conscience refuse to bear arms." The Council condemned acts of war which go against the natural law, especially "any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population." This, the Council said, "is a crime against God and man himself. It merits unequivocal and unhesitating condemnation." Orders commanding such acts "are criminal," it said. "Blind obedience cannot excuse those who yield to them."

The bishops at Vatican II labeled the international arms race, in which the United States and the Soviet Union are the principal competitors, "an utterly treacherous trap for humanity," and warned that it may lead to worldwide ruin. They called on all of us to work for international disarmament.

It is clear to me that each of these teachings of Vatican II applies to the United States at this time in history. They spell out part of the new attitude all of us must develop about war.

We must now squarely face the fact that war is no longer tolerable for a Christian. We must speak out loudly and clearly, and repudiate war as an instrument of national policy. We must be particularly clear in our attitude toward our nation's terribly destructive new weapons. *Never* must a nuclear bomb be dropped on a city, under any circumstances, including retaliation. This would be "a crime against God and man himself." Orders to operate these weapons against cities must be refused, because they are criminal, as Vatican II has taught.

We have come to this new realization after pondering the meaning of our bonds with *all* our human brothers. It comes as a painful shock to many of us to realize that we are no longer merely citizens of one country, but members of the international community of mankind. The interdependence of all people is made clear to us by the web of communications linking all parts of the world ever more tightly together. No longer can we be satisfied with actions of our government that are detrimental to our brothers in other lands. As Vatican II pointed out, "Today the bonds of mutual dependence become increasingly close between all citizens and all the peoples of the world. The *universal* common good needs to be intelligently pursued and more effectively achieved." We have seen how one nation's economic policies, the value of its money, affects the life of people in other countries. Local wars also today can draw other nations into them, like swirling pools of hatred that grow ever wider.

LOVE FOR ALL MEN

We Christians have our own call, which at times may well be different from our national self-interest. True patriotism demands that we love our country in the context of our love for all mankind. We want the best for our country, and the best must always be to contribute to the good of the entire human race.

"Profound and rapid changes make it particularly urgent that no one, ignoring the trend of events or drugged by laziness, content himself with a merely individualistic morality," warned Vatican II. "Let everyone consider it his sacred obligation to count social necessities among the primary duties of modern man, and to pay heed to them." As the meaning of these words sinks into us, we must take a second look, a hard look, at the priorities in our own personal lives, and those of our nation. Concern for our neighbor, at home and around the world, has to take precedence over military equipment and personal luxuries. We must reduce the amount of money, now well over half the national budget, that our government spends on "defense." Underlying our approach to this problem must be our conviction that true peace is not preserved by weapons of enormous destruction, but by fostering an attitude of trust among nations. "True and solid peace of nations consists not in equality of arms," wrote Pope John XXIII in *Pacem in Terris*, "but in mutual trust alone. We believe that this can be brought to pass." This change of attitude is vital. We must begin to realize that the only really effective human power comes from love, not out of the barrel of a gun.

The possibility that the Christian approach might actually work has been brought home to us by the effectiveness of nonviolent action in the 20th century, such as Mahatma Gandhi's liberation of India and Martin Luther King's courageous struggle for equal rights for black people here in America. These examples of progress through peaceful action have been complemented by the dismay we have felt at the atrocities of Vietnam. These have been brought into our living rooms each evening on television, and into our hearts by our young men returning from Vietnam. They have shown us how dehumanizing war actually is. I believe the Holy Spirit is speaking to us in all these situations, showing us how to respond in a new way to Christ's message of peace.

VIETNAM

In particular we must stop the war in Vietnam. Looking back, we can see that Vietnam was more than a mistake. It was a tragedy. We fell into a sinful situation which swallowed us up. The present American military action in Vietnam is not justified, whether we judge it by the standards of the Just War Theory, or by the need to bring peace and justice to all men. The only morally acceptable act on our part is to withdraw all our armed forces, and begin to repair the damage we have done to that country.

We must not be lulled into a false sense of comfort by the present program called "Vietnamization" of the war. Instead of stopping the killing this program is transfering the instruments of slaughter into the hands of the South Vietnamese military and other Indochinese mercenaries. It is a program not for ending the war, but for continuing it with undiminished intensity. Nor must we be misled by assurances that the war is "winding down." All that is happening is that fewer

American soldiers are being killed. Vietnamese deaths are continuing as before, caused by more intensive bombings by our warplans, caused also by increasingly sophisticated electronic devices making possible even more devastating bombings and shellings. I repeat. The only morally acceptable course for the United States is to withdraw *all* our armed forces, stop providing the means of war for the Saigon government, and begin repairing the damage for which we have been responsible in that country.

THE TASK OF PEACE

Turning away from Vietnam, we see people suffering in many other places in the world. Some are forced to remain poor and are deprived of the means of bettering themselves by an unfair economic system which governs their lives. The conditions under which they live are a breeding ground for violence, for more Vietnams at home and abroad. We are reminded of the words of Pope Paul in *Populorum Progressio*, echoed again in his recent Apostolic Letter to Cardinal Roy, "Peace cannot be limited to a mere absence of war. No, peace is something that is built up day after day, in pursuit of an order intended by God, which implies a more perfect form of justice among men."

Our task, then, is wider than just stopping the war in Indochina, urgent as that may be. We are faced with the need to work for justice among peoples everywhere—in Vietnam, Pakistan, the Middle East, Northern Ireland, Latin America, Africa, here at home, everywhere—in order that true peace may spread throughout the world. We must, as the prophet Amos urged long ago, "let justice flow like water, and integrity like an unfailing stream" (Am. 5:24). I intend to go into this in much more detail in a second Pastoral Letter I shall be writing very soon.

The peacemaking task facing us is monumental. It might even seem impossible, when we reflect on the tendencies toward violence and selfishness deep within each one of us. We have strong instincts to fight to defend our territory, our property, our lives. But we are comforted by Christ's assurance. " 'For men,' he said, 'it is impossible, but not for God: because everything is possible for God' " (Mark 10:27). The grace of redemption given by our Savior helps us overcome the evil tendencies within us, helps us to go beyond ourselves in trust, willing to seek out other means than violence to solve our problems. "By this love you have for one another," Jesus said, "everyone will know that you are my disciples". (John 13:35). We are confident that the Holy Spirit of God will help us deepen and extend our love for one another, and encourage us to work tirelessly for that day when "there will be no more training for war" (Is. 2:4).

PRACTICAL STEPS

I intend at this time to take certain concrete actions in Memphis to help us move toward peace. First, I pledge my support to any young man of draft age who refuses to serve in the military because he conscientiously objects to war and killing. As the bishops of the United States made clear in their Pastoral Letter of 1968, and again in their "Resolution on Southeast Asia" in Washington last month, it is quite consistent with Catholic tradition to oppose war, whether it is the Vietnam war right now, or all war, I shall provide help for any young man seeking to formulate his conscientious objection to killing another human being.

Secondly, I am starting a diocesan draft counseling service, to provide adequate knowledge of the rights each person holds under the Selective Service laws. I am particularly concerned that those who are poor, or undereducated, have available to them the same advice and legal resources that more affluent members of our society have. I appeal to Memphis adults to volunteer to help in staffing our draft counseling center. We need persons expert in the law, but we also need everyone who is willing to help in any way with this project. Please let me know personally or by letter of your interest.

I am particularly requesting our priests to make our pulpits beacons of truth pointing to peace. Sermons must be given, and people presented with concrete guidelines for their attitudes and actions for peace. I agree with those assertions in the recent Synod in Rome that our people need to be educated for peace.

I am establishing an information center on peace, where persons can find the most recent as well as the most helpful material available concerning peace. Literature glorifying the peaceful, rather than the military, aspects of our history should be made available.

I urge those responsible for education in our area to make our schools instruments for reconciliation and peace. I especially ask our institutions of higher learning to establish courses on peace, where our young men and women can explore these questions in depth and shape their attitudes during the years when they have enough time to do this. Our colleges and universities should become centers for peace-oriented citizens.

I call upon all of you to write to our elected leaders and encourage them to end the Vietnam war immediately. I hope you will join your efforts with those who are working to stop the war, remembering what Pope Paul has already urged about Vietnam: "We call to them in God's name to stop."

I beg you to be sensitive to those who in conscience feel that they must speak out or take part in public demonstrations against this war.

I suggest that families this Christmas buy toys of peace instead of toys of war for their children.

I strongly encourage all of you to attend Mass on January 1, the World Day of Peace, and to take seriously the challenge with which our Holy Father, Pope Paul, has confronted us in calling for this Day: "If you want peace, work for justice."

OUR HOPE

The road ahead of us is long and difficult. Many of our friends and neighbors may not understand what we are doing. Some will oppose us, perhaps bitterly. In the struggle for peace the shadow of the cross falls across our own lives. We take up the burdens of peace-making, remembering that Jesus said, "Come to me, all you who labor and are overburdened, and I will give you rest. Shoulder my yoke and learn from me, for I am gentle and humble of heart, and you will find rest for your souls. Yes, my yoke is easy and my burden light" (Matt. 11:28–30).

So we are confident that the road we are taking leads to that peace on earth about which the angels sang. And we are confident because of the legacy left us by the Savior who was born to us. "Peace I bequeath to you; my own peace I give you, a peace the world cannot give, this is my gift to you. Do not let your hearts be troubled or afraid" (John 14:27).

Our goal is as broad as the human race, peace on earth. The means at our disposal are close at hand, our own change of attitudes and our own personal action. "For this Law that I enjoin on you today is not beyond your strength or beyond your reach. It is not in heaven . . . Nor is it beyond the seas . . . No, the Word is very near to you, it is in your mouth and in your heart for your observance" (Deut. 30:11–14).

This Christmas let us pray with Saint Francis: "Lord, make me an instrument of your peace."

May the New Year be for all of us a new dawning of the Peace of Christ.

NURSING SERVICE IN KENTUCKY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CARTER. Mr. Speaker, an interesting article describing the effective work of the Frontier Nursing Service in eastern Kentucky appeared in the Washington Post on December 28, 1971. The wonderful people who work for this rural health organization are an inspiration to all of us. The story is included for your perusal.

HIGHLY PRAISED NURSING SERVICE CUTS RURAL KENTUCKY BIRTH RATE

(By Kenneth Reich)

WENDOVER, KY.—In the first half of the 1960s, 1,944 babies were born in Leslie County in mountainous Eastern Kentucky. In the second half of the decade, the number of births declined to 1,278.

The birth rate in the county slipped from 37.9 in 1962 to 23.4 in 1969. For the first time in memory here, school enrollment is actually going down year by year.

"It's the Frontier Nursing Service," explained Hayes Lewis, the superintendent of the county's public schools. "They've introduced birth control services. Families that were having 12 children now are having only one or two."

Birth control campaigns are having considerable effect throughout the Appalachian region, but here in Leslie County it is a new orientation of the Frontier Nursing Service—one of the nation's most successful rural health organization—that accounts for the change.

"If families are smaller," explained its director, Helene Browne, "the economy in this area will rise. The education will be better."

Miss Browne said the service is offering a full range of intra-uterine contraceptive devices (IUDs) and finds that men are becoming interested in having vasectomies, a simple sterilization procedure.

The nursing service, which has had its rustic headquarters on a wooded hill in this hamlet for more than four decades, provides health services over an area of 1,000 square miles populated by about 18,000 mountaineers.

The service was founded in 1925 by Mary Breckinridge, a native of the region who decided, upon the death of her own two children, to devote the rest of her life to the medical and nursing care of children in remote areas. She served as director of the service until her death in 1963 at age 84.

"In 1925, the territory in the Kentucky mountains was a vast forested area inhabited by some 10,000 people," Mrs. Breckinridge once wrote. "There was no motor road within 60 miles in any direction. Horseback and mule team were the only modes of travel. Supplies came from distant railroad points and took from two to five days to haul in . . . There was not in this whole area a single state-licensed physician—not one."

Within a few years, the Frontier Nursing Service grew to encompass a health program for the entire population of an area that even today remains relatively isolated, although it is now crisscrossed by narrow, tortuous roads.

Through 1968, service personnel delivered 15,940 babies, 9,079 of them in private homes. During this period, the service recorded only 11 maternal deaths, 2 less than a third of the national rate for white women.

The service, which has a 1971 budget of $1,025,343, is engaged in activities that range from operating a 16-bed hospital in nearby Hyden to running the Frontier Graduate

School of Midwifery. Ten nurses staff five scattered outposts, and others are at the headquarters in Wendover, where a new hospital is planned.

Many residents of the county talk of the nursing services in tones of veneration. Miss Browne says happily, "We've become so well accepted by the community. They trust us."

In this nominally Protestant area, there has been little resistance to birth control campaigns, and the recent trends are warmly welcomed by public officials.

In addition to disseminating intra-uterine devices, the service makes birth control pills available to those who ask for them and is carrying on an experiment with more than 60 women for Dr. John Rock, a birth control specialist.

"The decline in the birth rate is one of the most significant recent developments in the mountains," Miss Browne said in an interview. "It holds out as good a promise as any for reducing poverty."

U.S.S.R. HAS PROBLEMS, TOO

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DERWINSKI. Mr. Speaker, one area of the cold war where the Soviet Union has excelled is in the field of propaganda. The mouthpieces for the dictators of the Kremlin glorify their alleged utopia, and would have the naive reader and listener of their propaganda believe that the U.S.S.R. has solved all of its social, political, and economic problems.

Therefore, it was with special interest that I noted the column in the Aurora, Ill., Beacon-News of December 27 by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, which quite effectively speaks for itself.

RUSSIANS GO ON A GIANT BINGE

(By Dumitru Danielopol)

WASHINGTON.—Brezhnev calls it the "Antipode of Communism."

Lenin considered it a "Bourgeois scourge, inconceivable in a Communist society."

We call it alcoholism.

It has reached such proportions in the U.S.S.R. that the top echelons in the Kremlin are concerned.

For years, after the October revolution of 1917, the Soviets refused to recognize alcoholism. But ignoring it did not eliminate it. They were finally obliged to acknowledge its presence in major proportions. In 1926 the Kremlin ordered lectures in schools on the pernicious effects of alcohol. In 1930 a council of antialcohol societies was established. A publication called "Society and Culture" was instituted.

But in the drab world of communism, alcoholism increased by leaps and bounds. It is now recognized in the Soviet press as "a social calamity."

Boris Levin, a candidate in economic science published some grim facts recently:

Since 1940, the population of the U.S.S.R. has increased by 20 per cent and the sale of alcoholic beverages by 250 per cent.

Drunkenness is called the major cause of production breakdowns, industrial injuries, crime, hooliganism, traffic accidents, family trouble, etc., etc.

". . . 100 per cent of premeditated murders on the books in the last year were committed in a state of intoxication," Levin reports; "72.6 per cent of severe body injuries and 53 per cent of robberies were due to the same cause."

Russia is now riddled with so-called sobering up stations full to capacity.

There is hardly a sector of society which is not affected, according to Levin.

Foreign visitors are shocked at spectacles of public drunkenness in Moscow—even at the doorsteps of some of the leading tourist hotels.

Levin says 60 per cent of the drunks come from uneducated, low income, semiskilled and unskilled workers.

Sociologists blame the scourge on the boredom complicit in any Communist society, the absence of intellectual stimulation.

The bulletin of the Institute for the Study of the U.S.S.R., in Munich, says Soviet living conditions resemble very much those described by Frederick Engels in 1844 in his "Conditions of the Working Class in England."

"The worker comes home from work tired and limp; he finds a flat devoid of all comfort, damp, unfriendly and dirty, he badly needs to be cheered up . . . his need for company can only be satisfied in the public house . . . drunkenness has ceased to be a vice. . . . it is becoming a phenomenon of the necessary unavoidable consequence of certain conditions. . . ."

Publicity for government manufactured vodka, complains Chemonin, is better organized than propaganda against it. "Everything works for it—display windows, publicity firms, etc."

Why doesn't the Kremlin take drastic measures to kill the scourge?

It can't afford to. The Soviet government needs the substantial income it derives from the sale of alcoholic beverages in order to help finance its vast military machine, political apparatus, space programs, foreign ambitions, etc.

NEWSLETTER AND QUESTIONNAIRE TO MY CONSTITUENTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCOTT. Mr. Speaker, this month we are sending to all constituents our 6th annual questionnaire and our regular monthly newsletter. These are inserted in the RECORD for the information of the membership.

YOUR CONGRESSMAN—BILL SCOTT REPORTS

(January 1972, Volume VI, No. 1)

The Congress is now in recess but will reconvene on January 18. The first week's agenda includes a measure to give representation in the Congress to the Territories of Guam and the Virgin Islands; a conference report on political spending measures; and a conference report on this year's foreign assistance authorization. The President is scheduled to deliver the State of the Union Address to a Joint Session of Congress on Thursday, January 20, and thereafter House Members will pose for an official picture.

VOTING AND ATTENDANCE RECORD

During 1971 the House of Representatives had a total of 319 recorded votes and 151 quorum calls. The Clerk of the House has advised me that I voted or answered to my name 448 times, or 95.3 percent of the time.

YOUR OPINION, PLEASE

In order to better represent you I have taken an opinion poll of constituents each year since coming to Congress, and our sixth annual questionnaire is enclosed. Information is available to members from many sources; however, knowing your opinion complements other available data and gives me insight into your philospohy of the proper function of government. The results will be tabulated, reported in a subsequent newsletter, and inserted in the Congressional Record for the benefit of colleagues.

VETERANS LEGISLATION

Two veterans measures I co-sponsored have been signed into law and benefits became effective January 1, 1972.

The first, Public Law 92–197, provides a cost-of-living increase in monthly payments to survivors of veterans who died as a result of service-incurred disabilities. Approximately 176,000 widows; 46,000 orphaned children and 68,500 dependent parents will benefit from the new law.

The second bill, Public Law 92–198, authorizes a cost-of-living increase in monthly pension payments to approximately 1.6 million veterans and widows. All pensioners are protected against any reduction in monthly payments that would otherwise result from the 1971 increase in Social Security benefits received in their own behalf. Maximum annual income limitations are increased by $300, and a new formula for the payment of pension which will be more responsive to the needs of veterans and widows is established.

FERRY FARM

The Director of the National Park Service, the Chief Historian, and a representative of the Southeast Region of the Park Service met in our Fredericksburg Congressional office on December 17 with the Mayor, representatives of the Chamber of Commerce, and other area leaders to discuss the feasibility of the government acquiring and preserving George Washington's boyhood home. We later visited the property and had lunch together at the George Washington Inn. The Park Director appeared very much interested in preserving this property and indicated that he would have the historian and an archeologist examine it and give every consideration to recommending its acquisition to the Congress. Of course, after introducing a bill for the acquisition of the property I talked with the Chairman, the senior Republican, and a number of other House Committee members urging that a hearing be had and that this property be restored as part of our Bicentennial for 1976. As you can understand, there are many requests for the acquisition and restoration of historic sites and the Committee on Interior and Insular Affairs must choose from among them. However, Washington was our first President and the prospect for favorable action is good.

SUMMER JOB OPPORTUNITIES

The Civil Service Commission recently announced its 1972 summer job program for federal agencies. Applications for the written test must be received by the Commission not later than February 2, 1972. Booklets explaining the program and including a copy of the application form are available at Civil Service examining offices, often located in Post Office buildings, or from the Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415. In the event you are interested, let me urge that you submit your application as early as possible to prevent missing the deadline. Our office does have a limited supply of the bulletin explaining job opportunities and the application, which can be forwarded to you in the event it is not convenient to obtain one directly from the Commission.

EMERGENCY LOANS TO FARMERS

The Farmers Home Administration recently advised us of the availability, through June 1972, of emergency loans to farmers who suffered damage to their dwellings, farm buildings or crops as a result of hurricane

Ginger. The Virginia counties and cities which have been designated for this assistance are Charles City, Chesapeake, Virginia Beach, Essex, Gloucester, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Richmond, Westmoreland and York. Information regarding these loans may be obtained from the Warsaw, Tappahannock or Williamsburg local offices of the Farmers Home Administration or from the headquarters in Richmond.

DISTRICT OFFICE—JANUARY 14

We have maintained a Congressional office in the Post Office at Fredericksburg for the past 5 years, and while it is staffed on a full-time basis, of necessity, most of my time is spent in the Washington office. However, if you have a matter which you would like to discuss, I will be in the Fredericksburg office all day on January 14. You may want to call 373-0536 to arrange an appointment but this is not essential.

MAILING LIST

This month's newsletter and questionnaire is being sent to all postal patrons in our district. In the event you are not currently on our mailing list and would like to receive the newsletter on a regular basis, please furnish your name and address. Also, please let us know of any necessary correction of our mailing list.

SERVICE ACADEMY NOMINEES

This year we were able to make more nominations than usual for appointment to the service academies. Peyton Nelson Brittle II, a student at Fauquier County High School, Warrenton, and Floyd Coleman Searl, Jr., a Fort Hunt High School student in the Mount Vernon area, were named as principal nominees to the Naval Academy at Annapolis. The principal nominations for the Air Force Academy, at Colorado Springs, were William Robert Craig, a student at Robert E. Lee High School, and Joseph Lawrence Byerly of George C. Marshall High School, both located in Lee District of Fairfax County. Theodore Norris Goble III, also a student at Marshall High School, was named principal nominee to the Military Academy at West Point.

All nominations were based upon merit examinations and these young men deserve credit for their efforts and scholastic abilities by attaining top ratings from among 218 who took the examinations. We are also fortunate in being able to name 9 alternates for each principal nominee. These alternates are sometimes named directly by the academies as principals or may be substituted for a principal when a principal nominee fails in some manner to qualify. Certainly I want to add my congratulations to these young men on their achievement.

INTERNATIONAL FISHERIES CONSERVATION

During the Christmas holiday, the President signed into law a bill cosponsored by a number of us to endorse international fisheries conservation programs. This measure, introduced in the House and adopted by the Senate, authorizes the U.S. to join other coastal nations in protecting endangered species of sealife, such as the Atlantic salmon, that spend all or part of their lives in our freshwater streams or in the shallow water just offshore.

MASS DEMONSTRATIONS

You may recall the damage done to government property a few years ago when Resurrection City was constructed in Washington near the Lincoln Memorial and the 1971 May Day demonstrations which resulted in damages of several million dollars. Recent activities near the Memorial and the White House indicate that this type of activity has not ceased to be a problem. Therefore, you may be interested in a measure I recently introduced relating to the conduct of public demonstrations within the District of Columbia. This bill would require applicants for parade or demonstration permits to post a bond or other form of security to indemnify the government from possible damage. It provides for pre-identification of persons intended to participate in the parade or demonstration so that the holder of the permit will not be unfairly charged for activities of any unauthorized demonstrator and to also facilitate any necessary police action against unlawful activities by a demonstrator. The measure further provides that anyone who makes use of public property within the District of Columbia for which a bond is required without first having obtained such a bond shall be guilty of a misdemeanor. Of course, the measure does not forbid parades or demonstrations, but does prevent the issuance of a permit or authorization by government officials if such officials have reason to believe that damage may occur or public funds may be required to restore property to its condition prior to the issuance of a permit. It seems reasonable that those who occupy government property overnight or who participate in demonstrations or parades which result in damages to government property should bear the cost of any damage.

SOMETHING TO PONDER

"I don't believe in luck, but if you put a 'P' in front of it, that's different." J. C. Penney

SIXTH ANNUAL QUESTIONNAIRE—WHAT IS YOUR OPINION?

1. Do you believe that present wage and price controls are: a. Helping to win the fight against inflation? b. Failing to have any real effect on prices and wages? c. Not in keeping with the American free enterprise system and should be abandoned?

2. Do you favor increasing the federal minimum wage above the present $1.60?

3. Our policy in Vietnam should be to: a. Continue present withdrawal plans; b. Immediately withdraw all troops; c. Retain a limited number of non-combatant troops as advisers to South Vietnam; and d. Increase U.S. involvement for military victory.

4. Do you favor prompt reduction of U.S. troop strength in Europe?

5. Do you favor busing of school children to obtain racial balance: a. Between cities and suburban areas? b. Solely within a city or county? c. Under any circumstances?

6. Do you believe this country should expand its trade with communist nations in non-strategic materials?

7. With regard to our foreign policy in the Middle East, do you favor: a. Increasing military aid to Israel? b. Adopting a neutral position? c. Providing military aid to the Arab nations? d. A policy to maintain a balance of power?

8. Do you favor the federal government guaranteeing a minimum family income?

9. Do you believe the federal government should protect the consumer by more stringent control in the advertising and selling of manufactured products?

10. Do you favor compulsory racial quotas in employment by private industry?

11. In the field of pollution, do you feel the federal government should: a. Encourage private industry to reduce pollution by tax credits? b. Finance a crash federal program from tax funds to minimize pollution of air and water? c. Enforce strict standards and controls on all forms of pollution? and, d. Enact no further laws on pollution control?

12. The government's fiscal policy should consist of: a. A reduction of federal expenditures; b. A continuation of present spending regardless of deficit; and c. An increase of taxes to balance budget.

13. How do you rate Mr. Nixon's service as President? Excellent; Good; Fair; Poor.

14. Rate in order of importance the 3 most important problems confronting the country: State of economy; Vietnam conflict; Welfare reform; Drug addiction; Labor relations; Crime control; and Others.

Your County or City.

THE WORLD'S GREATEST FOOTBALL TEAM, THE DALLAS COWBOYS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. COLLINS of Texas. Mr. Speaker, most of you football authorities in Congress last Sunday saw the Dallas Cowboys win the Super Bowl as the football champions of the world. It was a great victory for a team that fought hard all the way. The Cowboys came so close back in 1966 and 1967 when they took a frost-bitten defeat from the hands of the mighty Green Bay Packers. And then last year they lost to the Baltimore Colts in Miami in the fading few seconds. These were heartbreaking losses, but the Cowboys came back in this Super Bowl of January 16 in New Orleans to show that they are all heart with a winning team effort.

When the Cowboys started down the stretch, they were riding for victory all the way. It was 10 straight wins, including the hardfought victory over Minnesota, the exciting win over San Francisco, and the final Super Bowl victory where the Cowboys were the champions all the way.

Where do you begin in saluting a team of men who are the world champions. The logical place to start is with Tom Landry who has coached the Cowboys from the first pass, run, and kick on the field back in 1960. In football circles, it is generally agreed that Landry has the best mind in professional football—that is today and probably from all of the days gone by. Landry has always been recognized as the greatest brain in defense, but the Cowboys' multiple offenses which clicked so successfully proved his strategy as an offensive wizard. His defenses have been recognized as the professional league ultimate in intellectual complexity. And as you watched the Cowboy winners, you thrilled to their genius of detailed responsiveness. The offense that Landry set for the Cowboys was explosive and imaginative.

And as you witnessed this great Cowboy team you may have viewed the greatest professional football team in the history of the game. And we should think of the Cowboys as an entire team because it was a team effort for victory.

In the newspaper, I read that President Nixon in commending Landry on the victory spoke highly of the offensive line. Many times an offensive line is overlooked, but with the Cowboys opening up those holes, their efforts merited this outstanding recognition.

Leading the attack was Roger Staubach, who was chosen as the most valuable player on the field. And setting the pace for defense was Captain Bob Lilly, who always gives 110 percent for every

game. Last year the outstanding player in the Super Bowl was Chuck Howley, and Howley looked just as great with the big plays in this game.

The offensive was slow in beginning to roll but its momentum grew stronger all the time. Duane Thomas, who prefers to have you judge his ability by results, spoke with great emphasis on the field, with the most yardage.

When you saw Calvin Hill run, you wondered about his mileage without a slow leg, as he looked like a race horse. The greatest comment of the day came from Hill, who with his deep religious humility remarked that during the warm-ups he saw a skywriting plane over the stadium write a big "D" in the sky, and he said to himself, "God is on our side." Then there was Garrison running like a wild bull. I remember one play where he must have carried seven different men with him for an additional 5 yards.

The rushing set a new record in the Super Bowl, with 252 giant yards. Every Cowboy that got his hands on the ball was running. Ditka carried only once for 17 yards. There was the fast end around play where Hayes carried to net 16. Reeves only carried once with a 7-yard gainer. So every man that had it was running and running hard.

When Staubach was passing he was hitting everybody in every direction. Thomas got three, there were two for Hayes, Garrison, Alworth, Ditka, and one for Hill. For the best catches of the day we should give a special salute to Lance Alworth, who got a key catch on a 3d down, and another time made that super catch for the first touchdown.

There are many unsung heroes that add so much to the victory. Craig Morton was standing by with his strong right arm. To catch that ball on kickoff were Claxton Welch and Gloster Richardson. On tight ends there were Billy Truax and Mike Ditka; leading the way on the offense for tackles were Tony Liscio, Rayfield Wright with Forrest Gregg always available. The two guards that set the pace were Blaine Nye and John Niland, with Rodney Wallace backing them up. The center was Dave Manders, with John Fitzgerald and Mike Clark.

Through the entire season the essential strength of the Cowboys has been their defense. When the Miami Dolphins ended up the afternoon they had only 3 points on the board. Let us look at the men that made this possible. For ends you have Larry Cole, George Andrie, Pat Toomay, and Tody Smith. The tackles are led by Bob Lilly, Jethro Pugh, and Bill Gregory. You also have the linebackers, D. D. Lewis, Dave Edwards, Chuck Howley, Lee Roy Jordan, and Lee Roy Caffey. The greatest tribute to Mel Renfro was when he was given the man-for-man assignment against Paul Warfield and held on to him all afternoon. But you had experienced Herb Adderley and Ike Thomas back there. You had the most capable Cornell Green, along with Charlie Waters, Cliff Harris. So everywhere you looked in that defensive backfield the pastures were sure to be covered. There was consistent Ron Widby doing the punting.

In Dallas we are all mighty proud of the Murchisons and what they have meant to building our community. Clint brought the Cowboys to Dallas and we have seen them grow stronger year by year. We all know the great coach, Tom Landry. In the Cowboys' climb to the top let us also salute these key staff members: Ermal Allen, special assistant to Landry; Dan Reeves, player coach; Ray Renfro, pass offensive coach; Bobby Franklin, defensive backfield coach; Jim Myers, offensive line coach; Jerry Tubbs, linebacker coach; and Ernie Stautner, defense coach.

The Cowboys have a well coordinated front office. The officers are Tex Schramm, president and general manager; Clint W. Murchison, Jr., chairman of the board; Al Ward, vice president for administration; Gil Brandt, vice president for personal development; Curt Mosher, public relations director; Doug Todd, assistant public relations director; Joe Bailey, business manager; and Kay Lang, ticket manager.

This was a great win for Texas, for Dallas and for the Nation. The Cowboys came back and were champions all the way.

MINNESOTAN DESCRIBES PRESENT-DAY TRAVEL IN POLAND

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. KARTH. Mr. Speaker, occasionally we are told of the glories of traveling abroad, but often reality proves to be far different from the glories promised. That is why I draw your attention today to a letter to the editor of the Polish American Journal written by a distinguished resident of my Congressional district. The author of this letter is a Pole and proud of it—additionally he is a former member of the Minnesota House of Representatives. I believe this letter by Mr. D. D. Wozniak may remove some myths about present-day travel in the country of Poland, and that his views and his report deserve wide circulation.

WOZNIAK AND FINLEY,
Saint Paul, Minn., November 18, 1971.

EDITOR,
Polish American Journal,
Scranton, Pennsylvania.

DEAR SIR: After reading Mr. Strydl's glorious description of travel to Poland, I feel compelled to answer.

I am a Pole and proud of my heritage. I am an attorney and have served in elected and appointive portions almost all of my adult life. I had visited Poland previously as a VIP. This is much different from traveling as an ordinary tourist, as I recently discovered. Underneath the glowing colors in which Mr. Strydl paints "travel" in Poland are some drab realities about which our people should know.

In August of this year, I changed my itinerary to revisit Poland as an ordinary tourist. My last visit to Poland was seven years ago.

Housing accommodations have not changed—they are still bad. I rented an automobile. The fees were exhorbitant. Orbis (travel agency) employees in Warsaw were rude and impolite (as was also the case in the Post Office). There were other instances of just generally poor and impolite service, both in and out of the hotel. By contrast, the friendliest and most helpful women we met were the employees at the Cepelia store in the Old City and the people in the rural areas, who were wonderful. Language was a severe barrier no matter where you visited unless you spoke Polish, which I don't.

However, I can easily understand and do sympathize with all employees in Poland, considering the poor living conditions under a Communist government. My complaint is not with the Polish people, who were generally warm, responsive and receptive. It is with the Polish Government.

The Polish Government wants American dollars for its own industrial expansion. They have been accorded "most favored nation" treatment in both exports and imports by the U.S. They have been huge beneficiaries of the PL 480 Program; they are recipients of much help from various Polish groups in the United States; also, through Pekao, Social Security and many other special programs, American dollars aid the economy greatly. Recently we have approved special oil cracking equipment for their use.

Yet, the Polish Government, by their rate of exchange of American dollars, extorts money from American tourists in an unconscionable manner. If the Polish zloty were to be fairly evaluated with our dollar, it would amount to about 90 zlotys per dollar; however, the Polish Government, who wants our American dollars and business, requires certain amounts to be spent each day in Poland, and then sets an arbitrary rate of less than 24 zlotys per dollar. The so-called "tourist rate" is established at 40 zlotys per dollar, still less than half of what it is worth. If one gives a Polish citizen American dollars, he can receive over 70 zlotys in the Pekao store. If one wanted to take a chance (which I did not) and exchange dollars on the Black Market, one can receive 100 zlotys.

To add insult to injury, the Polish Government exhorts us to buy Polish hams and other Polish products; but if one purchases certain items in Poland, or purchases over certain amounts, the Polish Government will charge an export tax!

The most recent insult was my bill from American Express—payment of my hotel bill. I was assured of a tourist rate. Would you believe that I received less than 24 zlotys per dollar!

It is my firm belief that such unjust, unconscionable and discriminatory treatment of American tourists should not be allowed to continue. I fully realize that we can do nothing about this, except to refuse to visit, and refuse to buy Polish goods, until this discrimination ends.

Obviously, those who have relatives in Poland are in a different position, and this cannot be measured in terms of money; however, to others without relatives, thinking about placing Poland on their itinerary, I would suggest that they postpone their visit until the Polish Government takes steps to rectify this discrimination against American tourists.

Yours very truly,

D. D. WOZNIAK.

SMITH LAUDS BUFFALO COURIER-EXPRESS EDITORIAL ADVOCATING REDUCED GOVERNMENT SPENDING

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SMITH of New York. Mr. Speaker, as a recipient of the "Watchdog of the

Treasury Award," I wish to take this opportunity to confer my own special congratulations to the Buffalo, N.Y., Courier-Express. Its editorial on Thursday, December 16, 1971, about reducing Government spending brings a reminder of responsibilities too often ignored in the Congress.

With the continued proliferation and expansion of Federal programs, we have abandoned a balance of spending and income. We in the Congress must make every determined effort to keep the cost of Government within the bounds of revenue.

As an example of the almost insurmountable cost to the taxpayers of this Nation, let me cite two examples. In my own home State of New York, citizens are faced with the unnerving prospect of a $1.5 billion deficit over the next 16 months. At the same time, our projected Federal deficit for fiscal year 1972 is in the range of $35 billion.

Let us all, at the Federal, State, and local level, heed the call made by the Courier-Express. The editorial follows:

GOVERNMENTS MUST REDUCE SPENDING

Our chiefs of government cannot seem to get it through their heads that they simply cannot go on spending more and more money, borrowing against the future and selling out the present. The federal government long ago abandoned any real semblance of keeping spending balanced with income. The state hasn't done it for years. The county barely balanced its budget this year with a sales-tax boost. And now Mayor Sedita has announced that the City of Buffalo will borrow $5.43-million to meet current operation and maintenance costs.

These things do not take into account the capital budgets—the office buildings, schools, hospitals, etc., which are somewhat akin to the individual's purchase of a home on a long-term mortgage. No, this is a question of borrowing to meet current expenses, like getting a finance-company loan to pay for this week's groceries.

Individuals, when they get into that kind of financial bind, tighten their belts, do with less and do their utmost to get back on an even keel. Business and industry retrench, cut back expenditures, eliminate unprofitable enterprises. They have to or they will go under. But governments just go on expanding. They seem to figure that nobody is going to repossess the city, or the county or the state, so they go on—working every financial gimmick possible, borrowing to the limit with no idea of how they are going to pay, digging themselves deeper and deeper into the fiscal hole.

We aren't saying that it wouldn't be nice to provide all the services people want. We aren't saying that it wouldn't be nice to give the teachers or other public employees more money. It's tough to get along on what many of them are getting. We aren't saying either that it wouldn't be nice to eat butter instead of margarine, have meat at least once every day, go to a movie once in a while. It would be wonderful. But the money simply isn't there. And until it comes, we'll have to do without the things that are merely nice and spend only for what is essential.

That applies to the people; certainly it applies to the people's public officials. Cut back, gentlemen, cut back! We're being bled white just paying the taxes we have to pay today. If that's not enough to meet the current costs of government today, just where do you think you're going to get the money you're going to need tomorrow?

A BRILLIANT SOURCE DOCUMENT FOR THE DEBATE OVER THE PROPOSED SELECT COMMITTEE ON PRIVACY, HUMAN VALUES AND DEMOCRATIC INSTITUTIONS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GALLAGHER. Mr. Speaker, quite soon the House of Representatives will vote on House Resolution 164 to create a Select Committee on Privacy, Human Values and Democratic Institutions. This proposal, sponsored by our distinguished Republican colleague, FRANK HORTON and myself, will establish a study group which will consider the highly publicized developments of the new "technology of behavior." One of the finest documents to come to my attention is by Dr. Nicholas N. Kittrie, Director of American University's Institute for Studies in Justice and Social Behavior. Dr. Kittrie's paper is based on recent comments he has made at prestigious conferences and is a brilliant description of the currently operative techniques of behavior modification and discusses very clearly their ultimate social potential.

The point to be made is that these new developments can be used for good—as in the possibility for modifying the distress of our prisons and asylums—or for evil by monitoring and dictating the behavior of all our citizens. The choice clearly is ours, and it is my conviction that the proposed Select Committee could help society find a proper balance.

While the major thrust of the Select Committee is envisioned to be the computer and the massive computerized information systems in Federal or private hands, it should also be very concerned about the techniques of behavior control which depend on the same kind of electronic wizardry that created the information revolution.

I am convinced that the Congress must acquaint itself with this whole new era of devices, drugs, and attitudes finding support in a philosophy which asserts that social engineering is more important than individual freedom and which places awesome power in the hands of those who control "the technology of behavior."

Mr. Speaker, I insert Dr. Kittrie's paper at this point in the RECORD:

PRISONS OR BEHAVIOR CONTROL?—LEGAL AND SOCIO-POLITICAL CONSIDERATIONS

(By Dr. Nicholas N. Kittrie)

Our prisons are undergoing convulsive reassessment. And even such "strict constructionists" as Attorney General John Mitchell and Chief Justice Warren Burger call for the overhaul of the existing system. Concurrently, an intensive search for new tools of social control is underway.

What was science fiction only yesterday, might be reality now. Testifying before a Congressional committee, Professor D. N. Michael described new potentials for electronic and computer control of deviants. He painted a picture of prison gates being opened to release hosts of inmates into the community. These "parolees will check in and be monitored by transmitters embedded in their flesh, reporting their whereabouts in code and automatically as they pass receiving stations (perhaps like fireboxes) systematically deployed over the country as part of one computer-monitored network." Looking into the future, he could foresee the day where emotionally ill people would be allowed the freedom of the streets, providing they are effectively "defused" through chemical agents implanted in their bodies. "The task, then, for the computer-linked sensors would be to telemeter, not their emotional state, but simply the sufficiency of concentration of the chemical agent to insure an acceptable emotional state."

Recently, Harvard researcher Ralph K. Schwitzgebel proposed a similar electronic surveillance and rehabilitation program as a new alternative to the incarceration of chonic offenders. The system would permit not only the monitoring of the locations of recidivists but also the regulation of specific offending behaviors in the community. A parole officer could easily send a signal to the deviant asking him to call in. Signals could also be used to reward or warn a deviant regarding certain types of behavior. Thus, for example, if a parolee who had previously been very inconsistent in his work patterns was at work on time he might be sent a signal from the parole officer that meant, "You're doing well," or that he would receive a bonus. On the other hand, if it appeared that the parolee was in a high crime-rate area at two o'clock in the morning, he might be sent a signal reminding him to return home.

For nearly two hundred years, the most widely used tool of society in controlling those it feared most—the criminals and the insane—has been through commitment to "total institutions." These prisons and asylums (in which the inmates were to live, pray, work and learn) had been designed to furnish security for the public. Hopefully, they were also to afford an opportunity of reformation to the offender. And for a long time institutional confinement, introduced in this country for the first time by reform-minded Quakers in 1776 continued to be viewed as a great progressive advance.

This it no doubt was, when compared with its predecessors: public executions, maiming, and transportation to devil islands.

But the promise once thought to be contained in prisons is quickly fading. The benefits of solitude, religious reawakening, education, vocational training and psychological counseling (the practitioners of which have each taken turns in promising the ultimate cure) have not been able to ban recidivism. Inadequate facilities and staffs resulted in greater attention to institutional security than to rehabilitation. Isolation from the community, as well as the system's total unaccountability to those it was set up to reform, have been advanced as the major causes of failure. Most critical are the recent conclusions that even an unblemished institutional adjustment offers little preparation for coping in the everyday milieu to which the offender must return.

Given an increasing disaffection with institutional isolation, recent experiments have been towards community based corrections. We have seen greater reliance on probation—including new diversion projects where an offender may choose voluntary therapy over traditional sentencing. There has been growing utilization of halfway houses in which soon-to-be released inmates can gradually readjust to their return to a normal environment. But totally new methods for controlling deviant behavior, derived from recent scientific discoveries in neurosurgery, pharmacology and psychology, are increasingly

being pointed to as the wave of the future.

A Reuters dispatch from Shrewsbury, England, carried the proposal of a British psychiatrist that compulsive speeders be "cured" not by fines or jail but by electric shock treatment. According to Dr. John Barker of the Shelton Hospital, treatment would start with a film of a driver exceeding 70 miles per hour past speed limit signs. In the consulting room, the patient would receive shock up to 70 volts through a strap attached to his wrists. It simply boils down to associating excessive speed with discomfort and pain, Dr. Barker is reported to have said.

Yet another cure was prescribed for a 21-year old English ice cream salesman, Eric Edward Wills, charged with larceny and obtaining property under false pretenses. Sent to a Lancashire mental hospital for observation, Wills was diagnosed as a compulsive gambler, the medical report recommended brain surgery, in the hope that the leucotomy operation would cure him of his compulsion. The magistrate, heeding the medical report, ordered that he be hospitalized and operated upon.

Science will soon offer many additional alternatives to the old-fashioned and ineffective tools for reforming behavior. Some will attempt to redo the adult offender, others will seek to prevent his very creation. Hormone injections have been demonstrated to alter the intensity of sexual drives and modify the response to sexual stimuli. Drugs that act on the brain and central nervous system to modulate moods and alter states of consciousness are already in use in many mental institutions. Psychosurgical techniques have advanced in recent years beyond the early lobotomies. Brain stimulation by electronic impulses through implanted electrodes has proved capable of modifying human behavior.

In their formulation, these new therapeutic solutions for social control could have great public appeal. In the first place, they will affect only a selected, troublesome segment of the population. They can be related to the humanistic desire for therapy and improvement, and they offer social controls and improvements without dreary institutions and with ostensible freedom. No chains—only change.

Yet to many the prospect of the new technologies is a source of grave concerns. Responding to the magistrate's decision that the young gambling ice cream salesman required brain surgery, London's *Sunday Times* questioned: "Is the drastic measure of operating on a man's brain an appropriate remedy for what respected pundits have called a national psychosis?" Going a step further, one soon awakens to the realization that the remedy offered to Eric Edward Wills might be equally justified for all gambling Englishmen. And if gambling is a sufficiently serious national malady, in England or America, what other undesired behaviors would support similar reforming campaigns?

THE NEW REVOLUTION

It is not merely an overzealous magistrate and a few over-reaching scientists that we must prepare to meet. There is, in fact, a human modification revolution upon us, which in its magnitude is not unlike the industrial revolution of nearly two hundred years ago. But while the industrial revolution was directed toward the physical world and the production of its goods—and affected in the first place man's environment rather than man himself—the new revolution focuses upon man as the central actor in our universe and aims at his direct control and reform.

One out of every four Americans has been prescribed or has taken some mood or mind-changing drug within the past year, according to the National Institute of Health.

Hearings before the House Privacy Subcommittee, in September of 1970, disclosed that 3000,000 American children are being given stimulants or tranquilizing drugs in order to calm their hyperactive and often disruptive class behavior. And this is only the beginning, according to experts. Most of the subjects so far are elementary school children of average or above average intelligence, alleged to suffer from minimal brain dysfunction (MBD) which is said to hinder them from achieving their full educational potential. Some four to six million underprivileged school children, almost one third of the ghetto juvenile population, might be the next recipients of the new therapy. Such treatment is encouraged by the *Journal of Learning Disabilities'* conclusion that: "Disadvantaged children function similarly to advantaged children with learning disabilities."

A recent report in the National Education Association's journal, *Today's Education*, projected the future educational trend: "Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration, and memory."

Pharmaceutical manufacturers already market a drug, proved successful in laboratory experiments with rats, which is used as a memory-improving aid for humans. And what we develop some drugs to do, others are designed to undo. Working with goldfish, University of Michigan researchers have developed antibiotics that can effectively "erase" the memories of recently acquired experiences.

Testifying before a Senate subcommittee, the former Director of the National Institute of Mental Health predicted that the next five to ten years will see a hundred fold increase in the number and types of drugs capable of affecting the mind. Awareness of the initial successes of behavior modifying drugs in the educational arena is likely to have a spillover effect. A special panel of the prestigious American Association for the Advancement of Science meeting in December of 1971, carefully explored the utilization of new behavior control and modification techniques as alternatives to such traditional penal methods as prisons and probation.

The possible application of behavior modification techniques in the political arena is obvious and was recently advocated in Dr. Kenneth Clark's presidential address to the American Psychological Association. Dr. Clark called for new drugs that would routinely be given to political leaders the world over in order to subdue hostility and aggression. Reporting that we are on the threshold of electrical and chemical discoveries that could "stabilize and make dominant the moral and ethical propensities of man and subordinate, if not eliminate, his negative and primitive behavior tendencies," Dr. Clark predicted that new psycho-technological controls could be implemented within a few years, "and with a fraction of the cost required to produce the atom bomb."

But the newly developed tools of behavior control, which promise more effective procedures for the management of unruly and deviant people, also post difficult questions of public policy and ethics: Is the use of drugs for hyperactive school children justified if the function of the drugs is to make children more "teachable?" And what of drug use merely to permit calm to be restored for both tired parent and overburdened teacher? Should a mentally ill or mentally retarded patient be administered medications or be psychologically conditioned to allow understaffed hospitals better management over their wards? Should a chronic alcoholic be required to undergo brain manipulations to cure him of his disease? Should an adult homosexual be made to go through behavior modification? And what about all the other non-conformists, rebels, deviates, and never-do-wells?

Only a few nineteenth century romanticists were alarmed by the prospects of the Industrial Revolution when its first came on the scene. Many more people of diverse philosophical persuasions are now concerned with its manifestations as they have become apparent over the years: the unequal distribution of its benefits, and its effects on the family, on employment, on natural resources, on the environment, and on the quality of life generally.

Can we forecast and guard against the hazards of the new revolution? Five years ago, Dr. David Krech, a highly respected professor of psychology at the University of California, called attention to the urgency of the moral and social questions raised by the new scientific discoveries which permit the manipulation of man's mind and behavior. Of particular concern to Dr. Krech was the prospect of chemical brain control agents that can be used unobtrusively and without the cooperation or even knowledge of those affected. Most other forms of behavior control require that you first "catch the man" you seek to manipulate. But "chemicals placed in water supplies, in food, or in the air we breathe, can perform their work on a mass basis and without the victim's knowledge."

Lately the concern with behavior research and control has transcended the scientists' laboratories and has found a resounding echo in the political arena. Lashing out against the use of psychodrama and psychological drugs in the schools, Vice President Spiro Agnew recently condemned the new scientists and "futuristic planners" who no longer wish to rely on religion, moral philosophy, law, and education as tools for improving mankind, but instead want to tinker with man himself.

While the awareness of the new and drastic potentials for behavior control is growing, it is essential that the implicit questions posed by the new sciences be recognized and debated as valid public issues: who is to control science—and especially the human modification sciences—and how can we make certain that science is made to serve rather than abuse us?

One cannot allow these questions to become crank or partisan issues, to be taken up alternatively by radical elements on either the left or the right. For what is in issue is the nature of the society that we seek to create for ourselves and our children. And what we may be asked is to choose between a well-planned and controlled uni-culture, on the one hand, or the pursuit of a pluralistic society in which conflicting ideologies, religions, races, and life styles can be accommodated and tolerated, on the other.

MEANS TO WHAT ENDS?

Since writer-scientist Jean Rostand (the son of the author Cyrano de Bergerac) asked *Can Man Be Modified?* in his 1956 book, the state of the man-modifying sciences has undergone drastic growth. Chemical birth control agents have been developed to change the fertility cycle, and organ transplants are routinely changing the physical composition of humans. As present means for diagnosing and correcting abnormalities in a person's genetic code are becoming more sophisticated, geneticists propose to manipulate the human embryo or ovum in order to improve the offspring or at least preselect it to better fit social demands.

While chemists and pharmaceutical houses are concocting and promoting their medications—designed to mold behavior to predetermined standards—a host of other behavior modification experts labor feverishly in their laboratories. Several concentrate on electricity as an instrument for both the monitoring and modification of behavior. Electronic devices have been fashioned which not only permit the long distance monitoring of a person's location and movements, but also of such physiological activity as blood pressure and penile erection, as possible predic-

tors of forthcoming behavior. A bellboy paging system has been used experimentally to permit communication and crisis intervention with persons engaging or about to engage in undesirable behavior.

More potent means of intervention and control have been provided by electrophysiology. By implanting tiny electrodes in the brain of animals, experimenters can send electrical impulses in order to create specific behavioral responses—"now making them cringe, now sending them into furious attack, now making them drink, now making them sexually hyperactive." The mass media has widely reported the successful experiments of Dr. Jose Delgado of Yale's School of Medicine, who has managed through remote controls to stop and reverse his "brave bulls" in the middle of their bull ring charge. Current research, concludes Dr. Delgado, supports "the distasteful conclusion that motion, emotion behavior can be directed by electrical forces and that humans can be controlled like Robots by push buttons."

Other behavioral scientists find it unnecessary to rely upon surgical, chemical or electric agents, which must directly operate on the human physiology, to achieve behavior modification. The classical work of Ivan Pavlov in conditioning his dogs to salivate everytime the dinner bell was struck, whether food was served or not, has in recent years given way in the United States to sophisticated systems of conditioning, where a series of reinforcers (popularly called "rewards") are used to encourage the emission of "correct" behavior responses. "A reinforcer such as food, money, or time out from a task is known to be a reinforcer when it increases the rate, or changes the form of the behavior it follows." If the correct response is not emitted by the individual, no reinforcer is given. Generally, it is the goal of the process to so condition the individual that he continue to "voluntarily" cooperate in order to receive his reinforcement.

Describing the techniques of one of the better known of these systems (operant conditioning), Dr. Perry London concluded in his book *Behavior Control:* "Operating entirely with incentives given as the individual acts in ways which approach the controller's goals for him, virtually any skill of muscle or attitude of mind can be taught, if only it can be applied with sufficient ingenuity."

By far one of the most ingenious users of the psychological conditioning techniques is Harvard's Dr. B. F. Skinner. Through his fictional hero in *Walden Two* (1948), Skinner asserts what might be the motto of the behavior controller: "I've had only one idea in my life—a true idee fixe. To put it as bluntly as possible—the idea of having my own way. 'Control' expresses it. The control of human behavior. In my early experimental days . . . I remember the rage I used to feel when a prediction went awry. I could have shouted at the subjects of my experiments, 'Behave, Damn you! Behave as you ought!"

But what are to be the societal goals of the modification of human behavior? To the tired school administrator, modification may be desirable to achieve conformity with educational standards as they now exist; to the reformer modification may mean more stimulated students. To the overburdened mental hospital administrator it may mean patients who make no trouble, and possibly no demands; to the ambitious innovator it may stand for institutional overhaul. To some behavior modification means adjustment to things as they are; and to others it may mean compliance not with the world as it is but the world as they perceive it should be.

Some of the contradictions inherent in behavior control came to light in response to Dr. Clark's suggestion for a drug therapy program for political leaders. Critics warned that using chemical and behavioral controls to reduce abuses of power would reduce positive exercise of power as well, and could turn people into "jellyfish." Moreover, a system aiming to humanize and reduce the aggressiveness of political leaders would not work unless the total populace was treated likewise, or else the humanized leaders would be left to the mercy of the more aggressive and primitive members of their constituencies.

Like all scientific knowledge, the tools of behavior modification can serve many and opposing masters. They can maintain the status quo or can work against it. They can serve the dreamers of eternal justice and peace, or just as easily and effectively strengthen the reactionary forces of bigotry and hatred. They can eliminate both majorities and minorities and even dictate the final parameters of good and evil. Will it then become only a question of who dares and who can afford to pick up these tools and use them?

AND WHERE DOES MAN FIT IN?

The new sciences of behavior modification have developed and relied upon a concept of man which is at clear variance with past religions and philosophies. Grounded in animal experiments, they view man as a member of the animal world with few differentiating attributes. Frequently, these sciences describe man as a mere biological container or machine, "rejecting the myth that each individual is born with a mental homunculus, and accepting the fact that we are merely a product of genes plus sensory inputs," according to Dr. Delgado. It is upon this neutral mechanism, say the behaviorists, that environment acts and leaves its accumulated impressions. Thus, it is the environmental input—through man's sensory capacity—which is superimposed upon the genetic machine and determines what man is. So viewed, man is not admitted to possess any spiritual qualities and becomes stripped of conscience, free will or any other inner values. Indeed, the very existence of inner-man is now denied.

The behaviorist's view of how the human machine operates is primarily hedonistic. Man is a mechanism which favors pleasure and abhors pain. According to Skinner, one characteristic of the human organism "is the avoidance of or escape from so-called 'aversive' features of the environment." Consequently, by offering rewards for desired behavior and following undesirable behavior with averse reinforcement, a skillful behaviorist, much like a machine operator, could elicit from his subject any behavior to suit his operational goals.

For man so naked of values, of spirit and of natural rights, what kind of world is being proposed by the behavioral scientists? In the first place the present social order is condemned by both Dr. Skinner and Dr. Delgado as beyond repair. Both agree we must design a new culture in which many would be allowed to develop a new and better style of life.

Having perfected conditioning technologies, Skinner is anxious to use them for the building of the world of the future. What is that world to be, however? To answer this question, Dr. Skinner is required to go beyond his role of experimental scientist and must assume the mantle of the philosopher or cultural designer. Viewing the history of Western culture, he suggests in his 1971 book, *Beyond Freedom and Dignity,* that man has been conditioned to abuse his powers. It is not difficult, Skinner asserts, "to demonstrate a connection between the unlimited right of the individual to pursue happiness and the catastrophes threatened by unchecked breeding, the unrestrained affluence which exhausts resources and pollutes the environment, and the imminence of nuclear war." We must, therefore, abolish "autonomous man . . . the man defended by the literatures of freedom and dignity, who is the cause of most social evil." Like George Orwell in his *1984,* Dr. Skinner pronounces that "Freedom is Slavery," and concludes that a new type of man, who is to be free of the urge for freedom, need be produced.

Dr. Skinner proposes "a world in which people live together without quarreling, maintain themselves by producing the food, shelter, and clothing they need, enjoy themselves and contribute to the enjoyment of others in art, music, literature, and games, consume only a reasonable part of the resources of the world and add as little as possible to its pollution, and bear no more children than can be raised decently. . . ." What is proposed is an escape from poverty, from war, from overpopulation, from ignorance, and from most other ills which have plagued civilized man. That being so, why have the brave new world images of Dr. Skinner engenedered so much recent controversy?

THE DEMISE OF PLURALISM?

In the first place opposition is voiced to the very idea that one could presume to design a total and comprehensive culture or society. Precisely what kind of society is to be sought by those who wield the new powers of control? It is now that one suddenly discovers the uncertain present day goals of the Western, Christian or American society. Is competition or socialistic cooperation to be preferred? Is simple monastic life to be given preference over urban plenty with a chicken in every pot and two cars in every garage? Is the work-ethic to be preserved or is leisure to be encouraged? Are sex, sensuality and other traditional vices to be discredited as socially wasteful or are they to be promoted? Is a Lincoln, Emerson or a Walt Whitman the American dream—or is it Hugh Hefner, Abbie Hoffman and William Kunstler, individually, or all put together?

The behaviorists' talk of a new culture contains in it undercurrents of messianic zeal. Such culture implies a hierarchy of values, well ordered and maintained, which may stifle and suppress unorthodox cultural goals. Cultural authorizationism thus becomes a specter.

A planned culture suggests also that in lieu of conflicting social organizations—such as families, different religious faiths, political parties, schools, and economic classes—each advocating and trying to advance its own version of the cultural goals, and thus producing a constant reformulation of these goals, there may be created a new single, uniform, and inflexible conditioning machinery for the achievement of one preprogrammed culture. Totalitarianism and the stifling of social evolution thus loom as a second objectionable ramification of the new revolution.

Thirdly, in their proposals for the design of the new culture, Dr. Skinner and others seem most concerned with the survival of "the culture"—which they do not always particularize yet somehow endow with the unquestionable right to life. At the same time, the view of man advanced by them is devoid of any inner meaning or rights. What could be at stake, therefore, is the de-emphasis of man and his "natural rights" (as previously conceived in the literatures of freedom and dignity) vis-a-vis the "community" or "fasces" and the needs of its efficiency and prosperity. Since behaviorists deny inner man, there is the constant apprehension that they will be callous to the invasion of the domains of man's personality and inner values by behavior controls. In the pursuit of a "sane" and "tranquil" culture, the individual may thus be perceived as the rim in the societal wheel, rather than its nave.

The behavior modifiers fourthly seem to exhibit little faith in the ability of individuals to share in the design of the needed culture, through some form of participatory process. Proposing to design a new world, Dr. Skinner pointedly notes that the aim is to create "a world which will be liked not by people as they now are but those who [will]

live in it." Urgently calling for the braver new world, Skinner believes that "a world that would be likely by contemporary people would perpetuate the status quo." But if today's collective man, due to his faulty past conditioning is not able to conceive and plan his future world, are we willing to turn over the undertaking to Dr. Skinner, or to some other outstanding and benevolent scientist? And what precisely makes Dr. Skinner (unless he is the only one to have escaped faulty conditioning) free of the near-sighted vision of his fellow contemporaries?

Finally, the very tools of new behavior control are viewed with alarm by some as being overly massive for the precarious balance of man and society. There is nothing newly drastic in the behavior modification techniques, Dr. Skinner and others assure us. We have always been the product of our environment, our schools, our parents, and our friends. Why not accept behavior modification as a more beneficient, rational and advanced influence upon our lives?

After all, it is a major function of all societies to mold behavior to pre-determined standards. The Ten Commandments were proclaimed in order to control behavior. And in primitive societies, the manipulations of witch doctors were usually intended to affect human changes.

But these and other early approaches, one soon recognizes suffered from two major defects as social control agents, and it is these limitations which made them acceptable: they either were only one influence among many other factors, or else they relied exclusively on the questionable power of punishment to affect control.

Even the most repressive penology has thus had only limited power over the individual, for he usually possessed the option to choose punishment over conformity. It is the promised effectiveness of the new scientific techniques and the relative helplessness of those to be affected by them which raise many of the new objections. For these tools may be so effective that they no longer preserve individual options. And once instituted at early stages of individual life, those affected might even be conditioned to like the lack of options.

None of these questions have been satisfactorily answered by the behavior modification leaders. Responding to the warning that a planned culture necessarily means uniformity, regimentation and restraints on evolution, Dr. Skinner in his recent book advances the need for "planned diversification." This apparently means again that somebody, somehow, will determine how much deviance from norms can be tolerated: how many musicians, artists, rebels, red-heads, anarchists, democrats and so on should be created or cultivated through careful diversification.

No meaningful answer has been advanced by the new technologies regarding the ethical issues involved in behavior modification work with involuntary subjects—criminals, juveniles, the mentally ill and the retarded, alcoholics and other deviants. Are all these fair game for behavior modification in the name of the social good?

One additional critical question remains: even if we grant the total benevolence of our leaders of science, how are we to protect the new behavior techniques against abuse, commercial exploitation, power seekers, overzealousness, and selfishness? It required the atomic scientists twenty-five years to develop an urgent sense of their special social responsibility. Can we allow the behavior modifiers to continue with their research endeavors, lending their tools to all kinds of social experiments, and defer the question of their science's social accountability?

LET'S LEARN FROM THE LUDDITES

Despite all the fears, hesitations, and uncertainties, it is evident that many new behavior modification technologies are with us, and many more are to come. The mounting demands for social order, as well as increasing hopes for a better world, will produce both popular and scientific calls for more experimentation and greater use of these techniques. Are we, however, to be overrun by the new revolution as we have been by the industrial one, or is there a system of safeguards and scrutiny which will help assure that the new techniques be so utilized and absorbed into the social fiber as to help improve the human condition rather than debase it?

In 19th century England, there were those who set out to block the coming of the industrial state and attempted to destroy or sabotage its machinery. Only their name, not accomplishments, remains with us—the Luddites. They were not successful. Neither is it realistically possible now to engender sufficient public consensus in order to turn the clock back to a pre-human modification age. But we must make certain that the lessons of the industrial revolution do not go unnoticed. The best intended of revolutions require planning in order to prevent anarchy and to make certain that the revolution's adverse side effects do not become more undesirable than the ills it set out to cure.

For the industrial revolution, the entrepreneur was the focus of decision-making; he decided what to produce and sell. In more complex industrial states, the entrepreneur was joined by both the capital supplier and by professional management. Consideration for the employee came much later, and direct input from the eventual consumer and from the community at large did not fully materialize to this day. To justify this questionable and unbalanced exercise of controls, the industrial revolution supported and relied heavily upon the philosophy of free enterprise which pleaded that the total social good was being served by leaving the entrepreneur to his own devices. We obviously do not ascribe to this conviction any longer, or else we would not have created a National Labor Relations Board, minimum hourly wages, prohibitions of child labor, and the latest wage and price controls.

Our experience with the entrepreneurs of the industrial revolution and their latter day brethren warns us against turning similar unrestrained power to the new entrepreneurs: the behavior modification technicians, their capital suppliers and their sales forces. If the man-modifying revolution has potentials for both good and evil, and its progress can no longer be turned back, vital questions must be answered: How are we to monitor the revolution? How are we to direct it? Can it indeed be controlled? And for what purposes? What should be the function of government? Of the scientific community? Of the people?

Justice Brandeis warned us some forty-five years ago that "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding." We know from experience that justice and benevolence-seeking prophets much too often end up carrying out their prophesies through bloodshed and inquisition. Behavior modification could readily "snowball" out of control simply because it has the potential for becoming big business. One cannot accept on face value the assurances of the behavior modifier that the purpose of his ministrations is totally beneficient. Reforms which have long been claimed by our juvenile court agencies as benefiting children have often been nothing more than so much additional social control for bureaucratic convenience and conformity. Half of our mental hospital populations, allegedly there for a cure, find themselves locked up not for their own benefit but for the public's convenience and peace of mind.

WHO WILL CONTROL THE CONTROLLERS?

Our protection against possible zeal, arbitrariness and antihumanistic exploitations of the new scientific technologies lies in the definition and curtailment of the power of those who control them. In structuring a system of control over the new revolution, we must carefully consider separately the needs of the persons who are proposed to be modified, their immediate families, their children, their parents, their teachers, their pupils, their employers, their employees, the representatives of the community and the spokesmen of official government. It is faulty to assume that the interests of pupils and teachers, parents and children, or of individuals and society always or frequently coincide.

We must advance and enforce the public's right to know the facts about behavior control plans and practices. Should not the state, the medical profession, the teaching profession, therapists and others be prevented from administering new behavior modification techniques unbeknown to the major parties concerned. Is a parent not to be consulted regarding the school's prescription of pills to his child? At the same time should a parent or teacher be free to authorize such techniques without the benefit of any other scrutiny? These are important public issues, which cannot be left within the sole domain of the scientific and medical community.

We must determine when and under what circumstances decisions regarding behavior modification are to be designated as private, subject to the individual discretion of the person affected, or his therapist, and in what cases they are to be viewed as public questions, requiring an open inquiry where more than mere personal preference might be considered. To be decided is whether any involuntary administration of these techniques is to be permitted, and if so, upon whose authority and subject to what scrutiny. Finally, certain modification practices, such as lobotomies, may be so objectionable as to be totally outlawed through legislative enactment.

It is significant that the whole body of American law and jurisprudence, founded as it is on Age of Enlightenment's assumptions regarding the benevolence of man in the state of nature (derived from Jean Jacques Rousseau and John Locke), sought to protect the individual from the excesses of "evil" government. Our constitutional safeguards have thus been framed not to grant positive rights but to assure against the government's encroachment upon the individual's own pursuit of life, liberty and property. The constitutional protections against unreasonable "search and seizure," or against "cruel and unusual punishment" are proper examples. But the scientific advances of recent years pose new types of ethical and jurisprudential issues in the relationship of man to the state.

Increasingly we are presented with instances where governments, as well as lesser units of social organization, are offering programs of action and intervention for the asserted purpose of improving the individual's lot rather than restricting it. Yet in doing something *for* people, government also does something *to* them. Often, these programs are sought to be extended to non-voluntary recipients—with the assertion, however, that they are intended not as punishment but as therapy and self-improvement. But while experienced in combat against "evil" government, American jurisprudence has never advanced or studied the necessary norms for the control and supervision of the new programs or scientific techniques which are offered by an allegedly beneficient state.

The professed change in motive and in the degree of effectiveness of the new techniques for behavior and human modifica-

tion clearly require a new look at existing schemes of ethical and legal control. Just as American society once was able to rely upon the prohibition of littering as a sufficient protection of our environment, yet finds this restriction inadequate to meet the hazards of present day pollution, so previous legal protections may be insufficient in light of the new realities. Reassessment is required not only of the workings of official government, but also of the decision-making or sanctioning processes of public and quasi-public institutions, such as hospitals, professional organizations, and therapeutic practitioners.

In the past when we became concerned with the distribution, control or modification of natural assets or natural resources, we usually created regulatory agencies to help protect the public interest. This is what the Federal Communications Commission, the Federal Power Commission and the Tennessee Valley Authority were set up to do. These agencies have not always been vigorous enough in the pursuit of the common good—but we are probably better off with them than without them. Now that the human resources of this country are becoming subject to concentration research, manipulation and control, there is the need to determine and set policies which many encourage or discourage the new practices.

But the need is not merely for the open discussion and formulation of public policies and regulations which could affect public funding for behavior modifications, as well as determine the adequacy of professional self-policing. There must also be created a central exchange for information, and a procedure designed for the effective monitoring of new developments and the assessment of their effect upon the public interest. There is a need for a public forum, administrative or juricial, where affected or other interested parties might be heard and assisted. There is a need for a new therapeutic bill of rights to help guarantee man's right to be and remain as different as is compatible with social survival. (I have spelled out the details of such a bill of rights in my new book, "The Right To Be Different.")

Man created an industrial revolution and it has taken him two hundred years to realize that it must be controlled before it chokes him to death. Civilization evolved an atomic bomb without controls and is now frantically seeking restraints under the shadow of annihilation. Humanity is today on the threshold of a world "beyond 1984" where behavior modifiers offer drastic new tools not only to change man but also to redesign society. If indeed our major cultural goal is to preserve and promote a society where pluralism—individual, religious, artistic, economic, and political—takes precedence over the desire for tranquil uniformity; if our commitment is to continue social experimentation and a constant readjustment of the power balance between man and society, we must protect our future options and our right to be different now, while we still have the will and power to do so.

FIRST FOUNDRY INDUSTRY CONFERENCE IN MILWAUKEE, WIS.

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHWENGEL. Mr. Speaker, last night it was my pleasure to meet with representatives of the foundry industry who are having a conference here for the first time. The keynote speech by Burleigh E. Jacobs, Jr., president of Grede Foundries, Inc., is a fine statement and ought to be read by every Representative of the Congress and every thoughtful American because it reminds us of some basic and fundamental thoughts on free enterprise. It is valuable and speaks of the problems of the industry that need our sympathy and understanding. The speech follows:

FOUNDRY INDUSTRY CONFERENCE SPEECH

(By Burleigh E. Jacobs, Jr.)

Thank you, Mr. Chairman. I deeply appreciate the honor of being asked to be the opening speaker at this first Foundry Industry Governmental Affairs Conference—an historic occasion for our industry.

The conference itself is a development which has come about through the confluence of two forces. One of these is the spirit of cooperation between the trade associations representing the various segments of the foundry industry. The other is the increasing effect which decisions made in Washington have on our everyday lives as foundry operators. One could say that Washington has had a tremendous effect on us for almost forty years—and ask what took us so long to get here. Over the years each trade association has tried to do its very best for its members and part of this service included coming to Washington to handle matters affecting its particular segment of the industry. There were occasions in which several of the trade associations would get together on a common problem but these were always on an ad hoc basis.

During the past several years two industry moves toward greater cooperation have evolved. One was the series of meetings on matters of mutual interest between the ferrous trade associations which will soon culminate in a formal federation. The other was the arrangement between Steel Founders' Society and the National Foundry Association wherein all SFSA members were enrolled in the NFA. The relationship and cooperation between these groups became such that they recognized the greater efficiency which could be obtained in Washington through the retention of a common representative here.

As a result, Executive Consultants, Inc., represented here by Walter Kiplinger, was retained through the NFA—which in turn was supported financially by the ferrous trade associations. The Non-Ferrous Founders' Society was invited to participate—and did—and is also a participant in this venture.

The AFS, being a technical society, not a trade association, did not participate financially but has, through its Environmental Control Department, in cooperation with the trade associations, contributed technical data to EPA and other governmental agencies on behalf of the foundry industry and has been most helpful in the development of the industry-wide safety and health program which you will hear about tomorrow.

Thus, gentlemen, and especially non-foundry attendees, we do speak today as a united viable industry which has a story to tell and which wants to listen. Our minds are like parachutes, they only function when open—and we well recognize that we can't keep our month and our mind open at the same time.

We know we are late in having representation in Washington—but we are not too late. We have much to learn, but one fact we have learned is that we have an educational job to develop an understanding of our industry in Washington.

This brings me to the reasons for and the purposes of this conference:

(1) To promote, publicize and create an awareness of the metal castings industry on those in Washington whose decisions affect us; and

(2) To stimulate foundry operators to a greater awareness of the effect of Washington on their industrial lives and of the necessity of their becoming involved in public affairs.

Let us first take a look at the foundry industry, an industry which is the backbone of our industrial complex. Foundries produce metal castings. Ninety percent (90%) of all durable goods manufactured require castings as end products or as component parts.

The foundry industry size is often measured on the basis of tons of castings shipped. It is usually compared with other industries on the basis of the dollar value added by manufacture. According to the latest data issued by the U.S. Department of Commerce, the foundry industry ranks sixth among all manufacturing industries. Only motor vehicles, blast furnaces and steel mills, aircraft, basic chemicals and communication equipment exceed the foundry industry in rank and in size by the value added by manufacture. The foundry industry is larger than metal working machinery and equipment, larger than fabricated structural and metal products, larger than the newspaper industry, and larger than the beverage industry.

The size of our industry is misleading because most foundries are either small, independent privately owned operations, or are captive foundries of large automotive or heavy equipment manufacturers. Of the roughly 4,500 foundries in the United States, employing over 300,000 workers, 82% employ less than 100 workers. The dollar value represented by casting production exceeds $15 billion and represents 22 million tons of castings each year. Sixty percent (60%) of the total industry output is produced by independent jobbing foundries.

It is an interesting paradox, as eloquently pointed out by Chuck Drury, President of Hayes-Albion, that while demand for castings is increasing at a rate of 6–7% per year, the number of foundries are decreasing each year. For example, in 1950 there were 3,000 gray and ductile iron foundries, by 1970 only 1,500, and it is estimated that as many as 500 more will close in the next five years. The primary reason is that metal casters have not traditionally generated the funds to modernize, expand, and equip. The anticipated increasing decline in number of foundries is due to lack of profits and to the need for capital to meet OSHA and environmental control standards.

Yes, castings are vital to our economy—as vital as any raw material or component can be. As an example, these major industries buy castings from jobbing foundries:

(1) Motor vehicles and trucks
(2) Industrial machinery
(3) Metal products, including heating and air conditioning equipment
(4) Machine tools
(5) Water pipe
(6) Railroads
(7) Electrical machinery
(8) Construction and farm machinery
(9) Engines and turbines
(10) Household appliances

I might also point out that the ten general industries summarized above actually encompass approximately 500 different industries.

Ask a foundryman what he does, and he might say that he melts metal and pours it into a mold to make a casting. What he also might say is this—and here I am borrowing from Bill Watkins of Esco Corporation:

"I am feeding and clothing and sheltering the people of the world. I am digging the world's coal, drilling its oil. I am building its thousandths of miles of highways and railroads, and the locomotives, trucks and automobiles that travel over them. I make the airplanes that fly through the air and the ships that ply the seven seas. I make the tools with which man accomplishes his work, and I must sadly admit that I make the implements of war with which he attempts

to destroy his kind. Products of my foundry are in the hospital delivery room when a man is born, in his home and at his work bench while he lives, and in the mortuary when he dies. Throughout his life, I have bettered his standard of living to a point where the working man of today lives in a splendor undreamed of by the kings of the middle ages. I have put men into orbit around the earth, and I have sent men safely to the moon and back."

Examine this statement and you will find it to be true. Practically every development leading to man's material progress has found its beginning in the foundry.

Let me update Bill Watkin's statement by adding that a foundryman might also say that in the creation of my product I recycle discarded metal into useful goods. Eighty-two percent (82%) of the ingredients of all ferrous castings is scrap metal. The cast iron engine block in your car today may contain molecules of iron that were present in a Civil War cannon, a steel rail that bridged the continent, a plow that broke the virgin soil of the West, or a Model "T" Ford. Every time a ton of iron and steel scrap is recycled through a foundry, our natural resources are preserved by 1½ tons of iron ore, one ton of coke and ½ ton of limestone. In the non-ferrous metals, we find that 45% of the total amount of copper, 1.8 million tons per year, is recycled. Similarly with lead—38%; with aluminum—20%; with zinc—20%.

Despite the importance of the foundry industry to our industrial economy, we are almost unknown to the public. It is no exaggeration to say that any mature or semi-mature adult has a pretty good concept of what a steel mill is or what an automobile factory is or what the oil industry is, and perhaps could even come up with a pretty fair description of what the textile industry is. But I'll defy you to find very many people who can give you any idea of what a foundry is unless they or one of their relatives or the next door neighbor has worked in one.

How has all this come about? Possibly because we are an industry of small owner operators, technically oriented and more concerned with our customers' industries than our own. This is because they, our customers, are the ones who sell the end product to the consumer—the public. The technical orientation of our industry has been obvious for years. Call a meeting on a technical subject and foundrymen come in droves. It's standing room only. Call a meeting on a non-technical subject—be it labor, management, sales, or even Washington activity—and a "corporal's guard" will respond.

John B. Connally, Honorable Secretary of the Treasury, had this to say about the businessmen's role in government:

"One of the greatest weaknesses of businessmen is that they don't want to get involved in politics. They'll spend 15 hours a day in their business, but they won't spend 10 minutes a week on the thing that is most important to them—their governmental relations problem. This is why businessmen don't have the wallop they have had in the past.

"Businessmen ought to spend more time because government is more important to them than any other decision they'll make in the whole year. Businessmen ought to make up their minds that politics is here to stay, that it's a part of the life of this economy, and they should be prepared to deal on that plane with it."

That's why we are here today. Now let's look at areas where Washington has affected our decisions or decision making in the past year.

The Environmental Protection Agency, created just 14 months ago under the Clean Air Act Amendments of 1970, has promulgated its regulations. These regulations must be followed in substance by the various states this year. If the states do not develop approved control regulations, the Federal EPA will enforce its regulations. In one way or another, we will be confronted with stringent air pollution control regulations. The Federal regulations are tough enough—and weigh particularly heavily on the small iron foundry—but there is nothing in these regulations which says that the states cannnot develop more stringent regulations. The Federal regulations do provide that the states may consider the social and economic impact of emission limitations—but as yet there has been no evidence that any state has let such consideration sway it in its deliberations. In fact, I fear that some states are vying with one another to see which can be the most unrealistic.

It is good to know that the EPA is conducting micro-economic studies of industries which will be severely impacted by air pollution control regulations. The gray iron foundry industry is one of these. Walter Hamilton will touch upon these studies in greater detail tomorrow.

Water pollution control is still up in the air and is contingent upon House action regarding the water legislation recently passed by the Senate. The Nixon Administration is fighting this bill—which states as a national goal that there shall be no discharge of pollutants in our waterways by 1985. EPA Director Ruckelshaus has called such a goal "unattainable." He urges instead the same approach as that which is being used with air—the process of setting standards and enforcing them. Whichever way it goes, some foundries will be severely hurt by water control legislation.

The implementation of the Occupational Safety and Health Act of 1970 began this year. The foundry industry was not among the five worst industries which were singled out as target industries for special treatment in enforcing the Act and we are proud of our industry-wide safety and health program which will be discussed tomorrow. Many experts have estimated that, in the long run, the Occupational Safety and Health Law will be more costly to the foundry industry than air and water pollution controls, I, for one, believe this and, if unreasonably enforced, it could bankrupt many, if not most, of today's foundries.

However, I do agree with Miles Stephens, President of Ross-Meehan Foundry, that the issues raised by the OSHA and pollution control legislation are desirable, as the foundry industry must provide a working environment that will attract people. It's the implementation of the issues that worries me.

A survey by Foundry magazine estimates that foundries will spend approximately $1 billion in 1972 for new plant and equipment. There is no breakdown of these expenditures by particular segment but, according to the Conference Board Record, February, 1970: "The primary iron and steel industry has spent and anticipates to spend more than 50% of total capital appropriations for pollution control." What percentage of these budgets will be for in-plant environmental controls and safety measures is another question which remains unanswered but, as an example, approximately 30% of Grede Foundries' capital expenditures in 1972 and 1973 will be for this purpose.

Imports and Exports—Until recent years, imports of rough castings have never been a major problem for the foundry industry—except, of course, to those firms whose specialties were involved. The bulk of imported castings are in the form of components—power drives, machine tools and automobiles.

The exact number and weight of these castings is not known. They are not reported to the Tariff Commission. Available data, however, indicates that the extent of imports represents hundreds of millions of dollars in income lost by foundries, as well as wages lost for domestic foundry workers. Casting Engineering magazine, drawing upon Commerce Department data, reports a 30% increase between 1968 and 1970 in the value of imported goods which involve substantial use of castings.

Exports of raw materials, such as coal and scrap, have had a very serious effect on our industry, and at a time when ecologists were pressuring power plants to use low sulphur coal, the foundry industry found its usual coke supply being diverted to power plants or being exported to Japan. Likewise with scrap. Only the recession of 1971 prevented serious disorders in normal supply and demand relationships on coke and scrap and, if the economic forecasters are right about 1972, this could be serious and will require intense Commerce Department policing.

We have no intention of engaging in a discussion concerning the merits of free trade vs protectionism, but we do hope the recent devaluation of the dollar and other international monetary decisions will enable the United States to gain a fair shake in world trade so that durable goods can once again compete.

Tax Credit—One of the most encouraging pieces of legislation passed in the Congress in 1971 was the adoption of the 7% investment tax credit. Historically, the foundry industry will find economic conditions improving following such encouragements to modernization and expansion. We are basic to growth and modernization. We precede the cycle because of what we produce. If the producers of industrial and other basic equipment find a market, they place orders for castings. They find a market when their customers decide to expand or modernize. Therefore, when the government encourages the modernization of industry in its tax laws, castings will be ordered.

The problem is that the tax credit has been a political football. It gets kicked back and forth. It is on-again, off-again. It is termed a hand-out or subsidy to business when it is really a creator of jobs.

Economic life today is completely unlike the economic structure of 20, 30 or 40 years ago. The major portion of spiralling consumer prices are found in the "service" area rather than in basic industries. If you want to see inflation, don't look at the prices of castings or capital equipment, look at the medical, legal, governmental and other "services" industries. Furthermore, the "services" now dominate our GNP—not capital goods.

There is no basis for the philosophy that curtailing modernization will make the cost of manufactured products go down. Prices will only go down when costs go down. Costs go down as a result of modern management and modern machinery—not obsolescence. Unless labor wants to cut its price—and it doesn't—industry cannot reduce costs except by scrapping obsolete equipment and buying new and efficient replacements.

The investment tax credit—or better yet—a sound capital recovery tax structure—must become a permanent part of our governmental tax philosophy. This will eliminate the tendency to revert to the harmful cycle of inadequate capital recovery allowances and a shortage of funds for replacement of an aging industrial plant facility.

We must, during our visit here in Washington and in the future through our representatives, stress the relationship between our multi-billion dollar industry and a sound capital recovery tax structure.

We hear much about the possibility of a value added tax in the future. As a high labor content industry that is extremely capital sensitive, we have a great interest in this proposal.

Wage and Price Controls came down upon us in 1971. Without engaging in debate over the wisdom or necessity of such controls, the fact remains that they are with us. In the price area, we were deeply hurt during the

90 day freeze because of lack of understanding by OEP of pricing practices in the custom metal components industries. The now infamous Circular 17 required a roll-back of prices on reordered castings. Through our industry representatives explaining, explaining and explaining formula pricing, Circular 17 was finally superseded by some sensible regulations, and that particular problem is no longer with us.

The thought persists, though, that had we been more experienced, had we been on the Washington scene, constantly acquainting officialdom with our industry, Circular 17 would not have been promulgated in the first place. Hopefully, in time, we will reach such a level of competence.

In the pay area, some level of reason seemed to have come in current labor negotiations as a result of the controls, but now we see the sorry situation in which Congress has bowed to the pressure of labor unions and passed legislation permitting retroactive pay. Even worse, it has tacked on a provision to the Economic Stabilization Act which exempts pension and insurance from wage standards established by the Pay Board. Some discretion was left to the President, but the very existence of this piece of the legislative package may well touch off the same wild ride we have seen in labor negotiations in recent years. It could easily be the key factor in causing the destruction of the entire control program.

In these remarks I have attempted to highlight some of the key issues which have affected us in past years, and will affect us in years to come, in order to emphasize why we are here and why we must continue to function at the Washington level. In most of the areas discussed, such as EPA, OSHA, and pay and price controls, the amount of paper work, forms to be filled, orders, regulations, standards, counterorders and amendments is enough to suffocate even the largest company and certainly succeeds in increasing costs. The average foundry, a very small business, finds it well nigh impossible to cope with them. Yet the penalties, fines, imprisonment, tax exemption disqualifications, loss of government contracts, etc., apply equally whether large or small. If we are sincere and do the best we know how and still find ourselves in violation of a code or regulation of which we should have been aware or of which we were unable to obtain a satisfactory interpretation, what does that do to the small foundry except to help put him out of business? As Charles Kettering said, "You can be sincere and still be stupid."

Foundrymen fear, as I guess do most rational people, the problems and dangers inherent in Federal Bureaucracy. It is frightening to realize that interpretations of technical operating standards or wage-price interrelationships can be left in Bureaucratic hands, well intentioned as they may be, that may well put one out of business. As George Washington said, "Government is not reason, it is not eloquence—it is force! Like fire, it is a dangerous servant and a fearful master; never for a moment should it be left to irresponsible action."

An example, which may be a bit self-serving, occurred recently to one of NFA's members who is in the room today. He had reached tentative agreement on a contract settlement with his union. Based on reports and intepretations he had read in the NFA Governmental Affairs Newsletter, he thought that the terms were within the Pay Board Standards but, because of possible penalties, he wanted to obtain verification from IRS. First he spoke with his local office. They did not know the answer and suggested he contact the Detroit office. He went to Detroit and posed his question. The IRS agent could not give him an answer. The member then pulled out the National Foundry Association Governmental Affairs Newsletter and went over the rulings and interpretations. The IRS man was astounded at what he saw and said he wished that his office obtained such a service from Washington. To top it all off, he asked if it would be possible for him, an IRS representative, to subscribe to NFA's Governmental Affairs Newsletter. This would be humorous if it were not so tragic in its impact.

Eugene Pulliam, a newspaper publisher, wrote:

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

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

Fellow foundrymen, we must work with this Federal Bureaucracy and with our legislators who are the ones who stimulate action on the part of the Bureaucracts. It will be hard work—leg work, contacts, effective educational effort, and incolvement in politics here and at home. We must tell our story—we must listen. We must respond to the environmental influences of the day and make our foundries a great place to work. The solution of these social changes as demanded by our increasingly affluent society is not easy and not inexpensive. But society and our employees have a right to expect healthy and congenial places to live and work.

If we do our part, I am sure we can work effectively with legislators, Bureaucrats, and all those who are striving for a better and more productive America. Let us use these three days in Washington as a starting point.

COFFEE IS NO CURE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DERWINSKI. Mr. Speaker, statistics show that highway fatalities zoom at holiday periods, and that drivers under the influence of alcohol are major contributors to accidents and fatalities in such periods.

The West Proviso Herald carried a very timely and succinct editorial in its December 29th issue which gave a sound warning to potential drunk drivers of the New Year's Eve holiday.

The editorial follows:

COFFEE IS NO CURE

We're constantly bombarded with public service messages on television and radio about not drinking and driving but every year at this time the National Safety Council issues a score-card listing the accidental deaths on our highways.

The big campaign last year revolved around the slogan "drunk drivers go to jail." In some cases, jail would be better than where some drunk drivers end up.

The New Year's Day weekend is filled with parties, from the trek to the neighbor's home for a good luck wish to the gala full-dress affairs at downtown hotels. The pause that refreshes at these is not Pepsi. And then you're faced with the drive home.

Drunk drivers not only face a threat of jail, they face the loss of their driving privileges if convicted. And if they aren't involved in an accident themselves, they could be the cause of one involving other vehicles.

Don't trust a cup of coffee as a sobering agent. Coffee won't replace time. It takes time for the alcohol to be absorbed into the system. Only then is reaction time back to normal.

Don't become a news item on our obituary page. Don't turn your ignition key into a passport to the cemetery. Don't drink and drive.

THE ENVIRONMENT AND POLITICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, pollution control involves more than regulations issued by the Environmental Protection Agency. It involves a comprehensive change in life styles, a change that we in the Congress must work to implement.

Anthony Lewis commented on the needed "revolution of attitudes" in the January 17, 1972, New York Times. I urge my colleagues to read his column, which follows:

LIFE AND POLITICS

AT HOME AND ABROAD

(By Anthony Lewis)

LONDON, January 16.—Anyone who reflects these days on the relationship of man and earth must eventually find himself operating at two levels of awareness.

He worries about his house and his car, his income and his possessions in the usual way. He gets angry at politicians when the power fails and his air-conditioner stops. He hopes his union will get that wage increase, or the company whose stock he owns will sell more of its new gadgets.

But all the time he knows that the premises of that life are false, that before long it must give way. For even a little serious thought will have made him aware that all the "progress" and "growth" of modern economic life are based on the plundering of a finite environment. And the thin crust of earth and air and water that sustains us is near its limits.

A coincidence of events last week showed how our political life deals with the unpleasant reality of environmental crisis in the same way, by operating in separate compartments.

In London, 33 distinguished scientists supported a "Blueprint for Survival" to avoid ecological catastrophe in our children's lifetimes if not ours. Instead of industrailization and growth, it said, we must move toward a "stable society" with limits on population and the use of everything we do in terms of effects on the environment.

In the same week it became known that the Stockholm Conference on the Environment, long planned for next June as the first great worldwide event of its kind, was in danger of foundering on a diplomatic issue. At the insistence of West Germany and its allies, East Germany was being excluded—and the Soviet bloc therefore threatening to stay away. And this exclusion despite the fact that East Germany is a major industrial power and is likely to be a United Nations member by the time of the conference.

"Diplomacy against biology," one scientist said—"It is absurd." He might better have said: Politics against life.

Politicians are like the rest of us enlarged. They underestimate, or perhaps they hide from, the gravity of the ecological crisis and the speed with which it is coming. They tinker with this pollution or that, they pass a useful law, but they do not face the essential truth that a revolution of attitudes is needed.

The Ecologist, a British magazine, published the "Blueprint for Survival." First it

set out the reasons for urgency. For example, resources are running out under the pressures of exponential growth: Ecological demand will multiply by a factor of 32 over the next 66 years at present growth rates. Can anyone imagine the earth meeting such a requirement? Even if we stop population growth completely in developed countries in thirty years, and the rest of the world in seventy, world population will stabilize at more than four times present numbers. One may argue over this figure or that, but it is impossible to resist the conclusion that a crisis is coming.

The Blueprint proposed an integrated program to meet the crisis. It rested on a call for abandonment of some basic human ideas: the instinct for fertility, the worship of economic growth, the tendency of our culture to become more industrialized, urbanized, centralized.

Those are demands for the most immense changes in human attitudes. Consider the matter of "growth" alone: How easy is it to imagine politicians giving up their promises of faster growth and higher incomes and heavier investment, and instead promising work for all at lower levels of income and productivity and investment and resource-use? But that is a minimum part of the necessary future.

Barry Commoner, in his new book, "The Closing Circle," puts it honestly and in moving words:

"The world is being carried to the brink of ecological disaster not by a singular fault, which some clever scheme can correct, but by the phalanx of powerful economic, political and social forces that constitute the march of history. Anyone who proposes to cure the environmental crisis undertakes thereby to change the course of history."

What makes "The Closing Circle" such an impressive book is that Commoner rejects pessimism. He does so not by fleeing from reality, or by responding to facts with despair, but by thinking in hard terms of what has to be done. He says calmly and quietly, for example, that over the next generation the United States must spend more than $40 billion *annually* on ecological reconstruction. That would mean almost all of our capital investment.

Can it conceivably be done? If we begin to think about it, begin to read the newspaper stories and the blue-prints and the books, a sated and weary society might even welcome the challenge. Commoner would say that America, richest and also most inventive of countries, offers the world its best hope. The first step is for politicians to take the issue seriously: the whole problem, the philosophical challenge. Who will begin?

FORD URGES FUNDS FOR MASS TRANSIT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DINGELL. Mr. Speaker, the New York Times of January 7, 1972, carried a news item reporting on the proposal by Henry Ford II that a portion of the Federal highway trust fund be utilized to assist mass transit facilities.

In making this proposal on behalf of mass transit, the chairman of the Ford Motor Co. has once again demonstrated that he is a man of great vision who gives his support to innovative programs in the broad public interest.

So that my colleagues may be aware of Mr. Ford's comments, I insert the text of the New York Times news item at this point in the CONGRESSIONAL RECORD:

FORD URGES FUNDS FOR MASS TRANSIT—PROPOSES DIVERSION OF U.S. FREEWAY SYSTEM MONEY

(By Jerry M. Flint)

FLAT ROCK, MICH., January 6.—Henry Ford 2d recommended today that some of the Federal highway trust fund, used to build the nation's freeway system, be diverted toward mass transit.

This is the first major defection from the ranks of the auto establishment, including the auto clubs and road builders, over the fund. This fund, which takes an $5-billion to $6-billion a year, comes largely from a 4-cent-a-gallon tax on gasoline.

Persons favoring mass transit often propose tapping this fund for mass transit—making car owners pay for subways and the like.

Mr. Ford, chairman of the Ford Motor Company, in a news conference at a new Ford plant here, did not propose any exact percentage for mass transit.

But he said that a start should be made, spending some of the money for study, research and development of mass transit and even experimentation such as "building one system."

Persons opposing the building of roads and automobiles have generally sought to tap the fund because the money was available without new taxation and because the use of the money for mass transit, they believe, would slow the self-feeding growth of freeway and automobile travel.

The first diversions should be on a small scale, Mr. Ford said, because transit systems "have to be viable" and "can't cost the public a fortune."

Mr. Ford and Lee A. Iacocca, the Ford president, also said at their news conference:

Government-ordered improvements in automobiles for safety, emission control and damage ability would add an average of $750 to the price of a car between now and 1976.

Car buyers may never recover the added cost of $100 or more a car to improve bumpers because the promised insurance company premium reductions will be much less than expected by consumers.

The latest reduction in the price of steel will save car buyers $4 or so a car, but this will likely be more for other car manufacturers because Ford makes half of its own steel.

Mr. Ford also estimated that the new economic programs of the Federal Government would mean 300,000 to 500,000 added automobile sales this year. But he also said this would not mean many more new jobs at Ford because the company had plenty of production capacity and could build extra cars with overtime rather than major additions to the work force.

Mr. Iacocca, who earlier had said the Government-ordered rollback of 1972 car price increases would cost Ford $130-million in the last three months of the year, also said that the added volume resulting from Government economic policies would go far in helping to make up for the lost profits. Such added volume "goes a long way in our business," the company president said.

The executives spoke at a press showing of a new foundry here, 20 miles southwest of Detroit. The foundry makes engine blocks and other components and cost Ford more than $200-million.

It replaces a 50-year-old foundry in Dearborn, and has 15 to 20 per cent more capacity yet will employ 500 fewer employes. Mr. Ford said that $24-million had been spent on pollution control for the plant "to make it the cleanest and most efficient producer of castings that modern technology can offer." Foundries are commonly among the leading air polluters.

DOMENIC COLAROOSA HONORED AT TESTIMONIAL DINNER IN PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MOORHEAD. Mr. Speaker, one of my good friends, and one of the most energetic workers on behalf of veterans everywhere is being feted at a testimonial dinner in Pittsburgh this weekend.

Domenic Colaroosa is a man known to thousands of Pennsylvanians who served in the Armed Forces of the United States.

Last year, Dom was elected commander of the Pennsylvania's Disabled American Veteran's organization. It was small tribute indeed for the hundreds of hours this man has contributed to the cause of ex-servicemen injured while serving their country.

On Saturday, January 22, Dom's friends in the DAV, and those not part of the group, will gather to honor him for his tireless efforts.

The acclaim can be none too large for this selfless man whose days and nights are never too full to help one of his comrades.

I would like to enclose a copy of Dom's glowing biography, prepared by the DAV, to show my colleagues the caliber of the man being honored in Pittsburgh this weekend and I would like to add my best wishes and congratulations to the hundreds he soon will be receiving.

The testimonial follows:

DOMENIC T. COLAROSA WAS ELECTED DEPARTMENT OF PENNSYLVANIA COMMANDER FOR THE DISABLED AMERICAN VETERANS AT THEIR 41ST CONVENTION IN HARRISBURG, PA., JULY 1971

Domenic T. Colarosa, is now the new leader for the Disabled American Veterans and will represent them at all local, State and National functions. He has held every position possible in this great organization. Domenic is a man of trust and is respected by all who come in contact with him. His character is of the highest calibre; he is honest and sincere in his undertakings; he is an able and dependable individual who recognizes the great importance of our veterans organizations functioning efficiently and for the welfare of the veteran. His excellent understanding of human problems and his education qualify him to perform exceptionally well in any position requiring judgment and knowledge of business, finance, commerce and economics.

His background consists of Bachelor of Science Degree in Accounting, School of Business Administration, Duquesne University; 1948. Master of Science Degree in Management, School of Business Administration, University of Pittsburgh; 1949. His Master thesis was written in 1949, and the subject was "Interstate Commerce Commission as it effects, Railway, Motor, Air, Water and Pipeline Transportation". He also studied Engineering and did graduate work at the University of Colorado toward a (PHD) Doctor of Philosophy Degree. His education was furthered by specialized courses in his field.

He is a combat veteran of World War II, having served in the Air Corps as a Master Sergeant in the Department of Engineering and Operations connected with B-17 Flying

Fortresses and B–24 Liberator Bombers. His service connected injuries qualify him to membership in the Disabled American Veterans and he has been very active in aiding and assisting other disabled veterans and families, and furthermore is an excellent leader. He is a Life Member of this organization.

At present he is employed by the Commonwealth of Pennsylvania as the Coordinator for the State Treasury Department, Bureau of Investigation, in charge of all cases that involve forgeries and stolen checks. He works with the Federal Bureau of Investigation, Secret Service, Postal Inspectors and all Minor Municipality Law Enforcing Agencies. The investigators under his jurisdiction have the right to walk in on all cases that involve fraud and embezzlements. This bureau has a high record of success in all such cases.

Formerly he was the Director of the Bureau of Disbursements for the Commonwealth having complete charge of the disbursing of millions of dollars, personnel, training and allocation of work.

He also worked for the Department of Commerce as a Director for the United States Government. It was his duty to represent the Government and sit in on all meetings of Major Corporations such as Gulf Oil Corp, U.S. Steel, Jones & Laughlin, Koppers, American Aluminum Corp. of America and others.

The organizations that he belongs to are numerous. He is a member of Alpha Phi Delta Fraternity, Pittsburgh Alumni Club, President of the Duquesne University Alumni Federation, Air Force Association, Catholic University Club, American Legion, American Amvets, Pittsburgh Chamber of Commerce, National Trustee and member of the Italia Nuova Club 112 of the Order Sons of Columbus of America, Pennsylvania Veterans Commission, Governor's Advisory Board, Regular Democratic Party and Pennsylvania State Finance Comm. Vice President of the Joint War Veterans Council of Penna. Membership 2,000,000.

Dom built his beautiful home in Brown Manor, Scott Township. He is married to the former Laura Marchetti whom he met at Duquesne University while a student there. He has three lovely children; Don, 16; Deanna, 13, and Dean, 8. Don is the son of Mrs. Ersilia Colombo, member of the Bloomfield Ladies 28, and deceased Mr. Nicola Colombo of DePineto 29.

For his recognition for all his meritorious service to the Disabled American Veterans his fellow comrades are going to have a Testimonial Banquet in his honor January 22nd, 1972, at the Redwood Motor Inn, Banksville Road, Pittsburgh, Penna. 15222, Saturday at 6 o'clock P.M. The National Commander, Governor of Pennsylvania, Officials of Government, Officers of other Veterans Organizations, Ladies Auxiliaries and many other dignitaries from across the United States, will be present.

Dom has received many honors in his life time and is mostly recognized for his public speaking and his poetry. He has spearheaded many successful campaigns for local, state and national candidates.

The work that Dom loves best is being with his fellow comrades every chance he has. His work takes him to all parts of the state and country and likes to be referred to as a Goodwill ambassador and always projects the good image of the veterans wherever he goes. He has been the Treasurer of the organization for years and at present is also an Executive Director of the Trust Fund Corporation and a member of the Finance Committee of the Disabled American Veterans. It is very possible that Dom will be in the National picture in the near future in a position to further the aims and legislation for veterans.

CONTINUING MIDEAST CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MURPHY of New York. Mr. Speaker, on Sunday, November 21, I had the honor and pleasure of addressing more than 50 leaders of the Knights of Pythias Grand Lodge of the State of New York at a breakfast at the Piccadilly Hotel honoring Chief Assistant District Attorney Elliott Golden, of Brooklyn, a past grand chancellor of the Pythian Fraternal Order.

The gathering was a kickoff breakfast for the Pythian Israel bond drive.

Among those present were Grand Chancellor Seymour Piken; Supreme Representative Alexander C. Maller; Past Grand Chancellor Dr. Morris Smoller; Grand Master at Arms Dr. Henry A. Trow; Grand Inner Guard Harry Goodwin, and Grand Outer Guard Edward Birnbaum.

It was my pleasure to honor my friend Elliott Golden. The Knights of Pythias is one of America's outstanding fraternal orders, devoted to brotherhood—and to the principles of friendship, charity, and benevolence. This is their credo and they are doing a good job in the communities throughout the State of New York and indeed in the Nation.

The Pythian Order's programs include antidrug educational campaigns in the schools and the community; the distribution of more than 25 $800 scholarships to worthy students to any college in the country; incentive awards programs in the schools for outstanding students in the arts and sciences; poster contests on antinarcotics addiction; highway safety contests; public speaking and other contests to direct students into righteous paths so they may become better Americans of tomorrow.

The Pythian drive to aid Israel is part of the order's program of altruism. I, therefore, include for the RECORD my statement to this dedicated group of fraternal Americans:

KICKOFF BREAKFAST OF THE ISRAEL BOND DRIVE OF THE KNIGHTS OF PYTHIAS

I thank you for the invitation to be with you this morning at the kick-off breakfast of the Israel Bond Drive of the Knights of Pythias. It is a pleasure to be here this morning to honor my friend, Elliott Golden, the Former Grand Chancellor of the Knights of Pythias.

I have risen on many occasions expressing my concern over the increasing gap in fire power between Egypt and Israel. This is a gap that is pushing the world headlong into a cataclysmic eruption in the Middle East. This is a gap that was even further evidenced this recently when the Department of State announced that the Soviet Union has shipped more warplanes to Egypt—planes that are equipped to fire sophisticated air-to-surface missiles.

Even though they were out-gunned in previous years, Israel could—and did—defeat aggression by pre-emptive strikes as they did so brilliantly in the 1967 Six Day War.

But the Israeli situation has deteriorated rapidly.

The increase in size and effectiveness of Egyptian weaponry including the acquisition of numbers of the best fighter plane in the world far outweighs the admitted higher morale and superior training of the Israeli defenders.

The elements of surprise and advantage inherent in a pre-emptive strike have been minimized by the incorporation into the Egyptian defense system of sophisticated warning and detection equipment.

Given the distances involved and the modern weapons now available, military leaders I have talked to feel it would be impossible to conclude that a sudden attack by the Arabs could be successfully resisted. In short, Israel is now in a military position where in a head to head confrontation there is serious doubt that they could win.

Given this situation the issues are quite clear.

The American government is of course committed to pursuing an active diplomatic policy of negotiation between all sides in the continuing Mideast crises.

This is as it should be.

But we should not be put in the position of negotiating from a position of weakness—nor should Israel.

The United States government has through the years given Israel a guarantee of security, from the personal guarantee of President Dwight D. Eisenhower through the words and actions of each succeeding president. That is why I cannot endorse the present "carrot and stick" policy of this administration as far as the jets for Israel question goes. The administration position is that there now exists a balance of power in the Middle East, the reasoning being that Israeli "esprit" and training make up for the numerical difference in Arab equipment. In effect, our government is saying we are willing to gamble by trading the lives of Israeli soldiers for Russian planes, missiles and tanks. I for one can understand the hesitancy on the part of Israeli leaders to sacrifice young lives in order to overcome the enemy's numerical superiority in combat divisions and destructive weapons.

It is now recognized by just about everyone that there has been an accelerated Russian military buildup in Egypt with some of the most advanced weapons in the Soviet arsenal. This is in addition to 20,000 military personnel including combat pilots expert in handling the MIG–23, Russia's super fighter plane. This means that not only is the Israeli Air Force outnumbered five to one, but in any future conflict it would be pitted against perhaps the worlds best fighter plane.

I am convinced that Egypt's leaders should know, Soviet leaders should know, indeed, the leaders of the entire Arab world should know that we do not intend to allow the defensive and deterrent capabilities of Israel to be weakened or overpowered by a continued massive Soviet infusion of military hardware under the new USSR–UAR arms agreement.

These leaders should also know that we do not intend to abandon Israel by default; that this country will maintain Israel's deterrent strength even while we negotiate; that the American government and the American people are committed to this course of action; and, to assume anything less would be a fatal miscalculation on their part.

If we are to achieve the goals of peace in the Middle East we must demonstrate to the Arabs and the Soviet Union the danger of armed aggression and the futility of hoping to overwhelm Israel by brute force.

We must demonstrate to them that the necessary course—the inevitable course—is a negotiated settlement recognizing the rights of Israel. And the way to do this is to make it clear beyond doubt that there can be no quick military victory over Israel, that any

such action would be met with not only the same fury and the same resolve as in 1967, but with the military muscle needed to guarantee a mortal blow to the aggressor.

That is why there is an urgent need for the Congress to make clear to the world in no uncertain terms this country's support for maintaining a balance of firepower in the Middle East and an unequivocal commitment to not only the spirit but the letter of Security Council Resolution 242 of November, 1967.

That is why I have sponsored resolutions to sustain the United States' support of this doctrine since 1967 when I first introduced such a proposal. In 1968 I visited Israel and studied the military configuration developing there. And while I marvelled at the brilliant success of the Six Day War, I also took into account the staggering losses that Israel sustained in order to achieve that victory. The losses of first line combat troops on the Golan Heights were astronomical for a country of her size. Yet they now face a better equipped foe with no hope of the stunning surprise that contributed to their '67 sweep. This leads me to conclude that they could in no way repeat such a victory in the future without help from their American allies. That is why in each succeeding year I have restated my desire for U.S. support of the right of the Israeli nation to exist free from the depredations of those whose goal it is to bury these heroic people.

That is why I support the resolution of Speaker Carl Albert, Minority Leader Gerald Ford, and Congressman Emanuel Celler which calls for:

(1) The sale to Israel of F-4 Phantom fighters and the necessary support equipment and assistance.

(2) The opposition of the government of the United States to any attemtps to alter the meaning and effect of Security Council Resolution 242 of November 22, 1967, and,

(3) A reaffirmation of the necessity of secure and defensible borders to maintain the peace.

The longer the United States delays in sending the jets to Israel, the more reassured the Russians are that they can continue to move a mountain of missiles, planes, equipment and men into Egypt and Syria. Our reluctance to help Israel in this hour of peril is convincing the Russian and Arab governments that they can push us to the wall without fear of forcing a firm stand. This reluctance is not in the interests of peace in the Middle East. It can only foment aggression that threatens to demolish Israel and United States interests not only in the Middle East, but the world as well.

We must show that we can be firm.

We must let Israel have the arms it needs.

We must make this small investment for the great return of peace in the Middle East.

PALESTINIAN REFUGEES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, at a time when most of the world is searching for ways to bring peace to the Middle East and ease tensions there, it is most unfortunate that the United Nations fiscal crisis might lead to a reduction of international educational and humanitarian aid to the Palestinian refugees. The tremendous human plight of these refugees is well known, and all nations should work to give these people hope rather than despair. The enclosed article highlights the current financial crisis.

The article follows:

FISCAL CRISIS IMPERILS U.N. AID FOR PALESTINE REFUGEES

(By Marvine Howe)

SAIDA, LEBANON, December 20.—Palestinian refugees earning a bare living at this ancient Phoenician port still talk of home and plan for the future, apparently unaware that even their meager support is threatened.

The United Nations Relief and Works Agency, which serves nearly a million and a half registered Palestinian refugees in Lebanon, Syria, Jordan and Israeli-occupied territory is faced with the gravest financial crisis since it began operations in May, 1950.

"This could mean a severe cut in services unless new contributions come in rapidly." Robert Prévot, a spokesman for the agency, said during a visit to Lebanon's largest refugee camp on the outskirts of Saida. There is discussion of reductions in the supplementary feeding program and medical services, and, above all, in the costly education and training program he said.

The closing of schools or vocational training centers would be a hard blow to refugees who still dream of returning to what they still thing is Palestine with their families but who feel that the only immediate escape from their barren condition is through education.

VIOLENT REACTION FORESEEN

"We have need of everything, but at least my seven children are in school," said Bussein el-Ali, chief of the Ghower tribe, who fled here in 1948 from the Tiberias district of what is now Israel.

There is deep concern among officials of the agency, commonly known as U.N.R.W.A., that an immediate cut in program, particularly schools, would provoke a violent reaction.

"The Palestinians would see this as the liquidation of U.N.R.W.A. and, consequently, their own abandonment by the international community," John F. Defrates, director of public information at the agency's headquarters in Beirut, said in an interview.

Despite intensive appeals and a rise in contributions, he added, the forecast of income for next year is $5 million less than projected expenditures. "We will have no option in 1972 but to reduce our expenditures to the level of our income," he said.

The cost, estimated at $51 million for 1972, has risen ungrowth and price and salary increases. For several years the agency has been operating with a deficit; now working capital has been reduced to a level where further deficits cannot be absorbed.

"If this situation is allowed to drift on, there will be a financial breakdown and the consequences for the refugees will be catastrophic," Sir John Renne, Commissioner General of the agency, told the United Nations General Assembly this month.

The United States is the principal backer, contributing over 45 per cent of the budget. The Scandinavian countries, Canada and West Germany also make substantial contributions.

The Commissioner General, in a draft report on possible reductions, emphasizes that even dangerously big cuts in the relief and health services would not close the budgetary gap.

Education is the major cause of the agency's financial difficulties, he said, noting that expenditures for general education and vocational and professional training forecast for 1972 were $24.4-million, or 47 per cent of the budget.

MOST CONSTRUCTIVE PART

The problem is that the number of refugee children in school has almost doubled in a decade to reach nearly 250,000. The relief agency, with aid of UNESCO, provides nine years' general education to all registered children and special training at eight vocational centers.

The reductions to be made if no new funds are found include subsidies to government schools, preparatory education, vocational and teacher training and university scholarships.

"This is the most constructive part of our program and gets the refugees out of the camps," Mr. Prevot said.

Even a model training center in the hills 10 miles east of Saida could be a victim of the cutback, he said. Set up 10 years ago with Canadian financing and Swedish technical assistance, it is training teachers, mechanics, carpenters, plumbers and office personnel, mainly for export to the Arabian gulf states badly in need of skilled workers.

Mohammed Miri, who lives with his family in the gloomy, crowded camp at Saida, is studying instrument mechanics and hopes to get a job with an oil company in Kuwait if he can finish the course.

A working group of nine countries, including the United States, set up by the General Assembly a year ago to study the financial crisis, was asked to continue its mission next year. In a report to the 26th Assembly session, the group called for a basic reappraisal of current operations.

"The working group believes that it will be necessary to maintain the activities of U.N.R.W.A. in the immediate years to come," the report concluded, based on the assumption that "no solution of all the existing problems in the Middle East, including a just and lasting settlement of the problem of the Palestine refugees, appears likely in the immediate future."

RACIAL PROGRESS IN AMERICA

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. McCLORY. Mr. Speaker, as one who has persistently called for an occasional tabulation of the progress which we are making in the area of race relations, I was particularly gratified to read an editorial comment by Clayton Fritchey in the Chicago Tribune, dated January 4, 1972.

Mr. Fritchey dutifully points out that there are still areas where the Government is being criticized, but he then goes on to do what so few others appear willing to do—either out of ignorance, or out of a misguided feeling that they will become unpopular. He actually sets forth the proposition that "it is difficult to maintain any reliable perspective" when only the negative aspects of the problem are highlighted.

Mr. Speaker, I welcome this kind of reporting and commend Mr. Fritchey's article to my colleagues' attention:

RACIAL PROGRESS DURING 1971? IT WAS A REASSURING YEAR

(By Clayton Fritchey)

WASHINGTON.—Reviewing the record for most of 1971, the United States Civil Rights Commission, headed by the Rev. Theodore Hesburgh, the president of the University of Notre Dame, indicted the Nixon administration for failing to enforce adequately the nation's civil rights laws and regulations.

That was the domestic finding. Internationally, there was a rebuke from another quarter. Rep. Charles Diggs [D., Mich.] quit the American delegation to the United Nations in protest to the administration's affin-

ity for the white rulers of South Africa, Rhodesia, and Portugal, who continue to suppress their black majorities.

Yet, distressing as this may be, 1971 was, on balance, a reassuring year for those who still believe racial progress is possible in the United States. The negative aspects of the problem are often so conspicuous and painful that it is difficult to maintain any reliable perspective. But the effort should be made, and the end of the year is a good time to make it.

AN OPTIMISTIC VIEW

At the risk of being called an Uncle Tom, the head of the National Association for the Advancement of Colored People, Roy Wilkins, celebrated his 70th birthday and his 41st year with the NAACP by saying, "Some days its optimism, some days sheer frustration—but optimism prevails. If I didn't believe it was possible for minority groups in this country to achieve equality by using the tools within the system—voting, legislation, court action—I would have given up long ago."

Wilkins may sound too sanguine to some, but he could have gone further and pointed out that much recent progress has come not just from improvements imposed by the legal initiatives he cited, but from a favorable climate of opinion that makes everything else possible.

Many political strategists have repeatedly warned that "too hasty" civil rights reform would trigger a white backlash that would wipe out all racial progress, but there are still no signs of it. The National Opinion Research Center, which has been surveying racial attitudes for 30 years, reports that there is now "no evidence of racism" even among most white ethnics.

Back in 1942, it adds, only 2 per cent of Southern whites favored school integration, whereas almost 50 per cent of them now support it. Nationally, the white support for integrated schools has risen from 30 per cent in 1942, to nearly 75 per cent in 1970, despite all the adverse publicity in the last few years about school busing.

Skeptics may not be convinced when Wilkins says that more and more blacks "believe it's possible to make progress within the system," but his view has been confirmed by a remarkable new study by The Potomac Associates. It found that while the American people, generally, think the country has "slid backward" in the last five years, the black community feels otherwise. It "senses measurable accomplishment."

One other survey, made by the Louis Harris polling organization, should also be noted, for it helps explain why the predicted white backlash has not occurred. Over an eight-year period, according to Harris, the number of whites who hold "stereotypes" about blacks, has markedly declined.

The number of whites, for example, who feel that "blacks have lower morals than whites'" has decreased from 55 per cent to 40 per cent. And the number who say, "blacks are inferior" has dropped from 31 per cent to 22 per cent. Obviously, the drop has not been fast enough nor far enough, but it is in the right direction, and the momentum is on the hopeful side.

The year has been marked by countless encouraging incidents, despite the foot-dragging in Washington, but the biggest gains have been in politics, education, and income. One of the most spectacular findings of the Census Bureau in 1971 was that the historic gap between the incomes of young black families and young white families living outside the South has been closed. In fact, the black families actually earn 104 per cent as much as their white counterparts, compared with 85 per cent in 1959.

MOVING IN RIGHT DIRECTION

That, of course, is not the whole story, for more black wives have jobs and that inflates the family income. Still, for the entire nation, including the South, the median younger black family is now earning $8,032 compared with $9,796 for whites. Reviewing the last decade, the Census Bureau found that the average American Negro family had acquired a better education, a better home and better paying job than ever before.

Nevertheless, there is much yet to be done. The Civil Rights Commission, for example, charges that not one of 29 federal agencies charged with enforcing America's racial laws has done an adequate job. It is all very well to talk about "gradualism," but, as Father Hesburgh said, "No one can get greatly excited about progress that is made after he is dead."

NIXON LEADS ALL DEMOCRATS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SPRINGER. Mr. Speaker, Godfrey Sperling, Jr., who is a national political correspondent of the Christian Science Monitor and who hails from my hometown of Champaign-Urbana, Ill., wrote a most interesting article in the January 12 issue of the Monitor entitled "Nixon Leading All Democrats."

Mr. Sperling has specified the States which Mr. Nixon and his various potential opponents could be expected to win if the 1972 presidential election were to be held today.

So far as I know this is the first State by State breakdown which measures the President's vote getting ability against each of his possible Democrat rivals. I am sure that every Member of the House will find it interesting reading and I include it in extension of my remarks.

How Political Writers See 1972—Nixon Leading All Democrats

(By Godfrey Sperling, Jr.)

WASHINGTON.—President Nixon would be reelected if the election were held today, a state-by-state survey by the Christian Science Monitor discloses.

Pitted in a two-man race against Sen. Edmund S. Muskie of Maine, his strongest possible opponent, Mr. Nixon would win 35 states with 315 electoral votes (270 votes are needed to be elected). He would lose 10 states and the District of Columbia, and 5 would be in doubt.

Against other possible opponents, the Nixon advantage is even greater. None of the races included a third contender such as Gov. George C. Wallace of Alabama.

On Aug. 31, 1967, a similar Monitor survey showed the vulnerability of President Lyndon B. Johnson to defeat at the hands of the possible Republican opponents of that period.

The poll consists of the assessment of Monitor political writers in each of the 50 states plus the District of Columbia.

Their reference points include their conversations with voters, politicians, and political observers and state polls.

From this, and their own knowledge of the state's political climate, the writers have made their "calls" on the outcome, as they see it, of seven possible pairings with Mr. Nixon.

Against Sen. Edward M. Kennedy, the writers conclude, Mr. Nixon would win 40 states with 374 electoral votes.

Against Sen. Hubert H. Humphrey, President Nixon would win 39 states with 421 electoral votes.

Against Sen. George McGovern, Mr. Nixon would win 42 states with 455 electoral votes.

Against Sen. Henry M. Jackson, Mr. Nixon would win 42 states with 469 electoral votes.

Against New York Mayor John V. Lindsay, Mr. Nixon would win 45 states with 460 electoral votes.

Against former Sen. Eugene J. McCarthy, Mr. Nixon would win 46 states with 501 electoral votes.

Thus, while the President had an average of 50 percent approval of the public for his performance during 1971, according to the Gallup Poll, this does not seem to result in a neck-and-neck Nixon race, state by state.

Should Governor Wallace be included, it might be that he would take a swathe of Southern states, as he did in 1968—thus deducting several states from those included in Mr. Nixon's winning totals in the Monitor poll.

In the findings Mr. Nixon, when running against Mr. Muskie, would win the following states:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and Wyoming.

OPPOSITION STRONGHOLDS

Against Senator Muskie, Mr. Nixon would lose Massachusetts, Michigan, Minnesota, Connecticut, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, Maine, and the District of Columbia.

The outcome-in-doubt states in a Nixon-Muskie race: Indiana, Louisiana, Ohio, Washington, and Wisconsin.

If Mr. Nixon were to oppose Senator Kennedy, the President would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming, and Maine.

Mr. Nixon would lose these areas to Senator Kennedy: Connecticut, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

States "in doubt" in a Nixon-Kennedy contest: Ohio and Washington.

Against Senator Humphrey, the states Nixon would win: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Wisconsin, Wyoming Maine, and Louisiana.

Against Mr. Humphrey, the states Mr. Nixon would lose include Connecticut, Massachusetts, Minnesota, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

"In doubt" states in a Nixon-Humphrey race: New Jersey, North Dakota, Virginia, and Washington.

Against Senator McGovern, Mr. Nixon would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Ohio, Iowa, Kansas, Ken-

tucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming, Maine and New Hampshire.

Against Senator McGovern, President Nixon would lose Massachusetts, Minnesota, South Dakota, and the District of Columbia.

In a McGovern-Nixon contest the states in doubt: North Dakota, Pennsylvania, Rhode Island, Virginia, and West Virginia.

Against Senator Jackson, Mr. Nixon would win Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinios, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Maine and New Hampshire.

Against Senator Jackson, Mr. Nixon would lose Arkansas, Massachusetts, Minnesota, Rhode Island, and the District of Columbia.

States in doubt in a Nixon-Jackson race are Georgia, Louisiana, South Dakota, and West Virginia.

LINDSAY ON TICKET

Against Mayor Lindsay, President Nixon would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Maine, and Louisiana.

Against Mayor Lindsay, Mr. Nixon would lose Massachusetts and the District of Columbia.

States in doubt in a Nixon-Lindsay race are Minnesota, New York, Rhode Island, and West Virginia.

M'CARTHY AS FOE

Against Eugene McCarthy, Mr. Nixon would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan ,Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Maine, and Louisiana.

Against Mr. McCarthy, President Nixon would lose Massachusetts and the District of Columbia.

States in doubt in a Nixon-McCarthy meeting are Minnesota, Rhode Island, and West Virginia.

THOUGHTFUL REPORT ON THE SPACE SHUTTLE BY CONGRESSMAN LARRY WINN

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's announcement over the holidays that he would seek funds in the fiscal year 1973 budget to move ahead with the space shuttle is certain to arouse one of the major controversies over national budget priorities in this session of the 92d Congress. Congressman LARRY WINN, Republican of Kansas, who, as the new ranking Republican member of the Manned Space Flight Subcommittee of the House Committee on Science and Astronautics, is one of the House's most informed experts on this issue, recently published a report that deserves the attention of all Members of this body.

Congressman WINN points out that the possibility of new technological spinoffs, new sources of scarce natural resources, improved communications, new means of fighting disease and poverty, and reduced costs in getting men and material in and out of orbit, all argue strongly in favor of the President's decision to go ahead with the shuttle program. At the same time, Congressman WINN admits that all the evidence is not yet in and that it will be necessary for partisans on both sides of this issue to keep an "open mind." Let us hope that the debate over the space shuttle program can be maintained on the same high plane of reasoned, careful analysis displayed in this report by my colleague from Kansas:

STATEMENT OF CONGRESSMAN LARRY WINN

Over the holidays President Nixon announced his plans for the space shuttle: the go-ahead was given to the Administrator of the National Aeronautics and Space Administration, James Fletcher. What does this mean to America? is perhaps the basic question of relevance today.

As a partial answer to that question I could give you the bit about glory for America, patriotism and all that. Well, America needs more than pat, non-substantive responses. There are too many things which need doing: hunger and poverty are still a part of the life-style of thousands of Americans, for example.

The real answer then is a little further down the pike. Our natural resources are showing signs of exhaustion. Space exploration will help in the long-run to give us a source for needed minerals and metals. In the short run period, our space efforts are already producing spin-off benefits which are helping us to do a better job with the resources we have. I guess what it boils down to is that, through our space effort, we are betting on a future for America—a good future.

Of course we can't overlook man's natural instinct to explore. His curiosity is never satisfied. He must keep searching for the answers to life's questions. The more man knows the more he knows he doesn't know. This has frustrated man over the years, but it also keeps him going, moving forward—a perpetual motion which should not be stopped.

Now about the shuttle itself. Under the current system we launch a space vehicle with a booster rocket. They cost a lot of money and they can only be used once. The shuttle, on the other hand, is designed to be launched with a booster rocket. But, the space ship does its thing in space and then returns to earth like a standard airplane. The result is a flexible and much more inexpensive space capability. The jobs the shuttle could perform are various and include such things as repairing satellites and perhaps saving the lives of astronauts in space.

What does the space program mean to such problems as hunger and poverty? Well, for one thing, we have proven that satellites can serve as electronic watchdogs over diseases which affect our nation's food and fiber crops. Recent experiments related to corn blight have helped to show the way in this area.

The people of India will benefit from another space-related effort. Basically, it means that remote villages will have a communications link with the rest of the world. Through effective use of a communications satellite these villages will have access to the latest information on planting and harvesting crops as well as medical advice when needed.

Humane space spin-offs such as these are abundant and have been pointed out many times before. The main reason I mention them once again is that I anticipate considerable opposition in Congress to the shuttle program. For one thing we have wrecked the aerospace industry in the past few years. Unemployment in that field has been rampant. It needs a shot in the arm such as the shuttle can give it. But that's just one of the reasons to go ahead with the shuttle.

Certainly an area to be looked at closely is whether or not the shuttle will create environmental problems. NASA is already planning studies to look into any such potential problems. Previous studies, by the way, have shown that adverse environmental effects would be similar to the rather nominal problems presented by the operation of existing launch vehicles. I will personally keep an eye on this area.

And, I will be alert to any other potential problem areas as well. I agree with the concept of the shuttle, but I will not let my thinking be clouded regarding arguments on the other side of the question. You can be assured that I will maintain an open mind on the subject.

SENATE—*Wednesday, January 19, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in this quiet moment, dedicated to the unseen and the eternal, we pray for the United States. Grant that her strength may be in her goodness, and her greatness in the quality of her people.

In this disturbing and baffling world of swift and shifting change, we turn to Thee for that wisdom which comes from beyond all that is human. Give the people patience with those who serve them, and give to their servants here zeal and energy to come to wise solutions to vexing problems. Invest us all with that understanding and love which holds us together in harmony and peace.

We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 18, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.