Mr. MOORHEAD, Mr. MORSE, Mr. PRICE of Illinois, Mr. RANGEL, and Mr. RYAN):

H.R. 14440. A bill to amend the Trade Expansion Act of 1962 with respect to workers' readjustment allowances; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. FRASER, Mr. SCHEUER, Mr. SEIBERLING, Mr. STOKES, and Mr. SYMINGTON):

H.R. 14441. A bill to amend the Trade Expansion Act of 1962 with respect to workers' readjustment allowances; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 14442. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H.R. 14443. A bill to amend the Internal Revenue Code of 1954 to provide a 5-year carryforward for unused medical expenses; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. EILBERG, Mr. MACDONALD of Massachusetts, Mr. MEEDS, Mr. PEPPER, and Mr. ST GERMAIN):

H.R. 14444. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H.R. 14445. A bill to raise the present level of grades for U.S. deputy marshals; to the Committee on the Judiciary.

H.R. 14446. A bill providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. FINDLEY:

H.R. 14447. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 14448. A bill to strengthen certain penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts (for herself, Mr. ANDERSON of Tennessee, Mr. BEGICH, Mr. BRASCO, Mr. BRAY, Mr. BOLAND, Mr. BUCHANAN, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. DULSKI, Mr. EDMONDSON, Mr. EDWARDS of California, Mr. FORSYTHE, Mr. GRIFFIN, Mr. GUDE, Mr. HAMILTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. MCFALL, Mr. MELCHER, Mr. METCALFE, Mr. MIKVA, and Mr. MINISH):

H.R. 14449. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts (for herself, Mr. MITCHELL, Mr. MOORHEAD, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROY, Mr. SARBANES, Mr. SCHEUER, Mr. SCOTT, Mr. STUCKEY, Mr. SYMINGTON, Mr. TIERNAN, Mr. WHALEN, Mr. WIDNALL, Mr. WINN, Mr. WYATT, Mrs. ABZUG, Mr. MADDEN, Mr. MAZZOLI, and Mr. DAVIS of Georgia):

H.R. 14450. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 14451. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning women and for other related educational purposes; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 14452. A bill to continue for an additional year at current levels the authorization of appropriations for carrying out higher education programs; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 14453. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

H.R. 14454. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 14455. A bill to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable disease; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 14456. A bill to revise the boundary of the city of Refuge National Historical Park, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SEIBERLING:

H.R. 14457. A bill to ban the usage of diethylstilbestrol (DES) as a growth promotant; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 14458. A bill to extend for 3 years the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 14459. A bill to amend the Communications Act of 1934, as amended, with respect to Commissioners and Commission employees; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 14460. A bill: Volunteer Military Manpower Act of 1972; to the Committee on Armed Service.

By Mr. WAGGONNER:

H.R. 14461. A bill to exercise the authority of Congress to enforce the 14th amendment to the Constitution by defining for the purposes of the equal protection guarantee the term "unitary school system," and to declare the policy of the United States respecting certain voluntary transfers by students among certain schools of any school system; to the Committee on the Judiciary.

H.R. 14462. A bill to amend section 162 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 14463. A bill to amend the Internal Revenue Code of 1954 to provide that certain activities of charitable organizations shall not be considered to be carrying on propaganda or attempting to influence legislation; to the Committee on Ways and Means.

By Mr. ZION:

H.R. 14464. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans' homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NICHOLS:

H.J. Res. 1170. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. FAUNTROY, Mr. NEDZI, Mr. MCCLOSKEY, Mr. MACDONALD of Massachusetts, Mr. MITCHELL, Mr. PODELL, Mr. RIEGLE, and Mr. JAMES V. STANTON):

H. Con. Res. 582. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. QUILLEN:

H. Res. 932. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BINGHAM:

H.R. 14465. A bill for the relief of Lena S. Tillman; to the Committee on the Judiciary.

By Mr. COLLINS of Illinois:

H.R. 14466. A bill for the relief of Edith E. Carrera; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.R. 14467. A bill for the relief of John Raymond Witt; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 14468. A bill to grant a Federal Charter to the Mid-Continent Railway Historical Society; to the Committee on the District of Columbia.

EXTENSIONS OF REMARKS

DRUG ABUSE TREATMENT PROGRAMS MUST BE EVALUATED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. EDWARDS of California. Mr. Speaker, an interesting article by James M. Markham appeared in the New York Times of Monday, April 10, 1972. Entitled "Antinarcotic Programs Regarded as Another Business," the article describes the recent growth in what is called "the drug abuse industry." Much of this growth, as the article explains, is being fueled by the increase in Federal dollars going into drug abuse programing.

This increase in Federal funding is welcome. In fact, additional Federal funding for treatment and rehabilitation programs is desperately needed because overburdened State and local treatment programs are wholly unable to meet the great demand for treatment in States of relative high drug abuse incidence such as my home State of California. A recent inventory of California drug abuse treat-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ment programs which I conducted revealed that many programs have long waiting lists and are forced to turn away addicts seeking treatment. Yet the great majority of treatment programs in California, and throughout the country, receive no Federal funding and have to rely on overburdened State and local governments for financing. I am hopeful that the new Special Action Office for Drug Abuse Prevention will give the problem of providing more Federal support for state and local treatment programs highest priority.

At the same time, we must keep in mind that the growing drug abuse industry, like any other effort in the private or Government sector, must be evaluated and regulated to insure that it is operating efficiency, effectively, and in the public interest. The experiences that I have had as chairman of Subcommittee No. 4 of the Committee on the Judiciary during our investigation into the implementation of the Narcotic Addict Rehabilitation Act of 1966 convince me that we in Congress cannot trust the Federal bureaucracy to monitor and evaluate its own performance in the drug abuse treatment area. Administrative policies have turned addicts away from treatment and sharply limited the scope and effectiveness of the Narcotic Addict Rehabilitation Act. I recommend that on-going evaluation of drug abuse treatment programs be built into all new Federal narcotics legislation or appropriations for narcotics treatment and rehabilitation so that Congress and the public can be informed on whether the treatment programs we establish are meeting their intended objectives.

I commend the article to the attention of my colleagues:

ANTINARCOTIC PROGRAMS REGARDED AS ANOTHER BUSINESS

(By James M. Markham)

Drug abuse treatment has blossomed into a billion-dollar national industry with an ambiguous clientele and an uncertain product.

In the capitalist tradition, this industry, born of a public perception of crisis, is fiercely competitive. Protagonists of different methods and philosophies—methadone vs. drug-free programs in treatment, telling-it-like-it-is vs. scare-'em-to-death in drug education—vie for public and private funds.

And government is just beginning to provide the money. Federal expenditures by a panoply of agencies have mounted from $77-million in 1969 to a projected $594-million for next year.

To bring some order and strategy into the scattered Federal effort, President Nixon recently signed a bill legitimizing his eight-month-old Special Action Office for Drug Abuse Prevention, headed by Dr. Jerome H. Jaffe. The agency has authority to spend $1-billion over the next few years.

LEGISLATURE SAVES PROGRAM

And the New York Legislature has just rescued $40-million in imperiled drug education funds from a general budget-cutting spree.

Clearly, at a time when belts are being tightened in many other areas, "drug abuse treatment" is an expanding fiscal rubric. And it is attracting bureaucrats, some physicians, former addicts who otherwise might be jobless, and a host of committed amateurs who frequently talk about the addicted in the way they talked about the poor several years ago.

"A lot of intelligent, energetic people are being drawn to the field because it's a challenge," commented Dr. Thomas E. Bryant, president of the newly created Drug Abuse Council, which is funded by foundations.

Yet, despite the commitment of some funds and considerable rhetoric, drug addiction remains as frustrating and intractable a medical problem as cancer or heart disease—comparisons that hard-pressed administrators often invoke to still the cries of impatient politicians.

An ambivalence hangs over the entire drug-abuse industry: To what extent is it serving the addict and trying to resolve his social, psychological and medical problems, and to what extent is it serving the larger public and trying to eliminate addict-committed crime?

Statistic-gathering on drug addiction is still a rudimentary art, but Federal officials estimate that there are 1,500 to 2,000 drug-treatment programs of varying descriptions around the country.

The Bureau of Narcotics and Dangerous Drugs, for its part, figures there are 300,000 heroin addicts in the country and many more abusers of other drugs such as amphetamines and barbiturates.

Raymond M. Glasscote of the American Psychiatric Association, who just published a survey of several drug programs in collaboration with other experts, says that, nationwide, drug-free therapeutic programs have enrolled only several thousand heroin addicts and abusers of other drugs—and have graduated only a tiny fraction with any likelihood of success.

Mr. Glasscote notes that the therapeutic programs are by far the most ambitious—aiming at the presumed psychic roots of addiction—but, historically, many have been hamstrung by poor bookkeeping. In addition, they have not shown themselves amenable to large-scale expansion.

The fastest-growing sector of the drug-abuse industry is methadone maintenance, which some proponents of the drug-free approach believe threatens their existence. Methadone is a synthetic, addictive narcotic that, when administered orally, has been found to eliminate some addicts' craving for heroin and to block the euphoric effects of injected heroin.

There are 434 methadone-maintenance programs in the nation, with a patient population estimated at 65,000. Figuring an annual cost of $1,300 a patient, this represents an $85-million business for services alone.

Some methadone programs have reported rather striking results: sharp decreases in criminality among some patients and, concomitantly, rises in levels of employment.

To some politicans, methadone seems a quick, rather efficient way to cut into the addict-committed crime that plagues and demoralizes urban neighborhoods. Administrators of methadone programs in Washington and New York have taken partial credit for reported drop-offs in certain categories of crimes in both cities.

Yet, critics charge, methadone maintenance's "product" is an uncertain one.

Some programs have vocational and psychiatric counseling, but few have the resources to attempt to alter their patients' antisocial behavior in the way the therapeutic-programs try to. And there is considerable evidence that large numbers of methadone-maintained patients continue to abuse alcohol, cocaine, barbituates—and even heroin.

The evidence linking methadone maintenance to a decrease in crime has been primarily conjectural, based on patients' arrest records.

Some authorities believe that many addicts' criminal behavior preceded their addiction and that their arrest records—which chronicle the number of times a person is caught—will measure only quantitative, not qualitative, change.

Paradoxically, while drug-abuse treatment is clearly a growth industry, it has not attracted in any important way two pillars of private enterprise: the pharmaceutical industry and the medical establishment.

In a survey of 46 pharmaceutical companies, Representative Claude Pepper, a Democrat of Florida who heads the Select Committee on Crime, discovered that only nine had done research on heroin antagonists—nonaddictive drugs that block the effects of heroin. Six of them said they had spent a total of $6.8-million on such research in the last decade; three had no estimates.

"The drug industry has not extensively pursued a program of research in the heroin-addiction field due to the anticipation that such a program would not be profitable," the committee concluded.

"From the standpoint of drug abuse, the pharmaceutical industry is working night and day to create products that will intensify the problem," commented a Ford Foundation-commissioned study entitled "Dealing With Drug Abuse," referring to the production of such drugs as barbiturates and amphetamines. "Many of these drugs, of course, have enormous medical value that far outweighs their abuse potential."

The American Medical Association has appealed to medical schools to include drug abuse in their curriculums—a subject they have virtually ignored.

Although narcotism has for some time been the leading single cause of death for New Yorkers between the ages of 15 and 35 years old, the New York University School of Medicine has only in the last two years systematically exposed its students to the medical issues of addiction.

THE EDUCATION OF THE MENTALLY RETARDED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. WALDIE. Mr. Speaker, one of the most neglected problems facing American educators and citizens in general is the training and employment of retarded human beings.

The mentally retarded need not be unproductive and wasted. We need not squander the contributions that they could make with training and assistance.

The following article from the Reporter, published by the Contra Costa County Association for the Mentally Retarded, was written by Mr. Jerry G. Cochran. The following is a condensed version of the article which was originally published in the Contra Costa County Labor Journal.

Mr. Cochran successfully explains the methods this country can utilize to find a place for these human beings—to provide them with the comfort and dignity of a job:

UNION LEADERS' COOPERATION HELD ESSENTIAL

The young people in Contra Costa County Schools Special Programs have been especially fortunate to have a combination of people and groups vitally interested in their vocational training. As a result, a variety of work-training situations have been arranged in bowling alleys, car dealerships, automotive service areas, small manufacturing plants, hotels, restaurants, etc.

Placement of trainable mentally retarded students in these situations would not be possible without a tremendous amount of special consideration and cooperation from the AFL-CIO leadership. Of particular help has been the secretary-treasurer of the Bartenders and Culinary Workers 595, James E. Calvarese. Mr. Calvarese has been very agreeable in cooperating with the schools in any way he can to offer training opportunity for these youngsters in restaurants, hotels, motels, etc. Mr. Calvarese has made a special point to become personally acquainted with the type of individual to be employed and has been very helpful in recommending possible employment situations.

The Teamsters' Union, Local 315, through their business representative, Michael (Jerry) Corniola, have also been very cooperative. Mr. Corniola has given written endorsement to the placement of trainable level mentally retarded students in specific union covered jobs and has pledged his personal cooperation as well as the cooperation of his union toward assisting these people in any way possible.

The two examples above of union participation are rather typical of the spirit and attitude of the Bay Area people toward helping mentally retarded. It is this willingness to help that has caused the programs in California and particularly in the Bay Area, to be some of the most outstanding educational efforts in behalf of retarded people anywhere in the world.

ARMED FORCES EPITOMIZE SEX BIAS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. FRASER. Mr. Speaker, Orr Kelly who covers the Pentagon for the Evening Star has done it again. He has written another incisive column concerning sex bias in the military.

Last December 13, I placed his "Male Chauvinism Remains at Helm" in the RECORD—see page 46758—and his latest effort on this subject which appeared in the Star, April 11, follows these brief remarks.

Mr. Kelly implores the military to see humans as individuals rather than as classes of people. If our military leadership follows this sage advice, race and sex bias will no longer be a problem for our uniformed services.

[From the Evening Star, Apr. 11, 1972]

ARMED FORCES EPITOMIZE SEX BIAS

(By Orr Kelly)

The armed forces certainly are not the only place in our society where male chauvinist pigs have imposed their folkways, but they may be the only place where the *female male chauvinist pig* flourishes.

Margaret Eastman, a staff writer for Family—the magazine supplement of Army/Navy/Air Force Times—recently finished a year's work on a series of articles on the status of women in uniform. She found built-in, back-of-the-bus regulations and prejudices that would cause riots at every military base in the world if they were applied on the basis of race or religion rather than sex.

And right at the top she found three women generals and a Navy captain blithely accepting some of the male prejudices that tell a girl there are limits on what service she can perform and how far she can rise in the armed forces—simply because she is a girl.

The limiting factor is combat duty. Women, they all agree, should be barred from combat duty—except perhaps in some dire national emergency.

"I don't want my women on the front lines, period!" Brig. Gen. Elizabeth P. Hoisington, who retired last year as head of the Women's Army Corps, told Mrs. Eastman.

"Women are noncombatants," Brig. Gen. Mildred C. Bailey, Gen. Hoisington's successor, said. "We do not receive any combat training nor are we assigned to combat duties. To put women in command positions over men, therefore, would be as senseless as using medics to operate a railroad."

Brig. Gen. Jeanne M. Holm, director of Women in the Air Force, took a similar position.

"I don't think of women as killers," she told Mrs. Eastman, "and I don't think women as a group would make good combatants. I don't see our country ever accepting women as combatants."

Perhaps there is some basis for questioning whether "women as a group would make good combatants." But look where this kind of reasoning leads you.

In the Air Force, women are not permitted to become pilots—the reason being that they might get into combat.

"I tell WAF who want to fly that unless the Air Force decides to take on limited duty pilots, there will be no WAF pilots," says Gen. Holm.

It's hard now to recall the exact arguments, but it all sounds unpleasantly like the beautiful logic, all stacked neatly on top of a ridiculous premise, that kept black men out of military cockpits for so long.

The prospects for advancement of anyone in the Air Force who is kept out of the air by discrimination are, of course, limited. The effect is the same whether the exclusion is based on color or on sex.

The same is true of the Navy. If you can't go to sea, if you can't get a command at sea, your chances of becoming an admiral are zero. The Navy now has a black admiral—who got there by way of command at sea—but it has yet to name its first woman admiral, as Capt. Robin L. Quigley, assistant chief of naval personnel for women, well knows.

But Capt. Quigley, according to Mrs. Eastman, is not about to fight the law that prohibits women from combat jobs—and thus bars them from service at sea except on hospital and transport ships.

In the Army, women are not only prohibited from combat assingments, but also barred from jobs that would seem to have practically no necessary relationship to combat.

They are barred, according to an article in the Family series by Berl Brechner, from two-thirds of the 460 enlisted jobs in the Army.

They cannot, for example, repair radar, microwave or television equipment or become carpenters, soil analysts, construction foremen, refrigeration specialists or terrain analysts.

The discrimination begins right at the recruiting office—and that is where it starts because all women entering the service are volunteers. Army Regulation (AR) 601-210 says it is immaterial whether a man is married when he joins the service but requires that a woman not only be unmarried but have no dependents.

If a man joins the Army and becomes a father-to-be, or even a father, the Army generally considers it his business. But a woman who becomes a mother-to-be, or a mother, must request a waiver just to remain in the Army.

The solution to this whole mess, of course, is to start thinking about individuals rather than classes of people. The armed forces should cast aside questions about the group a person belongs to, whether it be a racial, religious or sexual group, and ask one simple question: What can you, as a unique person, contribute?

CHILE GAINS AND U.S. TAXPAYERS LOSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. RARICK. Mr. Speaker, the International Telephone & Telegraph Corp. has announced to its stockholders that it expects to collect $89.6 million from U.S. taxpayers as an insurance claim for the telephone company which the Allende government of Chile confiscated from ITT.

Not only is the U.S. taxpayer being forced to provide billions for foreign aid and to supply the Export-Import Bank, IMF, World Bank, and other international cartels with funds to induce American investments and development in foreign countries with special long-term, low-interest rates, but under the Overseas Private Investment Corp. U.S. taxpayers are also being used to guarantee payment for the losses suffered by American industry if their foreign operation is seized or nationalized by a foreign government.

The end result in the case of ITT is that the American taxpayer has paid to establish a telephone company from the Communist government of Chile. OPIC, already overextended in its subscription rates, now intends to ask Congress for an additional $85 million funding. In actuality, taxpayers are being forced to subsidize communism.

Only a week ago I had pointed out to the House a reported link between the gossip columnist Jack Anderson and the Marxist government of Chile, which would result in the nationalization of ITT property by the Allende government. Events have but further strengthened the report.

The only remedy seems to be to abolish OPIC and let overseas investors bear their own losses just as they bear their own profits.

The related newsclippings follow:

[From the Washington Post, Apr. 13, 1972]

ITT PREDICTS WINDFALL IN CHILE FIASCO

The International Telephone and Telegraph Corp. has reassured its stockholders that ITT will collect $89.6 million from the U.S. government as an insurance claim for the telephone company taken from ITT by the Allende government of Chile.

But the U.S. insurance agency, the Overseas Private Investment Corp., said that no decision has been made on ITT's claim and cannot be made for at least another six months.

In its annual report, issued two weeks ago, ITT said the corporation would lose $70 million because of the Chilean property expropriated by the government there. But it assumes that $89,658,000 will be paid by OPIC, a government-backed agency which insures overseas investments against political risks such as revolutions, insurrections and expropriations where the foreign gov-

ernment does not pay fair compensation for the U.S. property.

ITT noted that earnings from Chiltelco were down sharply in 1971, mainly because the government of Salvador Allende had raised wages but refused to permit rate increases. The corporation predicted, therefore, that "the reinvested insurance proceeds of the Chilean divestment will more than replace the 1971 earnings."

The $89.6 million figure was listed under "current assets" as "receivable from OPIC." A spokesman at corporate headquarters in New York said this represents the company's estimate of "the minimum we could expect to recover" from the Chilean episode.

But the statements in the annual report are not meant to suggest that ITT has abandoned any effort to negotiate a settlement with the Chilean government, the ITT spokesman said. Chilean sources have claimed that ITT is not negotiating in good faith because it figured the government agency would pay its claim if there was no agreement, an accusation which ITT has denied.

Marshall T. Mays, general counsel for OPIC, declined to discuss the ITT claim, except to say, "There has not been any formal determination and there couldn't be until the year is up" from the date of the Chilean action. That means that officially OPIC could not grant ITT's claim before October of this year, according to the agency.

OPIC, Mays said, has not given any assurances to ITT about the status of its claim.

The ITT claim adds another element to the giant conglomerate's current problems with government, but it also complicates the status of OPIC, which depends on both company-paid premiums and congressional appropriations for its reserves.

This year, faced with mounting claims, OPIC has asked Congress for an additional $85 million appropriation.

[From the Evening Star, Apr. 14, 1972]

CHILE ASSAILS ITT AND UNITED STATES

(By Jeremiah O'Leary)

Chile today denounced what it called "obvious intervention" by International Telephone & Telegraph Corp. in that country's international affairs, and asserted that these acts were carried out with the tolerance of U.S. government officials.

Speaking to the General Assembly of the Organization of American States, Deputy Secretary of Foreign Affairs Walter Anibal Palma referred to action described in materials published last month by columnist Jack Anderson, who said the papers were ITT's own confidential communications.

FINANCIAL SUPPORT

According to the papers, ITT pledged financial support of up to millions of dollars, considered provoking an economic collapse in Chile to trigger a military coup, and contacted the White House, State Department, Central Intelligence Agency and Justice Department in an all-out campaign to block the election of Chilean President Salvador Allende.

"We are conscious that there is a great expectation about our reaction to the obvious intervention in the internal Chilean political process by foreign private interests represented this time by ITT," Palma said.

"NORMAL INSTITUTIONS"

"These acts are known and the maneuvers of ITT against the normal institutions of our country appear to have been carried out, to say the least, with the tolerance" of U.S. government officials.

"Chile denounces these deeds and raises its protest before the international community and on doing so it reaffirms the determination of its people and government to proceed with their revolutionary duties," Palma said.

He also charged that there has been U.S. interference with the efforts of Chile to refinance its external debt with the so-called Club of Paris by raising bilateral questions that have to do with the nationalization by Chile of U.S. copper companies.

"This involves not only a clear violation of Article 19 of the charter of the OAS but also the actual text of Article 34, which expresses that member states must make every effort to avoid political acts that have adverse effects on the social or economic development of another member state," Palma said.

He also said that the "pretended equality" of the Latin American nations with the United States and the presumed community of hemispheric interests are "not realities but fictions."

The structure of the OAS tends to support the continuation of power and "favors the economic, political and ideological subordination and dependence of the Latin countries to the great power of the north," he said.

If fundamental changes are not made, he said, the OAS will be outside the efforts and real interests of the Latin countries to channelize their aspirations and common objectives for redevelopment.

Palma leveled a specific attack against the OAS Special Commission of Consultation on Security Against Communist International Subversion. He said this commission is of an unacceptable anti-democratic character and represents a violent repression of the principles of both the OAS and the United Nations.

He called the commission an illegal mechanism for brainwashing the ideological and political pluralism of the OAS which seeks to harm the principles of non-intervention and self-determination of peoples and governments.

At the first opportunity, Palma said, the Chilean delegation will present a resolution to the OAS Council to put an end to the activities of the commission against Communist subversion.

ALLENDE TAKES FIGHT TO U.N.

SANTIAGO.—President Salvador Allende has put before a United Nations economic conference of 141 nations his quarrel with the International Telephone and Telegraph Co. and American copper corporations.

Addressing the opening session of the third U.N. Conference on Trade and Development yesterday, Allende called for condemnation of American multinational corporations that he said had sought to "upset its economic relations with the rest of the world."

He accused American copper companies, whose properties have been nationalized here without compensation in most cases, of putting pressure on the United States government to "prevent Chile from obtaining new terms and new time limits for the payment of its external debt."

The U.S. government is the major creditor among the Western countries with which Chile has been seeking a three-year postponement of payment on debts totaling $1.2 billion. The negotiations, which began in December, resume next week in Paris.

[From the Washington Post, Apr. 15, 1972]

CHILE CRITICIZES UNITED STATES AND ITT

(By Jesse W. Lewis)

Chile yesterday accused the International Telephone and Telegraph Corp. and the U.S. government of working against Chile's interests and of violating the principle of nonintervention.

In a wide-ranging attack on U.S. policy in Latin America, Anaibal Palma, Chile's minister of state for foreign affairs, told the Organization of American States General Assembly:

"The pretended equality of Latin American nations with the United States and the assumption of a community of interests and purposes of all nations that make up the so-called Inter-American system are not reality but fiction."

Ironically, Palma's attack on U.S. policy in the Western Hemisphere was delivered on Pan American Day.

Palma accused ITT of "maneuvers aimed at rupturing the constitutional process in our country" which had "at least the tacit consent" of the U.S. government.

"Chile denounces these acts and brings its protests to the international community and in doing so reaffirms the determination of its people and government to proceed with their revolutionary task of liberation," he said.

Since Nov. 3, 1970, when the Marxist government of President Salvador Allende came to power, U.S.-Chilean relations have deteriorated. Allende has nationalized U.S.-owned copper mines and established ties with Cuba.

Recently, relations between Washington and Santiago have taken another nose dive since columnist Jack Anderson disclosed ITT documents indicating that the corporation tried to prevent Allende from taking power. The ITT memoranda said that there were contacts between its representatives and U.S. officials.

Despite the harsh tone of Palma's speech, many delegates to the conference were expecting a lot more in the way of fireworks. Several times during his address Palma jabbed the air with his right index finger and looked toward Assistant Secretary of State for Inter-American Affairs Charles A. Meyer, two seats away.

Palma's speech was followed with 30 seconds of applause, one of the longest responses to a conference speech. No one in the U.S. delegation applauded.

Later, however, a U.S. government source said Palma's speech was "Not that brutal."

The American delegation asked for an opportunity to reply to Chile's speech. The reply is expected today.

Palma said the United States is guilty of a "grave and direct" violation of the principle of non-intervention by exercising political and economic pressure to assure compensation for the copper mines nationalized last year.

On Cuba, he said, "we value and we are ready to aid all initiatives by other American nations that favor reestablishment of relations with the Republic of Cuba."

Chile, he said, reaffirms "our condemnation of all foreign and imperialist interference in our sovereign decisions, and we demand recognition of the inalienable right of our peoples to maintain normal relations with each other."

The Cuban question surfaced Wednesday, when Peru called for ending the OAS diplomatic and trade sanctions against Cuba.

Secretary of State William P. Rogers said that if Cuba altered its policy of supporting subversion in Latin America the U.S. position might change, but added that Cuba was still a "threat to the peace and security" of the Hemisphere.

The United States has reportedly given orders to use force if necessary to prevent Cuban gunboats from interfering with American shipping in the Caribbean. The instructions were issued after Cuba seized two merchant vessels, one of which had an American captain.

[From the Washington Post, Apr. 5, 1972]

CHILE PUTS ITT DOCUMENTS ON SALE

(By Lewis H. Diuguid)

SANTIAGO, April 4.—Chile's government today put on sale a book called "The Secret Documents of the ITT," containing English- and Spanish-language versions of the purloined International Telephone & Telegraph Corp. documents published in the United

States by American columnist Jack Anderson.

News vendors declared the government volume an instant best-seller, competing well against the girlie magazines and screaming-headline newspapers that are the kiosks' standard fare. The purple-bound volume sells for 25 escudos—95 U.S. cents at the official rate of exchange or 35 cents at the black-market rate.

The papers which Anderson said had been taken from ITT's Washington office, describe the international conglomerate as encouraging the U.S. government to prevent Salvador Allende, a Marxist, from assuming Chile's presidency after his popular-vote victory in 1970.

The documents, sent by air from Washington by Chilean Ambassador Orlando Letelier, arrived in Santiago just 10 days ago. A team of army and government translators put a Spanish version of the 26 documents before President Allende, who ordered the recently acquired government printing house to get it on the streets at once.

Several news vendors said they had sold out their first shipments of the book, even though most Santiago newspapers also carried the Spanish version, or parts of it, in their usual editions this morning.

The official newspaper Nacion said that the documents show a relation between "jingo" and "gringo," and spelled out ITT as "Imperialism, Treason and Terror."

For Santiago's highly politicized readers, the ITT papers appeared to offer evidence supporting the spy stories that the Marxist press has bannered—usually without evidence—over the years.

Despite today's publication, President Allende has still not commented on the papers, nor has he indicated whether he plans to move against ITT's investments here, which the company values at about $170 million.

[The head of Chile's Christian Democratic Party, the country's principal opposition party, demanded last night that a forthcoming investigation of reported interference in Chilean affairs by U.S. interests be broadened to cover "all foreign influences to which the country is subjected today," specifically mentioning "many agreements and pacts with Socialist countries and the presence in Chile of 15,000 citizens of Russia, Cuba, East Germany and other countries," the Los Angeles Times reported.]

[From the Chile: La Verdad, Apr. 3, 1972]

Did Jack Anderson receive any money directly or indirectly through a conduit for his attempted compromising of U.S. government, ITT and CIA?

If so, is Mr. Anderson working for the best interests of the United States or in effect aiding or abetting a Marxist government under the guise of the U.S. public's "Right to Know?"

Mr. Wilson C. Lucom, publisher of Chile: La Verdad, (P. O. Box 34421, Washington, D.C. 20034) asks these questions because of a report received through usually reliable sources from Chile as follows: "A Chilean Congressman Victor Carmine stated that Chilean Ambassador to Washington, Orlando Letelier in his recent stay in Santiago, Chile, prepared a plan with communication media experts of Allende's Communist-Socialist government in order to involve the United States government, former President Eduardo Frei and General Roberto Viaux in a supposed conspiracy against President Allende. All this because Allende dramatically needs a foreign target to blame in this moment. Congressman Victor Carmine said that Ambassador Letelier took U.S. $70,000 for the information on the CIA operation, and the money was supposed to be given to Jack Anderson or an alleged Communist Venezuelan who works at the Latin Agency, 617 National Press Building. Congressman Victor Carmine also said that Andres Rojas, press attaché of the Chilean Embassy, Washington, D.C., celebrates periodical meetings with Jack Anderson and Rodolfo Schmidt in the National Press Club, Washington, D.C."

The publisher of Chile: La Verdad feels that this matter should be thoroughly investigated by the press, the United States government and Congress.

Also, is the Chilean government employing public relations or law firms to influence the U.S. government to grant or extend loans to Allende's Communist-Socialist government. If so, why are these firms not registered as foreign agents?

A COMMUNITY EFFORT TO FIGHT CRIME

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. MIKVA. Mr. Speaker, everyone is aware of the soaring crime rate in this country, especially in the big cities. Ironically, individual apathy and a desire "not to get involved" have become all too common symptoms of that growing crime rate and, as a result, many people are content with avoiding crime—moving away from high-crime areas and staying off the streets at night. If that tendency continues, the streets of our big cities will become totally deserted at night—except for the criminals and their victims.

There is a community organization in my district that is not content with avoiding crime. It has decided to fight the crime problem with a new program of community self-help. The Hyde Park-Kenwood Community Conference has begun two projects to make the streets of the neighborhood safe for the residents and very unappealing for the criminals.

The first program, Project Whistle Stop, was launched on March 1. Under this program, thousands of small whistles are being distributed to neighborhood residents to establish a signal system for trouble on the streets. When an individual is threatened by crime, he or she blows the whistle. Anyone who hears the signal immediately calls the police and then blows his own whistle to let the victim and the assailant know that they are no longer alone. The program originated in New York City, and my colleague, Congressman Ed Koch, has described its effectiveness there.

The second program, Operation Identification, is part of a nationwide effort to mark and identify valuable items in the home which are the prime targets for burglars and robbers. The program makes an engraving pencil available to community residents so they can mark their personal property. Permanent identification like this discourages the criminal who has to sell stolen goods to stay in business.

Both of these programs are cosponsored by neighborhood banks, and the programs' initial success is another example of the need for community cooperation and involvement in the fight against crime. Through Project Whistle Stop and Operation Identification, the people of Hyde Park-Kenwood are helping the police do their job, and they are making their community a better place to live.

These programs can be adopted successfully in communities across the country, and I am attaching some background information on them for any of my colleagues who are interested in the project.

The Hyde Park-Kenwood Community Conference is to be congratulated and commended for its efforts.

The material follows:

HYDE PARK-KENWOOD,
COMMUNITY CONFERENCE,
Chicago, Ill., March 29, 1972.

Congressman ABNER J. MIKVA,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE MIKVA: We are enclosing information about Project WhistleSTOP and Operation Identification, two community action programs dealing with community security. The programs are sponsored by the Hyde Park-Kenwood Community Conference's Community Safety, Rights, and Justice Committee and are co-sponsored by two community banks.

The first program, Project WhistleSTOP, was launched on March 1st. It is co-sponsored by the Hyde Park Bank. It has to date distributed over 7,000 whistles to residents of our community as a new signal system for trouble on the street. When an individual is in distress, he or she blows his whistle; neighbors hear the distress signal, call the police, and then blow their own whistles so that the victim and would-be assailant know that they are no longer alone.

During the first three weeks of the program, the program has been greeted by the community beyond our greatest expectations. We have already sold twice as many whistles as we had planned to sell throughout the life of the project. There have been a number of incidents which have shown the speed with which residents are willing to respond when they have a practical way to do so and when their assistance will be appreciated. Similarly, the Chicago Police have been very cooperative both in the planning of the program and in extremely rapid response to telephone calls about whistles blowing. In fact, many residents have been urged to purchase their whistles by the local policemen.

The second program in the Conference's safety program is Operation Identification which will be launched on April 3rd. It is cosponsored by the University National Bank. Operation ID is a nation-wide program which has been adapted to our community. Engravers will be distributed to the community from a kiosk in the bank. Residents will engrave their drivers license number on valuable items which might be stolen. When they return the engravers, they will receive stickers for the front and back doors announcing to would-be burglars that their property is marked for ready identification by the police.

Both of these programs have a number of characteristics which lend themselves to the use in other communities. Both programs say loud and clear that security in an urban neighborhood can only be achieved through the concern of every neighbor for every other neighbor. WhistleSTOP especially provides a practical way for that sense of responsibility to be expressed.

Another significant factor is that both projects are jointly supported by a community organization and a community bank. The community organization brings to the project a practical formulation of a solution to a problem and the expertise in mobilizing its community. The bank brings the financial resources which it takes to launch a new

community institution. This reciprocity between a community and its community banks is unique in our experiences. We very much appreciate it and hope that other banks will follow the lead of the Hyde Park Bank and the University National Bank.

We are enclosing a press kit which provides all the basic information on both projects.

Sincerely,

JAMES KAPLAN,
Chairman, Community Safety Committee.

HYDE PARK-KENWOOD
COMMUNITY CONFERENCE,
Chicago, Ill., February 22, 1972.

CHICAGO.—Hyde Park-Kenwood is blowing the whistle on crime.

On March 1, the Hyde Park-Kenwood Community Conference and the Hyde Park Bank will launch Project WhistleSTOP, an alert system to signal trouble on the street. Chairman of the project is Ross Lathrop, 5203 Kenwood Ave.

Project WhistleSTOP revolves around the mass distribution of whistles to community residents together with instructions and training in WhistleSTOP technique.

Basically, it works like this. If a person is in danger on the street, he blows his whistle. Hearing this sound other persons in the vicinity call the police and then blow their own whistles to frighten off the assailant and let the victim know help is on the way.

Or, if a person observes trouble from his home, he calls the police, states the nature and address of the crime, and then opens his window and blows the whistle.

Project WhistleSTOP was adapted from a successful program initiated by a block organization in the Greenwich Village area of New York City. Since the New York program began last July, three would-be robbers or muggers have been frightened off and one was apprehended.

Whistles, directions, and window stickers announcing the participation of an individual or family in the project will all be available at cost for 50 cents.

The major distribution point for whistles during March will be a kiosk in the Hyde Park Bank lobby, 1525 E. 53rd St. Stores and other institutions willing to put up a small display will serve as secondary distribution points. Whistles will also be sold at community meetings throughout March.

"To make WhistleSTOP work, we have to impress upon everyone in the community the seriousness with which we take this program," Lathrop said. "It's possible that some person will overreact, but we feel that a certain number of errors in judgment is a small price to pay for increased security."

Project WhistleSTOP is one of four programs sponsored by the Conference's Committee on Community Safety, Rights, and Justice, under chairman Jim Kaplan, 1331 E. 55th St. The others deal with property identification, community transportation, and building security.

HYDE PARK-KENWOOD
COMMUNITY CONFERENCE,
Chicago, Ill., March 17, 1972.

CHICAGO.—The Hyde Park-Kenwood Community Conference will launch its second major community safety program April 3.

The program, Operation Identification, follows closely on the heels of Project WhistleSTOP, an alert system to signal trouble on the street.

Operation Identification, co-sponsored by the University National Bank, 1354 E. 55th St., is an effort to reduce burglaries by etching identification on items most likely to be stolen.

High speed electric pencil engravers and instructions on using them will be available at a nominal rental charge for use in engraving a driver's license number or other identification on valuable items. At the same time, participants will receive a registration form on which to list and describe items which have been engraved.

Suggested items for engarving are radios, television sets, cameras and projectors, stereo equipment, tape recorders, luggage, typewriters, lawn mowers and snow blowers, and valuable jewelry.

A driver's license number is recommended because it is maintained in a computer bank by the state and is readily available to law enforcement officials.

Along with the engraving pencil and registration form, participants will receive stickers suitable for placing on the front and rear entrances to homes or apartments.

The stickers read: "All items of value on these premises have been marked for ready identification by law enforcement agencies."

Operation Identification originated in 1963 in Monterey Park, Calif. Of 5,000 homes that participated in the program, only 20 have been burglarized compared with 2,000 burglaries among the 6,000 nonparticipating homes.

The engraving pencils will be available April 3 through 29 at a kiosk located in the lobby of the University National Bank. The kiosk will be open Monday, Tuesday, and Thursday from 9 a.m. to 3 p.m., Friday from 9 a.m. to 6 p.m., and Saturday from 9 a.m. to 1 p.m.

A $1 fee covers the cost of using the engraving tool for two days, instructions on tool use, property registration forms, and door stickers. A deposit on the engraving tool, which will be refunded upon return of the tool, will be required. A 50 cent fee will be charged each day the tool is kept beyond two days.

Eugene Krell, chairman of Project Identification, said it is important that a large number of Hyde Park-Kenwood residents participate in the project. "If there are many participants, our community will get a reputation with burglars as being an undesirable area in which to ply their trade. Fences and potential off-the-street buyers will become increasingly leery about taking marked items from burglars."

"With the active support of the police throughout the city and state, law enforcement personnel will make a special effort to look for engraved numbers so that property may be returned," he added.

Assisting Krell with Project Identification are David Gutman, 953 E. Hyde Park Blvd., and Renee Bock, 5627 S. Drexel.

Jim Kaplan, 1331 E. 55th St., is chairman of the Conference's safety committee.

CIGAR TAX BILL WITHDRAWN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ASPIN. Mr. Speaker, the withdrawal today from the House calendar of a bill which would have given a $120 million tax break to the cigar industry is strong evidence that tax reform has become a very potent issue in Congress. This bill, which would have resulted in Federal revenue losses of $120 million through 1979 and $21 million per year thereafter through reductions in the excise tax of many cigars, was withdrawn, I believe, for the obvious reason that we had the votes to beat it.

The withdrawal of this bill shows that Congress has gotten the message that the taxpayer is fed up with expensive tax loopholes for the rich and the special interest groups. It is clear from today's action that Congress is not about to pass any more loopholes—at least for a while. But it is also probably true that the irony of passing one more loophole on the day tax returns were due was just too much for many congressmen to swallow.

In the future all bills containing tax breaks that come before the House will be very carefully scrutinized, no matter how small the revenue loss to the Federal Government, and will be opposed if they cannot stand on their own merits.

FOREIGN POLICY AND THE ENERGY CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAMILTON. Mr. Speaker, the current energy crisis in the United States has many international implications, particularly in our relations with the countries of the Middle East and North Africa where over three-fourths of the world's proven oil reserves are located. The foreign policy ramifications of the energy crisis are discussed in a Washington Post article of April 16, 1972, written by Marilyn Berger. This good article calls attention to some of the dilemmas now facing the United States, and I commend it to my colleagues. The article follows:

[From the Washington Post, Apr. 16, 1972]

OIL, FOREIGN POLICY AND THE ENERGY CRISIS

(By Marilyn Berger)

Two decades ago, when the demand for oil in this country was a fraction of what it is today, the United States was sufficiently worried about the government of oil-rich Iran to have the CIA sponsor a coup there. Today, with U.S. imports of Middle East oil rising—and with projections suggesting that 30 to 40 per cent of U.S. consumption will have to come from that unstable area by 1985—Washington faces the probable nationalization of all American oil companies there within a decade.

The takeovers are expected to be made by governments more or less friendly, more or less "reliable" and with compensation that is more or less satisfactory. And the United States, with its "lowered profile" abroad, is not likely to be sponsoring any similar coups. The question of what the country can do is being widely debated in government and industry circles, especially since we are headed for an energy crisis.

While there are many ideas for alleviating the potential crisis by developing new sources of power, for the next decade and a half, in the words of one government consultant, there is "nothing but oil." And with domestic production having peaked, much of it will have to come from abroad. This is causing concern in dozens of government bureaus dealing in both foreign and domestic affairs and is currently the subject of a House committee hearing.

At the Commerce Department a major concern is the impact on the U.S. balance of payments. If current projections are correct, says Commerce Secretary Peter G. Peterson, the deficit on oil alone "could be $8 billion by 1975 and $15 billion by 1980."

State Department and Pentagon officials worry about the security of supplies from Arab countries that are in continuing confrontation with Israel. A day could come, they say, when the Arabs might act more forcefully on the proverb that the friend of their enemy

is their enemy. Probably even more worrisome to them is the increasing Soviet influence in the Arab world.

The Treasury Department is concerned about the oil tax structure, the Interior Department about the development of alternate sources in shale and tar sands and on the continental shelf, and environmentalists are worrying even more about what that development would mean to the quality of American life.

"STUDYING IT TO DEATH"

It seems safe to say there is no basic raw material which so deeply affects American interests, domestic and foreign. It is unlikely that there is any industry that has had greater success in winning congressional support for its interests or greater entree into the highest levels of government, making any tampering with the existing system especially difficult during a presidential election year.

Perhaps this is one reason why everybody is talking about the energy crunch but nobody is doing much to solve it. As one lawyer working with a number of oil companies remarks: "They're studying it to death . . . The problem in the government now is that there are 43 agencies involved with energy."

The number 43 is not exaggeration; Interior Secretary Rogers C. B. Morton put the number at 61. Not only are studies being made by most of these agencies, but there are almost as many solutions as studies.

The State Department, in a still-secret report, has taken something of a lead in urging the government to take foreign and domestic actions ranging from development of alternatives to auto transportation to changing oil and gas price structures. So far no action has been taken on the study.

The President on June 4, 1971, sent Congress a message on energy resources. This, however, looks mainly toward a solution to problems in the 1980s and beyond and touches only peripherally on the oil shortage that's almost here.

The environmentalists suggest a solution that is attractive in its simplicity: Use less. "A lot of our energy problems will be solved if we stop doing what we're doing," says Stewart Udall, former Secretary of the Interior. "The country should look at its own resources and play the hand it was dealt . . . For environmentalists the gut reaction is to slow things down."

In fact, virtually every solution to the oil supply problem creates difficulties for the environmentalists. If the United States is to import more oil—which the experts say it must—more and bigger tankers, deeper ports and more refineries will be needed. The environmentalists like none of these, out of concern for oil spills and air pollution. To produce more domestic oil means offshore drilling, shale development, new pipelines which again bring with them the prospects of spills, sludge disposal and potential ecological imbalance.

THEY CAN'T DRINK IT

Even if domestic oil is developed, however, the Middle East will remain important for some time as a source of energy supply for this country. Imports from the Middle East in 1970 amounted to 1 million barrels a day. By 1980 that figure is expected to rise to 8 to 10 million barrels a day.

While even the most pessimistic planners are not predicting any total, long-term cutoff of oil from that region—the Arabs can't drink it as the saying goes—one State Department official suggested that it "would be absolutely insane to become dependent upon such a volatile area for energy supplies." Under Secretary of State John N. Irwin last week called petroleum "a finite commodity . . . essential to a country's well being and . . . the most political of all commodities."

Oil presents the United States with a double problem. The oil-rich Arab nations, along with most of the so-called "third world," are moving toward control of their own resources. This will affect American oil concessions. Secondly, American support of Israel has had the effect of opening the Arab world to Soviet influence. "We have oversubscribed to the Israel case," said one U.S. official, who is personally sympathetic to Jerusalem, "and turned the area over to Russian influence. The fact is that the Soviet position has been greatly enhanced, and part of it comes . . . from the fact we support Israel, right or wrong." The Soviet Union only last week announced a $300 million investment in Iraq, its first major inroad into Mideast oil production.

Whether the Russians would, or could, use their political influence with the Arabs to interrupt oil supplies to the United States or its allies in Western Europe or Japan is one question bothering American strategists. As one official put it, "I'd hate to be in a position in a crisis where the Russians have that capability." The Russians will for some time have enough oil of their own, so apart from the geographic-strategic interests in the region, one of the only other interests can be in the control of oil flows.

The tendency has been to try to remove causes of tension, as in Berlin—if the agreement is ratified—strategic arms limitations, trade. But the long-term picture in the Middle East has not been a gratifying one for American planners. "Twenty years ago, even less," said one State Department official, "the Sixth Fleet could call at any port in the Mediterranean. Now there is not a port on the southern shore that would welcome it."

STATE DEPARTMENT PROPOSALS

The State Department has undertaken a broad study of the whole oil-energy problem. It is aimed, in the words of one official, "at getting the United States to take economic and diplomatic actions now to cope with a crisis coming in 1975 to 1980." One of the reasons the Policy Analysis and Research Allocation (PARA) report has been labeled "secret" is that it calls for domestic measures that are not supposed to be any business of the State Department. Among the reports approximately 15 recommendations, it was learned, are proposals to:

Develop domestic sources on the continental shelf and in shale.

Encourage development in the Western Hemisphere, especially in Venezuela (where heavy capital expenditure would be necessary at a time when nationalization threatens) and in Canada.

Seek to conclude agreements with Canada on oil (and natural gas) supplies. (Canada so far has been reluctant to sign.)

Build the Alaska pipeline. Environmental interests must be taken into account, but, it is noted, every barrel of oil that does not come from the North Slope will have to come from the Middle East.

Change price structures on oil and natural gas to encourage reduced consumption of oil and conservation of reserves. This proposal is not expected to be very popular among a variety of domestic interests.

Use taxes from oil to develop other forms of mass transportation than the automobile and the highway.

Encourage the major oil companies to organize themselves for operations abroad with the kind of exemption from antitrust laws that they received during last year's negotiations with the Organization of Petroleum Exporting Countries (OPEC).

Urge the oil companies to go along with demands by the producing countries for participation, on the premise that it will happen sooner or later anyway and that they might as well try to get the best deal they can while postponing it as long as reasonably possible. (Aramco, the American-owned oil consortium, recently agreed to Saudi Arabia's demand for a 20 per cent share in its operations. Experts expect these demands to go to 50 per cent soon and to 100 per cent in 10 years.)

Assure the oil companies a profit sufficient to finance exploration here and abroad. (A recent Chase Manhattan Bank study projects that the oil industry outside the Communist world will require an investment of $500 billion over the next 10 years, $120 billion of which would be needed for development of new oil sources. This is more than has been spent in the entire history of the industry. The study also predicts that more oil will be consumed in the next 10 years than has been consumed up to now.)

Encourage a kind of consumers union of oil-purchasing countries. The producers have joined together in OPEC and presumably the consumers, under such an arrangement, could similarly increase their bargaining power. Such an arrangement would tend to limit the confrontation aspects of negotiations between U.S. firms standing alone and Arab countries. It could also tend to lessen the inevitable competition among the world's developed nations for the limited available supplies.

AN ENERGY "CZAR"

Oil industry experts have other suggestions. One heard frequently is a proposal to stockpile oil to provide reserves against unforeseen cutoffs—an extremely expensive proposition but no more costly, they say, than the oil import quota system has been to Americans.

Nearly all the experts, both in and out of government, agree on the need to have an energy "czar" to coordinate government policy. A related suggestion is to have an "oil diplomat."

"The problem today," said one U.S. official, "is that nobody is sitting down and saying, 'Here's where the oil is, here are our problems with, say, Venezuela, Ecuador, Saudi Arabia,' for example. Why don't we begin to decide how much we want from where and design a program that works on that basis? Now every little piece is seen as a separate unit . . . . I think we could sit down and confect a policy that the oil industry would buy and that the oil countries could accept." He is not suggesting it would be easy, only possible.

This same official suggested that an "oil diplomat" would have the task of harmonizing U.S. foreign policy with U.S. energy needs. "You can get more with charm than with threats," he said, "if you have someone with the presence and intelligence of a David Packard or a Cyrus Vance."

The suggestion to name an oil envoy grows out of the assessment that as the military option diminishes for the United States, diplomacy must take over to help preserve American interests. One U.S. official remarked: "The United States has traditionally operated on the assumption that the oil industry operates under a free enterprise system and that it has been up to the industry to tap Middle East resources to supplement our own oil . . . But the oil countries are blowing the whistle on this and the companies are going to be in trouble . . . We're going to have to operate as a nation or see the companies get dispossessed . . . We'll either have to let third-rate countries push us around or get the government behind the oil companies."

This would not require any great realignment of official thinking. "Concern for the plight of the oil companies," noted this official, "has always been considerable at the upper levels of government . . . There has always been concern, for example, to keep on good terms with the oil companies, but this has always run afoul of American support of Israel."

The concern about the impact on other oil countries of an Iranian takeover of British oil interests in 1951 and over possible Soviet control of that valuable piece of real estate clearly led to the overthrow of Mohammed

Mossadegh in a CIA-inspired coup in 1953. There is little doubt that oil was a major factor in the 1956 Suez crisis.

American oil companies have been spectacularly successful in getting favorable legislation domestically—oil import quotas, oil depletion, allowances, tax breaks. They lobby openly for domestic favors and have important friends in the Congress.

House Speaker Carl Albert for example, recently told the American Petroleum Institute that "nearly one-half of the gas and one-third of the oil produced in Oklahoma is produced in my congressional district." Rep. Hale Boggs, House majority leader, is from oil-rich Louisiana, as are Allen J. Ellender, chairman of the Senate Appropriations Committee, and Russell Long, head of the Senate Finance Committee. And Rep. George H. Mahon, chairman of the House appropriations Committee, is from Texas. This is to say little about John B. Connally Jr. of Texas, who is not known for a lack of sympathy with oil interests.

One oil expert remarked that oil's influence is not so strong as when Lyndon B. Johnson and Sam Rayburn were the powers in Congress, "but it isn't that bad."

Ironically, many oil experts say, it has been the very success of oil companies in winning issues domestically that has led to the current situation in which the United States is becoming increasingly reliant on foreign oil. The oil import quotas, for example, were designed to prevent cheap foreign oil from competing with more expensive domestic oil. (An average American well can produce 13 barrels a day while a well in the Middle East can produce anywhere from 3,000 to 50,000 barrels a day.)

The quotas were imposed in the "national interest" to improve American self-sufficiency and prevent undue reliance on a single foreign area. But while the quotas may have prevented domestic American oil companies from being forced out of business by cheap competition, they failed to encourage expansion of American domestic capacity. "The means used had no relationship to a very desirable end," said one lawyer.

What they clearly did do was to force the use of U.S. reserves. One authority remarks that they virtually mandated that we "drain America first."

Although the quotas remain, virtually everyone in the oil business agrees that there will have to be more imports this year. Thus the quotas will have to be raised—some think an emergency meeting will have to be called this summer—because domestic production cannot meet demand. But politics probably dictates that the quota system will not be dropped. In fact, there seems to be no one in either government or the oil industry who thinks there will be any basic change in oil policy in 1972.

AFFECTING FOREIGN POLICY

In contrast with the open domestic lobbying by independent oil firms based in the United States, the major international oil companies have been far more subtle in their efforts to affect American foreign policy. As one U.S. official said, "The people involved in political matters in the Middle East know how important the oil interests are." He added that officials of the international firms are "important people who know the important people in government . . . In Acheson's time there was the old school tie and they were very correct about it all . . . There were no Dita Beards."

The oil company interests, he said, coincide with U.S. strategic interests both in preventing Soviet control of a strategic region and in assuring energy supplies. "But to suggest that they are lobbying for a new political attitude would be wrong," he added.

Continued U.S. support of Israel, for example, is now considered one of the "givens" in international relations, and oil executives and officials start from that premise. But efforts are always under way to get what oil executives would call a more "evenhanded" policy. There are suggestions that the United States develop technical assistance programs for the oil countries, expand cultural programs and repeat as often as possible statements about the territorial integrity of all nations in the region, in order to keep lines open to the Arabs if not to get the Arabs to love America.

SOVIET GAS DEAL

Meanwhile, the United States is looking at the possibility of doing business with the Soviet Union for the import of liquefied natural gas. Commerce Department officials suggest that a joint venture could lead to as much as $1 billion a year in natural gas imports if studies now under way indicate that it is technically and economically feasible. They say it is doubtful, however, that anything can be done to import the Soviet gas without the grant to Moscow of Export-Import Bank credits and most favored nation treatment. And there is talk of trading off excess American grain for Soviet gas to begin an exchange relationship.

The United States would also have to decide just how much, from a national security standpoint, it can afford to import from a country that remains its main rival in the world. "Amounts of purchase," said one official, "should be dictated by the degree of dependency we're willing to allow. That might be 3 to 5 per cent of total gas use, which would mean about 30 per cent of West Coast consumption."

There are those who believe a deal with the Russians would enhance rather than detract from national security. "From the standpoint of foreign policy," said one former Pentagon official, "I would develop the maximum number of relations with the Soviets. Wouldn't we want to have the Soviets think of us as a customer? Don't forget, there's nothing as lovable as a good customer. Then they wouldn't create unnecessary tensions."

Soviet natural gas, along with Algerian natural gas, which is expected to start arriving soon, and increased gas from Canada would begin to diversify American energy sources. Impetus for development of new sources domestically is expected to come as world oil prices increase. This could ameliorate the potential balance-of-payments problem troubling Commerce officials.

The main problem today seems to be getting action on existing proposals. There is no lack of ideas for a coordinated energy program that could prevent a supply relationship with the Middle East from becoming a dependency relationship.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

MANHASSET, LONG ISLAND, BUILDS A RECYCLED ROAD

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HALPERN. Mr. Speaker, I recently learned of a new and imaginative way of how the people of Manhasset, Long Island, plan to build a new road and, at the same time, find a partial solution to the pollution problem.

The town is planning to build a road made of asphalt and recycled glass. Glasphalt, as it is known, is an inexpensive substance which has durability and practicability.

Manhasset Supervisor Michael J. Tully has called on the town's residents to collect glass bottles and bring them to the town's incinerator where they will be recycled and turned into glasphalt.

This idea is an example of just what a community can do if it wants to solve its own problems. The people of Manhasset have found a way to meet the need for growth and expansion and at the same time do away with one of its most pressing plights.

A recent article in Newsday described, in detail, just how this new and exciting idea will take shape. Because I believe the rest of the country can well profit from the giant steps taken by the people of Manhasset, I would like to include that article in today's RECORD:

RECYCLED ROAD IN NORTH HEMPSTEAD

(By Bradford W. O'Hearn)

MANHASSET.—North Hempstead Town plans to become the first community in New York State to build a public road paved with glasphalt, a paving material composed of ground glass and asphalt.

Supervisor Michael J. Tully Jr. said at a town board meeting that the town would build the road at its Hempstead Harbor incinerator to show residents how recycled materials can be made to work in unusual ways. The road, which will lead to the town's recycling center at the incinerator, is expected to be about 70 feet long and 12 feet wide.

Tully called on all town residents to collect voluntarily bottles and other glass containers to be used in the glasphalt mixture. Tully could not estimate the cost of the glasphalt road but Felix Andrews, commissioner of public works, said the glasphalt itself should not cost more than $350. Andrews estimated that four to five tons of glass would be needed to construct the road. Tully said the month of April would be designated North Hempstead Environmental Action Month in an effort to get local groups to participate in the collection of glass. The glass will be collected at the recycling center and at the town's incinerator on Denton Avenue in New Hyde Park.

The glasphalt process was developed by researchers at the University of Missouri in Rolla, Mo., and has been used experimentally in about 15 communities across the nation. Tully said he hoped that if glasphalt could be used successfully it might help to reduce the town's need for its rapidly diminishing landfill areas. He said, "Glass comprises 42 per cent of our incinerator residue and its removal would considerably reduce our landfill requirement."

John H. Abrahams Jr., environmental director of the Glass Container Manufacturers Institute Inc., said that sophisticated separa-

tion systems, as yet undeveloped, would be needed to separate glass from incinerator residue on a large scale. A small experimental separator is expected to be operating in Franklin, Ohio, in the fall. Abrahams also said it was unlikely that glass would ever replace stone aggregate in paving materials on a large scale since more than one billion tons of aggregate are used in roads each year and the total yearly output of all glass manufacturers is only 10,000,000 tons.

Richard L. Cheney, president of the glass institute, said that studies of the glasphalt now in use showed it to be as good or better than stone. "It holds up better than limestone and retains its nonskid characteristics much longer," he said. He also noted that since glass holds heat longer than stone, glasphalt might be used during cold periods when regular asphalt cannot be laid.

WORLD PEACE TAX FUND ACT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. DELLUMS. Mr. Speaker, today is the deadline for the filing of income tax returns in the United States. My colleague from New York (Mr. ROSENTHAL) and I, along with eight of our colleagues, are taking this opportunity to introduce legislation which we believe is essential to the integrity of this Nation's tax system.

The World Peace Tax Fund Act, as our bill is called, would amend the Internal Revenue Code to establish conscientious objector status for taxpayers identical to that established presently under our Selective Service laws. Under this act, any man or woman in the country who felt he or she could not, in good conscience, contribute to military expenditures would have the option of having their tax dollars routed instead to peace-related activities.

It has long been recognized in this body and throughout the Nation that thousands, perhaps millions, of our citizens are so strongly compelled to resist violence that participation in war in any form is morally and religiously intolerable. What our laws have not yet recognized is that many of these citizens are equally opposed to seeing their tax dollars spent on implements of death and destruction.

The World Peace Tax Fund Act recognizes this moral conviction and, without lowering anyone's total tax bill, removes the great dilemma now facing conscientious objectors—to disobey their own beliefs or to disobey the laws of their country?

The original authors of this measure are to be highly praised for their contribution to this very important effort Among those responsible for the drafting of this legislation were David R. Bassett, M.D., of Ann Arbor, Mich., Joseph L. Sax and G. Joseph Vining, members of the University of Michigan Law School faculty and Michael P. Hall, a law student there.

Joining Mr. ROSENTHAL and me in sponsoring this bill are Mr. KASTENMEIER, Mr. RANGEL, Mrs. ABZUG, Mr. BINGHAM, Mr. CONYERS, Mr. DIGGS, Mr. MITCHELL, and Mr. RYAN.

At this time I would like to insert into the RECORD a summary of the legislation, followed by the text of the bill and other related material:

SUMMARY

The World Peace Tax Fund Act proposes that the Internal Revenue Code of 1954 contribution to military spending for Federal taxpayers who are conscientiously opposed to participation in war, and that a Fund be established to receive and distribute to qualified peace-related activities the portion of such individuals' tax payments that would otherwise go to military spending. The remainder of qualifying individuals' income, estate, and gift taxes would be transferred to the general fund of the U.S. Treasury, to be spent only for non-military purposes.

The Act gives relief to those citizens conscientiously opposed to participation in war, who are presently forced to violate their beliefs by participating in war through tax payments. There is considerable precedent for such relief. The Selective Service System has long recognized and accommodated the beliefs of conscientious objectors. Tax exemptions have been provided for certain religious groups to avoid violation of their religious and conscientious beliefs.

The requested tax relief for conscientious objectors will not open the "floodgates" to similar relief for other groups. The conscientious objector's request for tax relief is exceptionally compelling because it is motivated by the widely-held and long-established fundamental religious and moral mandate—"Thou shalt not kill."

The Act provides taxpayers, who are conscientiously opposed to war and who might otherwise feel compelled to undertake illegal tax resistance, with a means of making a meaningful contribution to world peace consistent with their obligations of citizenship. It is particularly important that the Act extends the opportunity for conscientious objection to women and to men not eligible for conscientious objector status under the Selective Service System.

The amendments to the Internal Revenue Code of 1954 provide that a qualified taxpayer may elect to have his or her Federal income, estate, or gift tax payment transferred to a special trust fund, the World Peace Tax Fund. The amendments also explain how a taxpayer qualifies to have his or her tax paid to the Fund. Other sections of the Act provide for the creation of the World Peace Tax Fund, and for the appointment of a Board of eleven Trustees to administer the Fund. The Fund is modelled after the National Highway Trust Fund and the National Airport and Airway Trust Fund. The act provides that the General Accounting Office shall annually determine and publish the percentage of the Budget of the United States which was spent for military purposes in the fiscal year just ended. This percentage will be used to determine the portion of the qualifying taxpayer's tax which shall be received by the Board shall submit a budget to Congress for approval and appropriation, providing for channeling of these monies to specified peace-related activities. Monies not appropriated from the Fund for expenditures budgeted by the Board shall remain available for use in subsequent years by the Board, subject to Congressional appropriation.

H.R. 14414

A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have his income, estate, or gift tax payments spent for non-military purposes; to create a Trust Fund (the World Peace Tax Fund) to receive these tax payments; to establish a World Peace Tax Fund Board of Trustees; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "World Peace Tax Fund Act".

SEC. 2. WORLD PEACE TAX FUND.

(a) CREATION OF TRUST FUND.—There is hereby established within the Treasury of the United States a special trust fund to be known as the "World Peace Tax Fund" (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be transferred to the Fund as provided in this section.

(b) TRANSFER TO FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—

(1) IN GENERAL.—There is hereby transferred to the Fund amounts equivalent to the sum of the amounts designated during the fiscal year by individuals under Section 6099 of the Internal Revenue Code of 1954 for payment into the Fund, and amounts during the fiscal year as estate tax payments designated for payment into the Fund under Section 2210 of such Code, and amounts received during the year as gift tax payments designated for payment into the Fund under section 2505 of such Code. Such amounts shall be deposited into the Fund, and shall be available only for the purposes provided in section 8 of this Act.

(2) METHOD OF TRANSFER.—The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates by the Secretary of the Treasury of the amounts, referred to in paragraph (1), received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 3. INCOME TAX PAYMENTS TO WORLD PEACE TAX FUND.

(a) Subchapter A of Chapter 61 of the Internal Revenue Code of 1954 (relating to returns and records) is amended by adding at the end thereof the following new part:

"PART IX—DESIGNATION OF INCOME TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND

SEC. 6098. QUALIFICATION FOR PARTICIPATION IN THE FUND.

(1) Any taxpayer who has actually qualified as a conscientious objector for Selective Service or Immigration purposes shall be entitled to participate in the Fund.

(2) Any taxpayer not covered by Subsection 1 of this Section, who declares that he or she is conscientiously opposed to participation in war, within the meaning of the Military Selective Service Act, as amended, shall qualify to designate payment of his or her income taxes to the Fund, as provided in Sec. 6099.

(a) Qualification for participation in the Fund shall be demonstrated by an affirmative response to the following question, which shall appear on all personal income, estate, and gift tax forms: "Do you believe that you are conscientiously opposed to participation in war, within the meaning of the Military Selective Service Act, as amended?"

(b) Instructions provided to taxpayers by the Secretary to assist them in filing tax returns shall include an explanation of the purpose of the Fund; the essential features of the Military Selective Service Act, as amended, pertaining to conscientious objection to war.

(3) Persons shall acquire the status of conscientious objector by their affirmative declaration to the question specified in paragraph (2a) above, provided, however, that the Secretary may initiate an action in the U.S. District Court of the district in which the declaring taxpayer has his residence, to challenge his status as a conscientious objector.

"SEC. 6099, DESIGNATION BY INDIVIDUALS.

"(a) IN GENERAL.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that his income tax payment for that year shall be paid into the World Peace Tax Fund established by section 2 of the World Peace Tax Fund Act.

"(b) DEFINITIONS.—As used in this section—

"(1) INCOME TAX LIABILITY.—The term 'income tax liability' means the amount of the tax imposed by chapter 1 on an individual for any taxable year (as shown on his return) reduced by the sum of the credits (as shown on his return) allowable under section 33 (relating to foreign tax credit), section 35 (relating to retirement income), section 38 (relating to certain depreciable property), section 40 (relating to work incentive program credit), and section 41 (relating to political contributions).

"(2) INCOME TAX PAYMENT.—The term "income tax payment" means the amount of taxes imposed by chapter 1 paid by or withheld from an individual for any taxable year not in excess of his income tax liability.

"(c) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year,

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, and

(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate."

(b)(1) The table of contents of such Code is amended by inserting after the item relating to part VIII of subchapter A of chapter 61 the following:

"PART IX. DESIGNATION OF INCOME TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND."

(2) The table of contents of subtitle F of such Code is amended by inserting after the item relating to section 6096 the following:

"PART IX. DESIGNATION OF INCOME TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND."

"SEC. 6099. DESIGNATION BY INDIVIDUALS.

(3) The table of parts of subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following:

"PART IX. DESIGNATION OF INCOME TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

SEC. 4. ESTATE TAX PAYMENTS TO WORLD PEACE TAX FUND.

(a) Subchapter C of Chapter 11 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 2210. DESIGNATION OF ESTATE TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND.

(a) IN GENERAL.—An individual may elect that the tax imposed by section 2001 on his taxable estate shall be transferred when paid to the World Peace Tax Fund established under section 2 of the World Peace Tax Fund Act.

(b) The table of contents for subchapter C of Chapter 11 of such Code is amended by adding at the end thereof the following:

"SEC. 2210. DESIGNATION OF ESTATE TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

SEC. 5. GIFT TAX PAYMENTS TO WORLD PEACE TAX FUND.

(a) Subchapter B of Chapter 12 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 2505. DESIGNATION OF GIFT TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND.

"(a) IN GENERAL.—An individual may elect that the tax imposed by section 2501 shall be transferred when paid to the World Peace Tax Fund established under section 2 of the World Peace Tax Fund Act."

(b) The table of contents for subchapter B of Chapter 12 of such Code is amended by adding at the end thereof the following:

"SEC. 2505. DESIGNATION OF GIFT TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) As soon after the close of each fiscal year as may be practicable, the Comptroller General shall determine and certify to the Congress and to the President the percentage of all expenditures made by the United States during the preceding fiscal year which were made for a military purpose (see "Definitions", below). The certification shall be published in the Congressional Record upon receipt by the Congress.

(b) There is hereby authorized to be appropriated each year a certain portion of the Fund to the World Peace Tax Fund Board of Trustees (established by Sec. 7) for obligation and expenditure in accordance with the provisions of this Act. This portion is determined by applying the percentage figure derived in subsection (a) above to the monies transferred to the Fund in each fiscal year, and adding to that sum all monies in the Fund previously authorized to be appropriated to the Board of Trustees but not yet appropriated. Monies remaining in the Fund shall accrue interest according to the prevailing rate in long-term government bonds.

(c) The remaining portion of the Fund is authorized to be appropriated to the general fund of the Treasury of the United States. No part of the money transferred to the general fund under this subsection shall be appropriated for any expenditures, or otherwise obligated, for military purposes.

SEC. 7. BOARD OF TRUSTEES.

(a) There is established a World Peace Tax Fund Board of Trustees (hereinafter referred to as the "Board") which shall be composed of 11 members appointed as follows:

(1) nine members, not more than five from the same political party, appointed by the President, by and with the advice and consent of the Senate, from among individuals who have demonstrated a consistent commitment to world peace and international friendship and who have had experience with the peaceful resolution of international conflict; and

(2) two members, who shall also meet the above criteria, one of whom shall be appointed by the President pro tempore of the Senate from among the Members of the Senate, and one of whom shall be appointed by the Speaker of the House of Representatives from among the Members of the House. Members appointed under this paragraph shall serve ex officio.

(b) The term of office of each member of the Board shall be six years, except that the term of office for four members initially appointed under subsection (a)(1) shall be three years. Members may serve until their successors are appointed, except that if any member appointed under subsection (a)(2) ceases to serve as a member of Congress, his term of office on the Board shall terminate at the time he ceases to serve as a Member of Congress. Each member shall be eligible for reappointment for one additional term, but no person shall serve for more than 12 years as a member of the Board. Six Trustees shall constitute a quorum.

(c) Any vacancy in the membership of the Board shall not affect its powers and shall be filled in the same manner in which the original appointment was made. The term of office of any person appointed to fulfill the unexpired term of a member shall consist of the unexpired portion of such member's term.

(d) The Board shall elect a Chairman from among its members.

SEC. 8. DUTIES OF THE BOARD.

(a) The Board may make payments as authorized by Appropriation Acts, by way of grant, loan, or other arrangement, under such conditions and upon such terms as it considers necessary.

(b) Funds designated for the purpose of research may be directed to governmental or nongovernmental, national or international organizations. Funds for nondomestic programs involving the providing of goods and services shall be restricted in distribution to the United Nations and associated agencies.

(c) Activities eligible to receive money from the Board shall include but not be limited to:

(1) Research directed toward developing and evaluating non-military and non-violent solutions to international conflict;

(2) Disarmament efforts;

(3) International exchanges for peaceful purposes;

(4) Improvement of international health, education, and welfare; and

(5) Programs for providing information to the public about the above activities.

(d) The Board shall publish regulations for the submission of applications for funds by persons and agencies, and shall determine the eligibility of such persons and agencies to receive payments or loans. Before approving the application of any such person or agency the Board shall determine, after a comprehensive review of all the functions and activities of the person or agency requesting approval, that such functions and activities have a non-military purpose.

(e) The Board shall submit its budget to Congress as stipulated in Sec. 9, shall report to the President and to the Congress annually on its activities, and shall provide a complete accounting of all funds received and disbursed pursuant to this Act.

(f) It is the intent of this Act that the Fund shall not operate to release money for military expenditures which, were it not for the existence of the Fund, would otherwise have been appropriated for non-military expenditures.

SEC. 9. SUBMISSION OF BUDGET.

Notwithstanding any other provision of law, the Comptroller General shall carry out the activities and review of the Board which would be carried out by the Office of Management and Budget if the Board were an agency within the executive branch of the Government; and may establish such requirements as he deems necessary to carry out his authority under this section. The Office of Management and Budget shall not have jurisdiction over the Board. The Board shall submit its budget, requests for appropriations, and related reports to the Congress in accordance with such requirements and procedures as the Comptroller General may establish.

SEC. 10. POWERS AND ADMINISTRATIVE PROVISIONS.

(a) Each department, agency, and instrumentality of the Federal Government, including independent agencies, is authorized and directed to cooperate with and furnish to the Board, to the extent permitted by law, upon request made by the Chairman,

such information as the Board may require to fulfill its duties under this Act.

(b) Subject to such regulations as the Board may adopt, the Chairman may—

(1) appoint and fix the compensation of an Executive Director and such additional staff personnel as he deems necessary; and

(2) procure temporary and intermittent services to the same extent as authorized by section 3109 of title 5, United States Code.

(c) Members of the Board shall be compensated at the maximum rate permitted by law for government employees or consultants, on a per diem basis, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 11. AMNESTY.

(a) Any individual who incurs or has incurred a civil or criminal penalty for failing or refusing to pay all or a part of the tax imposed on him by chapter 1 of the Internal Revenue Code of 1954 (relating to income tax) for any taxable period with respect to which the time for filing a claim for credit or refund of overpayment has not expired on the date of enactment of this Act is granted amnesty if he—

(1) pays any tax due (with interest) which he failed or refused to pay (on the grounds set forth in paragraph (2)(A)), and

(2) establishes, to the satisfaction of the Secretary of the Treasury, that—

(A) his failure or refusal to pay was on the grounds that all or a part of his tax payment would be used by the United States for carrying out military activities, and

(B) he would have made timely payment of such tax and designated his tax payment for payment into the World Peace Tax Fund (established under section 2 of this Act) if this Act had been in effect at the time of his failure or refusal to pay the tax.

(b) Whenever any individual is granted amnesty under subsection (a), the Secretary of the Treasury shall transfer to the World Peace Tax Fund the amount of any tax payment made under subsection (a) by such individual, and remit to that individual the amount of any civil penalty (other than interest) for which amnesty was granted.

SEC. 12. DEFINITIONS.

For the purposes of this act—

(1) "Military purpose" means any activity or program conducted, administered, or sponsored by an agency of the Government which effects an augmentation of military forces, defensive and offensive intelligence activities, or enhances the capability of any person or nation to wage war, and

"Expenditures for a military purpose" includes but is not limited to amounts expended by the United States in connection with—

(A) the Department of Defense;

(B) the Central Intelligence Agency;

(C) the National Security Council;

(D) the Selective Service System;

(E) activities of the Atomic Energy Commission that have a military purpose;

(F) activities of the National Aeronautics and Space Administration that have a military purpose;

(G) foreign military aid, and foreign economic aid made available to any country for the purpose of releasing local funds for military activities; and

(H) the training, supplying, or maintaining of military personnel, or the manufacture, construction, maintenance, or development of military weapons, installations, or strategies;

(2) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress; or

(B) the courts of the United States; and

(3) "person" includes an individual, partnership, corporation, association, or public or private organization other than an agency.

SEC. 13. SEPARABILITY.

If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

MEMORANDUM IN SUPPORT OF THE WORLD PEACE TAX FUND ACT

INTRODUCTION

Many persons in this country are conscientiously opposed to participation of any kind or nature in war. For some religious denominations this is a fundamental part of the religious beliefs of the members. For example, the Handbook of the Pacific Yearly Meeting of the Religious Society of Friends urges its members:

"To recognize that the military system is not consistent with Christ's example of redemptive love . . . (and) to consider carefully the implication of paying those taxes, a major portion of which goes for military purposes."—page 28 of 1962 Rev. Ed.

The World Peace Tax Fund Act is designed to relieve individuals conscientiously opposed to participation in war from the obligation to participate in war through the payment of taxes for military spending. Also it frees them from the weight of conscience which comes from breaking the law, when they hold law and society important.

Freedom of conscience, whatever that conscience might be, is an integral part of our scheme of government. The Supreme Court of the United States, in March of 1965, quoted a statement made in 1919 by Harlan Fiske Stone, who later became Chief Justice of the Court:

"Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep is its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process,"—Stone, The Conscientious Objector, 21 Col. U.Q. 253, 269 (1919).

Although not all persons who are conscientiously opposed to participation of any kind in war base their convictions on religious training and belief, conscientious objection to war appears to be well recognized as an integral part of the religious beliefs of many people. Speaking of the struggle for religious liberty in this country, Chief Justice Hughes referred to:

"The large number of citizens of our country, from the very beginning, who have been unwilling to sacrifice their religious convictions, and in particular, those who have been conscientiously opposed to war and who would not yield what they sincerely believed to be their allegiance to the will of God . . ." *United States* v. *Macintosh*, 283 U.S. 605, 631 (1931).

Certainly to require significant participation in war, against the religious conscience of these people, would violate the spirit of the first amendment protection for the free exercise of religion. (See *West Virginia State Board of Education* v. *Barnett*, 319 U.S. 624 (1943); *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (1963); *Contran, Tyrrell* v. *United States*, 200 F. 2d 8 (9th Cir. 1953), *cert. denied* 345 U.S. 910.

Conscientious objection to war and military training is deeply imbedded in the traditions of this country. For example, the ratifying conventions of each of the six states that recommended the adoption of a Bill of Rights in ratifying the new Constitution approved specific amendments as a part of their recommendation; Virginia, North Carolina, and Rhode Island included a provision guaranteeing the right of conscientious objection. (See Elliot, *Debates on the Adoption of the Federal Constitution*, Vol. 3, p. 659, Vol. 4, p. 244 Vol. 1, p. 334—36 (reprint of 2nd ed. 1937).

A similar provision was suggested but rejected by the Maryland convention. (See Elliot at 553.) It is not surprising, therefore, that one of James Madison's proposed amendments presented to the first session of the first Congress included the following language: "but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." *Annals of the Congress of the United States*, 434 (Gales and Seaton, 1934).

During the debates on the proposed amendment, it was suggested that the right be conditioned "upon paying an equivalent." To this suggestion Mr. Sherman of Connecticut remarked:

"It is well known that those who are religiously scrupulous of bearing arms are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other." *Annals* at 750.

A motion was then made to drop this clause altogether; the motion failed and the clause was included in the list of proposed amendments sent to the Senate for approval. The Senate omitted this provision and it never became a part of our Bill of Rights. Although no record of the Senate debates was taken at the time, the opposition to the proposal in the House would indicate that the Senate preferred to leave the matter to legislation instead of a Constitutional Amendment. *Annals* at 751.

Although Congress has recognized the right of conscientious objectors to refrain from participation in war and has enacted legislation to protect that right, conscientious objectors are still forced to participate in war through the payment of taxes, a substantial portion of which goes to military spending. Every person in this country who pays Federal income, estate, or gift taxes is forced to participate in war in this manner. They are forced to aid in the equipping and training of armies and in the purchase of bombs, ammunition, missiles, napalm and other instruments of destruction. This is a significant form of participation in war.

Tax refusal—refusal to pay taxes because the money was to be spent for things to which the taxpayers were conscientiously opposed—has a long history. Early Christians refused to pay taxes to Caesar's pagan temple in Rome. Quakers and Mennonites refused to pay taxes to pay for the war effort during the French and Indian Wars, the Revolutionary War, and the Civil War. Under Gandhi's influence, strugglers for independence in India refused to pay taxes to the British Empire. In many ways the Boston Tea Party and other attempts of the colonists to prevent the British from collecting taxes to pay for the French and Indian War and for the stationing of British troops in the colonies represent similar protests. (See 1 Malone, & Rauch, *Empire for Liberty* 126–36 (1960)). Just as pacifists are opposed as a matter of conscience to paying taxes that are used for military purposes, so were the colonists opposed as a matter of conscience to paying taxes without representation.

At the present time those who are conscientiously opposed to any form of participation in war can avoid violating their conscience in the matter of federal income taxation in only two ways. First, they can carefully avoid earning more than the minimum income required by federal law upon which income taxes must be paid. Second, they can simply refuse to pay the taxes due, or a certain percentage of them; this amounts to a

criminal offense which could result in a maximum sentence of $10,000 fine and one year in prison. See Internal Revenue Code, Section 6502. Such a penalty could conceivably be imposed every year if the individual refused to pay the taxes due every year. In spite of the possibility of these extreme consequences, many people take this route because they feel it is a lesser evil than to violate their conscience.

To most American citizens who wish to make substantial contribution to the life of their community and who want to be law-abiding citizens these are not feasible alternatives. The liberty of conscience that Chief Justice Stone spoke about is not being preserved in the area of conscientious opposition to participation in war. In order to preserve this liberty of conscience and to preserve both the dignity and the fairness of law—to preserve it in a spirit intended by the founding fathers and the drafters of the Bill of Rights—legislation should be enacted to provide a legal and realistic alternative to participation in war through the payment of federal income, estate, and gift taxes.

PRECEDENT

There is sound precedent for such legislation giving tax relief to protect religious and conscientious beliefs. Section 1402(e) of the Internal Revenue Code provides an exemption from payment of self-employment taxes for duly ordained, licensed or commissioned ministers and members of religious orders, or for Christian Science Practitioners upon their filing an application for exemption together with a statement that they are conscientiously opposed to, or because of religious principles, they are opposed to participation in an insurance plan like that provided by the Social Security Act. Section 1402(h) of the Internal Revenue Code similarly relieves members of qualified religious faiths, primarily the Amish, of the duty to pay the Social Security tax. By this Code provision, enacted in 1965, Congress acknowledged and accommodated the conscientious objection of the Amish to participation in insurance plans. The tax exemptions provided by sections 1402(e) and 1402(h) of the Internal Revenue Code were modeled after the exemption of conscientious objectors from the draft.

By exempting individuals conscientiously opposed to participation in insurance plans from payment of Social Security taxes, Congress clearly extended the principle of Congressional accommodation of conscientious beliefs from the area of the draft to the area of taxation. Thus Congressional precedent for tax relief to accommodate the beliefs of conscientious objectors to war is firmly established. Congress has recognized both the right not to participate in war and the right of a tax exemption to avoid participation in a program to which the tax-payer is conscientiously opposed.

The proposed tax accommodation for conscientious objectors to war recognizes the unique and long-acknowledged right of an individual to refrain from participation in war. It reflects an honest acknowledgment that payment of taxes for military spending is a significant and, for conscientious objectors, intolerable form of participation in war. The proposed special tax status for conscientious objectors is a necessary device to avoid forcing their participation in war.

The tax treatment asked for conscientious objectors is less exceptional than that presently granted by sections 1402(e) and 1402 (h) of the Internal Revenue Code. Those sections allow individuals "conscientiously opposed" to Social Security insurance to be entirely exempted from payment of a portion of their tax. In contrast, the World Peace Tax Fund Act does not propose exemptions from payment of a portion of the conscientious objector's tax. Under the Act, a conscientious objector is still required to pay his entire tax. The Act merely provides that an appropriate portion of the tax may be diverted from military spending to non-military peace-related activities.

Like the exemption from payment of the Social Security tax, the proposed tax accommodation for conscientious objectors is based on religious and conscientious belief. The conscientious objector to war has a compelling justification for the special tax status he seeks. His concern is fundamental. He asks not to be forced to join in the deliberate killing of his fellow men. His desire not to participate in war and killing through any means, including taxation, is based upon a widely acknowledged religious and moral principle. Observance of the principle is essential to the integrity of the individual. By forcing the conscientious objector to war to contribute to military spending, Congress presently forces him to violate his conscience and severely denies his right of religious freedom.

The tax accommodation of conscientious objectors would be an affirmative gesture which would benefit society as well as the individual taxpayer. Especially today, when a faint hope of world peace precariously counterbalances the threat of unspeakable destructive war, it is important to society that the moral principle, "Thou shalt not kill," which underlies the conscientious objector's attitude towards war, be firmly and repeatedly asserted.

Fundamental fairness requires that the opportunity for making this affirmative gesture for world peace and against killing be extended to all people—not just those draft-age males who qualify for conscientious objector status under the Selective Service laws. Therefore another important aspect of this act is that it offers women and children an opportunity constructively to demonstrate their opposition to war through formal conscientious objection—an opportunity which at present is open only to draft-age men.

The proposed tax accommodation for conscientious objectors is required by uniquely compelling justifications. Granting this special tax status to conscientious objectors will not open the floodgates to other groups who claim to be "conscientiously opposed" to various uses of their tax dollars, because the concern of the conscientious objector is so fundamental, so widely acknowledged, and so essential to the integrity of individuals and our society.

The contemplated tax treatment of conscientious objectors does not establish a precedent for individual earmarking of tax dollars. Trustees appointed by the President with the advice and consent of the Senate will receive, for subsequent channeling to appropriate peace-related activities, a portion of the Fund's monies. This portion represents a sum of all qualifying individuals' income, estate, or gift tax payments, multiplied by the percentage of last year's Federal budget devoted to military spending. The spending decisions of the Trustees require Congressional approval and appropriation. Congress retains power over spending of the conscientious objector's taxes. The taxpayer who qualifies as a conscientious objector can only decide that his tax dollars will not be spent for one specific purpose—military spending. Distribution of monies by the Board to qualified peace-related organizations finds precedent in the qualified distribution requirements for private foundations under Section 4942 of the Code.

In summary, the conscientious objector's uniqueness rests first, in the long tradition of Congressional respect for and accommodation of conscientious objectors to war. Second, the standards for determination of conscientious objector status have been tried, proven, and refined by the Selective Service System and conveniently provide stringent and reliable requirements for determining conscientious objector status for tax purposes. Third, the conscientious objector to war bases his request for special tax treatment on a widely-held long-established fundamental religious and moral belief. Fourth, the declaration of conscientious objection for tax purposes is an affirmative and constructive act which could make a substantial contribution to world peace.

The great interest of individuals in the free exercise of their fundamental religious beliefs should weigh most heavily against the public interest in minimizing exceptions to the general tax laws. If the interest of the Amish in not participating in Social Security insurance was sufficient to outweigh this public interest, the compelling interest of the conscientious objector to war should also outweigh it.

EFFECTIVENESS

Individuals conscientiously opposed to war will be excused from tax contribution to military spending and thereby from a significant form of participation in war. The tax dollars diverted from military spending will be used to promote world peace. It is recognized that because of the nation's tax collection and budgeting process, the creation of the World Peace Tax Fund may not markedly reduce the money available for military spending. A serious curtailment of military spending would result only if a great many taxpayers participated in the Fund, thereby calling for a major shift in national priorities. The military will get the funding it requests until the success of the Fund helps persuade taxpayers and Congress to reduce the priority of military spending.

At present, many conscientious objectors are so determined to change this country's priorities that they have refused to pay their taxes. As an alternative to forcing conscientious objectors to pursue this difficult and unpopular course, this bill offers the conscientious objector a way of making a positive contribution to world peace in place of contributing to military spending. The Fund will provide a constructive means of citizen's protest for its contributors. The Fund will draw the attention of every taxpayer to the percentage of American tax dollars going to military spending. It will encourage Congress to recognize this percentage by publication of the Fund's annual reports. At present, for the most part, no effort is being made by the government to separate military spending from other spending. Individual taxpayers, in making out their annual returns, will be forced to decide whether or not they can conscientiously contribute to military spending. Those who become conscientious objectors for tax purposes will be voicing a significant vote against military policy. The bill provides that the number of contributors to the Fund, the amount of money contributed, and the expenditures of the Fund shall be published and reported to Congress each year.

Many conscientious objectors would like to take a firmer stand than that provided by this Act in opposition to their country's military operations, but in view of the political constraints imposed on them as a minority, they support the Fund as a meaningful, though not entirely satisfactory means of working for world peace.

The Internal Revenue Code amendments and the organization of the Fund are designed to accomplish their goals with a minimum of administrative effort. The individual taxpayer is given the initial responsibility for determining whether he or she is eligible for conscientious objector status. A taxpayer who is already classified as a conscientious objector for Selective Service or Immigration purposes is automatically eligible. A taxpayer, regardless of age or sex, who files a declaration of conscientious opposition to war, is eligible. False statements knowingly made in declaring conscientious objector status are grounds for prosecution for perjury. Willfull abuse of this claim of eligibility will there-

fore be discouraged. The Internal Revenue Service may conduct an examination, "For the purpose of ascertaining the correctness of any return," according to Section 7602 of the Code. Language in that section is broad enough to allow review of a declaration of conscientious objection to war. In formulating requirements for conscientious objector status and in reviewing returns of conscientious objectors, it is expected that the Secretary or his delegate will rely primarily on 50 U.S.C. App. 456(j), which exempts conscientious objectors from military service, and judicial interpretations thereof. Final rulings by the IRS against the taxpayer's status as a conscientious objector are appealable to the United States District Court.

The Fund itself will be self-sufficient. It is expected that the commitment of the Fund's Trustees to world peace and their appointment by the President with the advice and consent of the Senate will make the Fund self-policing so that contributors and other taxpayers and Congress will have faith in it, and it will accomplish the goals set for it. The operating expenses of the Fund will be paid out of the money the Fund receives from taxpayers. Because the Fund will encourage people who presently refuse to pay their taxes, to pay these taxes, the administrative costs of the Fund will be offset by the additional tax payments which the Fund is expected to generate.

A final point is that legislative relief is the only legal avenue available for resolving the conscientious objector's dilemma between his beliefs and his obligations of citizenship. Conscientious objectors have repeatedly lost their battle against war taxes in the courts. Despite the strong constitutional arguments which can be made in their defense, in deference to Congress the courts have repeatedly held against conscientious objecters who have refused to pay their taxes to military spending.

CONSTITUTIONALITY

(1) *Uniformity.* The proposed legislation conforms with the requirement of Article I, Section 8, Clause 1 of the Constitution which provides "All duties, imports and excises shall be uniform throughout the United States." The requirement of uniformity has been read to require geographical uniformity, *Knowlton v. Moore,* 178 U.S. 41 (1900); *Brushaber v. Union P. R. Co.,*—U.S. 1 (1916); *Fernandez v. Wiener,* 326 U.S. 340 (1945).

(2) *First Amendment.* The first amendment provides "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." The proposed tax payment accommodation of the religious beliefs of conscientious objectors is a mitigation of a general requirement for the purpose of allowing the free exercise of religion. This is not an establishment of religion.

According to the General Counsel of the Treasury, "The classic example of the application of the free exercise clause is the series of cases which have upheld Congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases,* 245 U.S. 366 (1918), upholding the exemption in the draft law of members of religious sects whose tenets prohibited the man's right to engage in war." The Solicitor General had argued (p. 374) that the exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (pp. 389–390).

The present Universal Military Training and Service Act (50 U.S.C. app. 456(j)) provides, "(j) Nothing contained in this title (sections 451, 453, 454, 455, 456 and 458–471 of this Appendix) shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form." "Participation in war in any form" has been read by the courts to mean "participation in any form in war." *Taffs v. U.S.,* 208 F. 2d 329 (CA 8 (1953), *cert. denied* 347 U.S. 928 (1954)). In *U.S. v. Seeger,* 380 U.S. 163, 13 L. Ed. 2d 733 (1965) the court broadly interpreted "by reason of religious training and belief" to require no formal religious training, and suggested that a personal moral code would be sufficient grounds for conscientious objection if there were some other basis for the registrant's belief. The *Seeger* case did not reach the constitutional question of whether the state might require a belief in God as a condition for exemption. *Torcaso v. Walkins,* 367 U.S. 488 (1961) did hold that Maryland could not require an oath attesting to a belief in God as a requirement for becoming a notary public, because such a requirement would constitute an establishment of religion.

Another example of the use of Congressional authority to make exemptions from general laws to permit the free exercise of religion is the exemption from taxation of religious organizations, property and activities. These exemptions continue to be upheld against claims that they have the effect of establishing the religions benefited. *Swallow v. U.S.,* 325 F. 2d 97 (10th Cir. 1963).

Zorach v. Clauson, 343 U.S. 306 (1952) is another case affirming the validity of accommodations made by the state to allow the free exercise of religion. There the Court upheld New York legislation authorizing public schools to release children one hour early every week for religious instruction off school grounds.

That allowing conscientious objectors to pay a portion of their taxes into a non-military tax fund is an accommodation for the free exercise and not an establishment of religion is made clear by *Sherbert v. Verner,* 374 U.S. 398 (1963). The Court held there that Maryland could not deny unemployment benefits to a Seventh-Day Adventist who refused to take a job requiring work on Saturday, the Adventists' Sabbath. The Court held this conditioning of welfare benefits on compromise of individuals' religious beliefs was an unconstitutional restriction on the free exercise of religion. Therefore, the court ordered Maryland to make accommodation within its general unemployment law. A conscientious objector who is forced to pay taxes which help finance military spending, is being denied the right of free exercise of his religious beliefs. The conscientious objector's plight is worse than the Adventist's in *Sherbert* who paid a lesser price for free exercise of religion. In *Sherbert* the price exacted by the state for religious freedom was loss of unemployment benefits. The conscientious objector who refuses to pay taxes is not only fined but is forced to break the law and is liable to criminal prosecution. Contribution to military spending is a significant form of participation in war. It may be as offensive to religious beliefs as service in the Armed Forces. Congress has accommodated religious beliefs by exempting from military service those conscientiously opposed to participation in war. It is a small step for Congress to allow the conscientious objector not to participate in war through taxes. Clearly, such an accommodation is to aid the free exercise of religion and is permitted, if not required, by the first amendment.

The effect of the proposed accommodation for conscientious objectors would not be discrimination in favor of some religions at the expense of others. Rather, the present discrimination against those who are forced to pay taxes (a portion of which goes to military spending in violation of their religious beliefs), would be removed. See *Sherbert,* p. 406. Nor are the problems of administration and the possibility of spurious claims under the proposed accommodation justification for continuing the present burdens or the free exercise of religion. See *Sherbert,* p. 407.

Despite the constitutionality of the proposed amendments, it might be argued there is an overriding public interest which forbids accommodation. But in *In Re Jenison,* 375 U.S. 14(1963) the Court relying on *Sherbert v. Verner* vacated a ruling of the Minnesota Supreme Court, which held that jury duty, a primary duty of all citizens, was superior to a religious belief which forbade judging others and therefore forbade jury duty. After *Jenison* it is possible to argue that it is unnecessary to balance the public interest against the individuals' interest to determine whether an exception to the general law should be made to accommodate the free exercise of religion. Rather Congress or the courts could simply determine if an accommodation is necessary to allow free exercise of religion and if so, grant it.

(3) *The due process clause.* The due process clause of the fifth amendment requires that tax statutes be reasonable and apply to a reasonable class. However, the standards of reasonableness applied to tax statutes are more lenient than those applied generally; only clearly arbitrary tax classifications will be struck down. *Flemming v. Nestor,* 363 U.S. 603(1960); *Smart v. U.S.,* 222 F. Supp. 65 1963); *Leeson v. Celebrezze,* 225 F. Supp. 527 (1963). Therefore it is unlikely that the classification proposed by these amendments would be found unreasonable, especially since the classification is the same which has long been accepted as reasonable for draft exemption purposes.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my second weekly report on "Crime and Criminal Justice in the United States":

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON

(EDITOR'S NOTE.—This is the second in a series of weekly reports on crime and criminal justice in the United States.)

The criminal justice system is increasingly hard-pressed just to contain the increasing crime rates, let alone reverse the trend. To make progress, the system must be reshaped and strengthened.

The system includes the police, the courts and the correctional facilities (prisons). It can work better than it does, but most experts agree that, by itself, it cannot turn the rising tide of crime across this country. The system's shortcomings are illustrated by these facts:

Barely one in every nine crimes which are reported results in a conviction (and most crimes go unreported).

Far in excess of one-half the number of robbery cases are not prosecuted, usually because of inadequate evidence.

Long delays in trials, now commonplace, weaken the deterrent of swift and certain conviction.

More than 40,000 different law enforcement jurisdictions in the U.S. make police efficiency hard to achieve.

Twice as much is spent in this country on tobacco as on the criminal justice system.

Only two Federal prisons have been built since World War II.

The criminal justice system's three components are highly interdependent. Police, courts and correction systems must each function efficiently or the whole system breaks down. If the police don't capture offenders, prosecuters cannot prosecute. If the prosecuters cannot get convictions, police are frustrated in their efforts. If the prisons do not rehabilitate, then more persons capable of crime are at large.

The policeman is the first line of defense in the effort to control crime. We expect him to be a law enforcer, lawyer, scientist, social worker, community relations expert, marriage counselor, traffic director and sharpshooter. We expect him to stop speeders, disarm robbers, sober drunks, get cats out of trees, stop riots, guard banks, check parking meters and instruct children to obey the law. We expect the policeman to accomplish all of this with long hours, little training, inadequate pay, and at the risk of life and limb. He is expected to deal wtih people at their worst, when tensions run high and violence often erupts.

One important step to strengthen the police is to relieve officers of duties which have little to do with crime control and are not the best use of their time, such as efforts to deal with the habitual drunkard, and the bookie. The policeman should not, for example, waste his professional skill enforcing safety codes and registering automobiles and pets.

To control crime, every effort must be made to professionalize police by initiating higher educational standards and continuous training. This is not inexpensive, but today the average American pays about $15 for all police services, and, even if we doubled the budget for the police, it would cost about one-thirtieth of our annual defense expenditures.

A major objective should be to improve the strength .and caliber of police manpower. Qualifications must be upgraded, pay increased, training programs expanded, and partisan politics eliminated. Special attention is needed to improve police relations with the community, to improve the facilities and techniques of police management through modern communications, records and equipment, and to increase the capacity of various police forces to pool services and functions.

Programs such as the Law Enforcement Assistance Act (LEAA) are beginning to achieve these aims. Through direct grants to local units for training, equipment and such, Ninth District police and sheriff's departments received $7,851 for twenty improvement projects in 1969, $123,465 for forty projects in 1970, and $505,146 for forty-eight projects in 1971.

Next: The Prison System.

INTEGRATION—IS IT A NO-WIN EDUCATION POLICY FOR BLACKS?

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, the brilliant legal mind of Derrick A. Bell, Jr., produced a clear and comprehensive statement on legal policies involved in school integration for the recent National Policy Conference on Education for Blacks held in Arlington, Va. I urge my colleagues to read this most able analysis of the legal implications and requirements:

INTEGRATION—IS IT A NO-WIN EDUCATION POLICY FOR BLACKS? *

(By Derrick A. Bell Jr.) **

Well, son, I'll tell you:
Life for me ain't been no crystal stair.
It's had tacks in it
And splinters,
And boards torn up,
And places with no carpet on the floor—
Bare . . . .

LANGSTON HUGHES.[1]

The opening lines of Hughes' famous poem, "Mother to Son", convey a sense of the deep weariness that those of us sincerely concerned about providing quality schooling for black children feel as we read, almost two decades after *Brown* v. *Board of Education*,[2] that while two-thirds of Americans support the concept of desegregated public schools, 69 per cent oppose busing as a means of achieving that long-sought goal.[3]

The seemingly contradictory findings pose less a paradox than a problem. Despite the growing racial isolation in the country's housing patterns which render effective school desegregation impossible without busing, there is no paradox in the survey conclusions. To the contrary, these findings reflect only the most recent manifestation of a predictable pattern of white America's racial behavior, the historical formula for which is: (a) a public posture in harmony with the nation's traditional democratic ideals, while (b) continuing actual racial policies that maintain blacks in a subordinate and oppressed status.

The phenomenon is not limited to schools, but there is perhaps no other area in which it is more apparent, or where it has more consistently served to frustrate the hopes and ambitions of black parents seeking to obtain for their children what since the decision in *Brown* has been denominated as an "equal educational opportunity".[4]

It may provide some perspective if little comfort to those embroiled in staying off today's anti-busing crusade to recall that white resistance to integrated schools did not begin in 1954, but 175 years earlier. In 1787, the Massachusetts legislature which was then establishing the first public schools to ensure the education of the poor, ignored a petition submitted by Prince Hall and others seeking schools for black children.[5]

A century later in 1899 The Supreme Court refused to honor the "equal" portion of its barely three-year-old "separate but equal" doctrine of *Plessy* v. *Ferguson*,[6] upholding the decision of a Georgia school board to close its black high school while continuing to offer a high school education to white students.[7] It later affirmed the "separate" aspect by approving a Kentucky statute forbidding a private school from operating on an integrated basis.[8] Both decisions asserted concern for the educational welfare of black children.

Throughout the nineteenth Century, black parents filed dozens of lawsuits to obtain public schooling for their children on any basis, then petitioned, litigated and protested to equalize or integrate their local schols.[9] Suits to provide schools for blacks where none existed were often successful, those seeking integration generally were not.[10]

Thus, by the start of World War II, nearly half the states still either required (as did all Southern states) or expressly permitted segregation in their public schools.[11] That these schools were inferior as well as separate states a truth that blacks well knew, but which the Supreme Court did not acknowledge fully until 1954.[12] The confession did not lead to immediate penitence. Resistance took new form to the same old ends. Racist passwords have evolved from "never", to "freedom of choice", to "neighborhood schools" and "busing", but the basic unwillingness to accept black children into public schools designated, officially or unofficially, for whites remains unchanged.

If there is little solace in history, there may be some reassurance in the fact that much of the current clamor in opposition to meaningful school desegregation is in reaction to the growing number of federal court orders requiring just that. Despite its new personnel specifically chosen to reflect the President's conservative view of the judicial function, the Supreme Court, albeit with some waivering that bodes ill for the future,[13] has protected and enhanced the Warren Court legacy in *Brown*, and lower federal courts under the never-ceasing prodding of civil rights lawyers, have enjoined one evasive scheme after another in a slow but steady stream of decisions requiring redrawing of school zone lines and busing to effectively integrate school systems in compliance with the Supreme Court's decision in *Swann*.[14] Several courts have become sensitive to the need to balance the burden of school desegregation and have prevented districts from closing formerly black schools where these facilities could be used in the integrated system.[15] Others have voided policies that would make school assignments on the basis of standardized achievement tests.[16] Formerly white schools have been required to discard "Dixie" and confederate flags as school symbols,[17] arbitrary expulsions and suspensions of black students have been successfully challenged,[18] and summary dismissal of black teachers have been reversed.[19]

In the most dramatic decision of the year, a federal district judge, as anticipated by Judge J. Skelly Wright in *Hobson v. Hanson* [20] several years ago, has sought to neutralize the flight of whites to the suburbs by ordering the consolidation of the Richmond, Virginia school district with those of two adjoining counties.[21] The case is on appeal and will likely reach the Supreme Court next year. The support for antibusing forces it has generated is apparent now. In the North, even though the Supreme Court has carefully avoided ruling on the oft-presented issue whether *Brown* could be applied to *de facto* segregation,[22] scores of cities have been ordered to desegregate their schools.[23]

These decisions have excited passions in the North where school desegregation had been thought a "Southern problem", and brought renewed hope to a South almost beaten down in its decades-long effort to avoid compliance with the *Brown* mandate. Now with nationwide support, and using election-year fears as a vehicle, integration opponents seek nothing less than a Constitutional amendment which while nominally aimed at "forced busing", could serve to repeal that aspect of the fourteenth amendment upon which the validity of black claims to equality are mainly based.[24]

The threat seems preposterous coming as it does at the end of almost two decades of often turbulent racial crisis through most of which blacks have made progress. But it was in 1876 that Rutherford B. Hayes (another Republican) secured the presidency by promising Democrats that, if elected, he would remove federal troops from the South, thereby insuring that the bloody disenfranchisement of blacks—already well underway—could be completed without federal interference.[25] Certainly, much has changed since 1877, but the essence of white racism that underlay the betrayal of black hopes a century ago is all too evident in the public hysteria and political posturing around the busing issue today.

The danger is real. Continued pressure for school integration not only risks the progress in this area made during the last two decades, but threatens as well the still precarious gains made by blacks in employment, voting, housing, and the other major areas of our lifelong efforts to secure equal opportunities to match the unequal burdens of American citizenship.

Footnotes at end of article.

Is the risk worth it? If we were to base our answer solely on the improvement in the quality of education obtained by black children, it would be a close question with an increasing number of black parents and their school-aged children answering with a resounding "No". For whatever the difficulties of desegregating the public schools, it has hardly compared to the hardships endured by those black students who have actually obtained "their rights". The physical, mental and emotional abuse heaped on black children enrolled in desegregated schools may have begun but certainly did not end with the Little Rock 9.

Black children are harrassed unmercifully by white students, are suspended or expelled for little or no cause (when they are not simply ignored) by white teachers, are taunted and insulted, segregated within classes, excluded from extracurricular activities, shunted off into useless courses, and daily faced with a veritable battleground of racial hostility, much of which is beyond the ability or willingness of courts to rectify. None of this bares the least resemblance to "equal educational opportunity".[26]

Not surprisingly, the educational achievement level of black children attending such desegregated schools has not improved noticeably, and even in those settings like Berkeley which are generally held out as the models of school integration, black achievement levels have been disappointing.[27]

Thus, considering the racial crisis it has caused, the endangering of gains made by blacks in other civil rights areas, the lack of real proof of educational advantage to blacks required to go the school with hostile white, there is an overwhelming temptation—not to quit—but to alter strategy, to perhaps seek a compromise on the "forced busing" issue, to accept the reality of all black schools, and trade away the possibility of their integration in return for additional funds that might enable them to do now what they were unable to do during "separate but equal" days; serve effectively the educational needs of black children.[28]

It was, after all, not simply to go to school with white children, that the desegregation cases were brought, despite the findings in *Brown* and later that integrated surroundings would enhance the education of black children. It was because from bitter experience with separate but equal, black parents and their lawyers knew that only by placing black children in white schools could they hope to obtain the same quality of education that white children received.

The quality of schooling received by blacks is far from perfect, but it is also far better than it was back in 1954. Should we not consolidate our gains rather than risk the passage during an election year of statutes or even a Constitutional amendment that might erase them? Should blacks not compromise on the school integration issue while whites seem so anxious to spend substantial sums of money as "educational ransom" for their children?

There are at least two factors that must be discussed before an answer can be given: (1) Is it racially-mixed schools that provide the basis for contemporary white resistance or integration-cum-busing plans? (2) Are there alternatives to school integration that offer a brighter hope of quality education to black children?

The first question is easy enough to answer. White resistance to integrated schools is little different in effect than that to fair employment opportunities for blacks, or to their proper representation on school boards, or jury panels, or their residence in the house next door. The principle is supported, but the practice is avoided and, when necessary, opposed. The North favored school desegregation as long as it was taking place in the South. Decent housing for blacks is a worthwhile goal, but not in the suburbs where its presence may threaten the decent living environment of whites. The examples are endless. The message is the same.

The relatively inferior social, economic, or political status of blacks in this country did not happen by accident. It was dictated and enforced by the relative advantage it provided to whites.

The status of blacks cannot be substantively upgraded without threatening and sometimes causing whites to surrender their superior social, economic, and political status. Most whites are simply unwilling to make or even risk making what they deem an unfair sacrifice. It is the manifestation of this unwillingness expressed in overt or institutional actions tending to perpetuate the subjugation of blacks that we currently define as "racism." It is this characteristic of American racial behavoir which gives continued validity to Reinhold Niebuhr's oft-quoted statement made 32 years ago:

"It is hopeless for the Negro to expect complete emancipation from the menial social and economic position into which the white man has forced him, merely by trusting in the moral sense of the white race. . . . However large the number of individual white men who do and who will identify themselves completely with the Negro cause, the white race in America will not admit the Negro to equal rights if it is not forced to do so. Upon that point one may speak with a dogmatism which all history justifies."[29]

Blacks have long known that whites were not going to eliminate racial bias because of their "moral sense", but the history Niebuhr refers to is instructive as to the dangers of attempted compromise on the "busing issue" or indeed on any aspect of full equality for blacks.

By the 1890's, blacks had lost most of their Reconstruction rights. They had been stripped of their voting power, most were in dire economic straits, the federal civil rights statutes had been either voided or negated by non-enforcement, and with the federal troops withdrawn, they were at the mercy of "Southern Justice".

One black leader sought to gain some benefit from what he viewed as unchangeable political realities. Booker T. Washington in his famous "Atlanta Compromise" speech in 1895 called for black men to stop seeking social equality with whites.

"Cast down your buckets where you are", he urged.

"In all things that are purely social", Washington said, "we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress."

"The wisest among my race," Washington continued, "understand that the agitation of questions of social equality is the extremest folly, and that progress is the enjoyment of all the privileges that will come to us must be the result of severe and constant struggle rather than of artificial forcing."[30]

When Washington finished the audience went wild with glee. They were on their feet yelling. Waves and waves of applause dashed against the building. But blacks in the audience are reported to have wept.[31]

Scholars tell us that Washington hoped to gain support for education, economic development and a curbing of killings and maiming of blacks in return for renunciation of social and political equality. As we know, he obtained none of these. Lynchings and murders reached new heights. Segregation and discrimination increased. The effort to compromise was interpreted by whites as an open invitation to further aggression.[32] Perhaps coincidentally, the Supreme Court the next year, issued its decision in *Plessy v. Ferguson*.

I thought of the Washington speech while reading of a black man who spoke recently at a national antibusing conference in Detroit. The report described him as the "star" of the meeting. He stated his opposition to busing and complained to the group that: "I'm being used by white Federal judges. Some people don't understand that the hearts of black mothers and fathers bleed, too."

He was given a standing ovation, punctuated by (get this) yells of "Right On!"[33] The story is sad. Reading it, one understands why sensitive black men who witnessed the Booker T. Washington speech might weep.

The conclusion is clear. If blacks decide to cease their pursuit of integrated schools, it must be in favor of a more viable educational alternative, and not in expectation that whites out of appreciation will reward the surrender with other concessions that they are not forced to make.

But whether or not on the basis of compromise, abandoning school desegregation assumes the availability of a more attractive alternative. And there are alternatives, although experience has shown that initial hope for some of them was too optimistic.

COMPENSATORY EDUCATION

A few years ago, it was felt that programs of compensatory education would prove suitable substitutes to integration particularly in large urban areas where meaningful integration would be difficult, even without the massive opposition that has developed. Plans call for injecting special programs in ghetto schools, hiring extra teachers, utilizing the latest teaching aids, and generally committing additional resources to the target schools.

Some of these programs have been financed under Title I of the Elementary and Secondary Education Act of 1965.[34] But there have been serious problems with the administration of this Act. Civil Rights groups have charged incompetent and corrupt administration of Title I has led to misuse, waste, and diversion of a substantial percentage of the billions of dollars appropriated under the Act.[35] In addition, there is evidence that school systems have not, as the Act intended, supplemented target schools already receiving an equal share of state funds, but rather have used ESEA money to reduce the disparity that exists between have and have-not schools. Money has often been spent to spruce-up black schools so as to discourage integration, rather than improve the quality of education being provided.[36]

But even if efficient and honest administration of the program could be effected, there is serious doubt that there would be enough money to insure real and sustained effectiveness of compensatory education programs.[37] A society willing to deny black children a decent education in order to preserve segregation, is not likely to be willing to spend three or four times the cost of educating white children to improve the quality of schooling offered blacks, even if such programs kept black children out of white schools.

TUITION GRANTS

There is a similar problem threatening the future of tuition grants. A few years ago educators were excited by the possibility that the quality of education provided the poor could be improved by stimulating competition between existing public schools and private schools.[38] Parents would receive "tuition vouchers" which could be cashed at the school where they decided to enroll their child. The parent would become the customer in a real sense, and schools would theoretically become more sensitive to satisfying the educational needs of the children enrolled there than is so frequently the case under the present system.

But to be effective, the poor ghetto parent must receive a substantially larger grant than well-to-do parents both to entice schools to undertake the more difficult educational challenge presented by the ghetto child, and to offset the better off parent's ability to supplement his grant with private means. A program providing a sufficiently disparate grant to poor parents would likely

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be difficult to enact for political reasons. A program providing equal grants to all parents would provide an open invitation for the middle-class to supplement their grants with private funds and set up superior schools that would simply perpetuate present inequalities in school systems based on wealth.

EQUALIZED SCHOOL FUNDING

For years, educators have been futilely urging state legislators to eliminate serious disparities in funding between school districts amending school funding formulas that discriminate against poor districts.[39] The matter was taken to the courts, and after a shaky start,[40] a number of decisions have invalidated present plans and required state legislatures to restructure funding laws to provide at least an equal share of available money to all districts, without regard to the relative wealth of the districts.[41]

But even with the successes obtained thus far, litigation is expected to drag on for years. Meaningful implementation will require even more years of legislative debate, manipulation, circumvention, and delay. Again, it is likely that ghetto schools will need more than equal dollars to even approach the quality of suburban schools. No court has yet recognized a legal right to any such entitlement, while the Title I experience enables a prediction that poorer schools will be shortchanged if not by outright chicanery, then by the richer districts' superior ability to exercise political muscle with the legislature.

Finally, there is no proof that school input (dollars) has any relationship to school output (student achievement), and indeed no standard for defining much less measuring "achievement." [42] School funding reform is needed and appears on the way, but it doesn't represent a suitable substitute for school integration as a means for insuring a better education for black children.

COMMUNITY CONTROL

As white resistance to integration grew, black parents and their leaders, many of whom never enthusiastically embraced the idea of sending their children to white schools, changed strategy and sought decentralization and increased local control over the public schools as a means of obtaining the ever-elusive equal educational opportunity for their children. Spokesmen for the movement believe that if the black community could select school boards that would be genuinely concerned about their responsibilities, they in turn would hire administrators and teachers who would create atmospheres of mutual respect and pride in which learning could take place. Emphasizing black history, art and culture, teachers, selected for their sensitivity to the special needs of black children, would build pride and counteract the socially-perpetuated propensities for low self-esteem that sap achievement potential among black students.[43]

Some experiments in community control have returned impressive results.[44] But the obstacles are overwhelming. In addition to the challenges of efficiently administering such a project, gaining parental support, hiring effective teachers, securing adequate financing, there is the serious (some would say fanatical) opposition of teachers unions and other groups and interests with strong vested interests in the educational status quo. Mere mention of the New York P.S. 201 and Ocean Hill-Brownsville experiments should suffice to make this point.[45]

Because community control projects seem to represent a voluntary return to "separate but equal" education, they are likely to receive little judicial assistance from the courts, including those most unwilling to require elimination of *de facto* school segregation.[46]

In short, the white resistance to any potentially threatening change in racial policy, that retards school desegregation will also prove a barrier to blacks seeking meaningful control over ghetto schools.

Moreover, community control seems more a result than a program, a means of describing a status already achieved more than a means of acquiring it. The essence of community control is the sense of parents that they can and are influencing policy making in their children's schools in ways that are beneficial to their children. Parents in highly regarded suburban school communities have this sense, and in varying degree, teachers and administrators in those schools convey an understanding that their job success depends on satisfying not the school board or the teacher union, but the parents whose children are enrolled in the school.

Achieving this parental outlook in urban ghetto areas where parents lack the sense of power, that education and socio-economic status provide their suburban counterparts, will be extremely difficult, even in the growing number of urban areas, where the percentage of black residents is steadily rising.

FREE SCHOOLS

The real pioneers in the community control movement have given up on the public schools entirely and in recent years have established small private schools in ghetto areas.[47] Moving one of these schools from idea to reality requires great dedication Sponsors must overcome a myriad of problems including state and local educational requirements, health and safety standards, teacher certifications and, of course, ongoing financial problems. But a number of these projects have moved beyond the experimental stage, and have achieved not merely survival but impressive academic success. Perhaps significantly, many of these schools begun deep in black communities for black children, have waiting lists of white children whose parents are more than willing to pay to have their children share in the innovative and integrated educational programs that often characterize free school projects.

But again, almost by definition, free schools are small and require a degree of commitment, competence and courage which would be difficult to mass produce for the millions of black children whose schooling continues to reflect a separate and highly unequal character.

These are the major alternatives to integrated public schools for black children. How viable are they now that blacks in growing numbers are expressing their disenchantment with integrated schools, and seeking as they have in the past (by choice in the early 1880's and by law after *Plessy v. Ferguson*) for means to provide quality in separate, black schools? [48]

The answer, of course, is that for relatively small numbers of black children there are alternatives to integrated public schools which are both available and quite attractive. But none of them are attainable by the masses of blacks. Indeed, functioning alternative programs often owe some credit for their existence to the pressure for school desegregation.

Clearly the mixing of black and white children in a school does not guarantee a quality education for either racial group, and in some situations, the degree of racial hostility is such as to render even the suggestion a farce.

But, one may ask, if integration is not a guarantee of quality education, what is it? In summary, the right to an integrated education makes possible a legal and political climate in which the potential for quality education for black children can exist and grow. This potential is not lessened and may increase in the face of white opposition and hostility.

This is not to say that we should not be concerned about the racial fears, violence and harrassment that frequently mars public school integration efforts. But it would be a surprise if these schools did not mirror the racial antagonism of their communities. Sociologist Nathan Glazer suggests in a recent article that racial clashes among students in integrated schools, and the tendency of black and white students to remain separated in non-classroom activity, is an indication that school integration has failed, or at least is not worth pursuing.[49]

But while school officials must do more to cope with racial harrassment, and courts could certainly be more explicit about responsibilities in this area when writing integration orders,[50] it is not necessary that blacks and whites attending integrated schools love one another, or even get along very well. Given the status of race relations in our society, this would take a miracle. Indeed, it is little short of miraculous that there are as many interracial friendships as exist, to say nothing of the presence of a few of the greatly feared interracial romances.[51]

Education is more than achievement outputs on standardized test results. Education should prepare students for living. In the integrated school setting, whatever the academic value of blacks learning with whites or vice versa, the two groups are forced to cope with the very real problem of racial hostility, fear, and ignorance imposed on them by the society in which they so soon will have to take their places. One might even say that to the extent there are no racial conflicts, to that extent there is no worthwhile preparation for living in America as it is, and as it is likely to be for a long time.

The damage that can be done to children in these encounters, particularly black children who can't flee to the suburbs, should not be underestimated.[52] Often, for example, the harm resulting from suspension or expulsion for some racial indiscretion—real or imagined—is permanent. But is this risk of harm any worse than that experienced by so many black students over so many years in segregated institutions administered by men like Dr. Bledsoe, the classic example of this genre portrayed so memorably and accurately in Ralph Ellison's novel, "Invisible Man"? [53]

The honest among those who experienced the dictatorial atmosphere that so frequently pervaded the old segregated schools and colleges will agree that life in even a hostile integrated school can't be worse. And the conflict in desegregated schools may itself serve as a catalyst for student growth and racial maturity. This growth is hard to measure on standardized achievement tests, and it doesn't make the wire services, but it can be a crucial educational experience for students, black and white, who all too soon will be inheriting the product of our failure to solve our society's racial problems.

A black school board member in South Carolina recently reported an experience at an open, student forum in the assembly hall of a formerly all-black high school which was experiencing problems of racial distrust and resentment after complying with desegregation orders that resulted in a 50–50 racial balance in two years. The board member's report of the meeting is worth quoting at some length:

"The principal opened the meeting with a few well-chosen words about *getting along.* He told them all very bluntly that the time was past for arguing the whys and wherefores of school attendance lines, government regulations, busing, and the rest of it. The job now was to get on with the business of education—to learn to live with the situation as it was.

"Again, like prizefighters, the students began to feel each other out. Members of the bi-racial committee brought out some of the sore points on both sides, and the students began to say what they felt—many of them for the first time.

"A tall, strong black boy said, 'The whites

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act like they're too good to associate with us.'

"A small, earnest white girl said, 'I'm actually afraid to pass by a group of black boys in the hall. I don't want to be, but I am.'

"A sullen white boy with long hair said, 'Why should we take part in anything at this school? The government is making us come here against our will.'

"An equally sullen black girl said, 'I remember the things I had to put up with when I went to a predominately white school, and I'm not going to make a big deal out of being nice to them when they're in my territory.'

"And so it went. Tension was there, and it could have been explosive except for two things: the Principal is a tough-minded man who managed to keep down any uproars that got started, and the other thing was that I began to feel that the children themselves didn't want any trouble to happen.

"Almost as it was building, the tension seemed to be easing—as if the children realized that the things they were thinking, the prejudices and fears they had lived with all of their lives, sounded hollow when said out loud.

"Then it happened. A white boy about halfway back stood up and complained, 'How can we get along with the black kids when we don't know them? They stay to themselves. You always see them at lunch or recess standing together in groups.'

"A black child jumped up and said, 'Well, man, you whites act like we're going to jump on you with a knife every time we start to say something.'

"The white boy said, 'Well, how do you expect us to act? You stay together in groups and talk and laugh, and the only way we could join in would be to walk up and join the group. I'd feel funny being the only white in a big group of black kids.'

"Then down in front where at least 50 or 60 black children were sitting, a little tiny white girl stood up and turned to the boy and said, 'Here *I* am, and I don't feel funny. If I can sit down here with my friends, why can't you?'

"And somewhere else, a black child stood up to show she was sitting with a group of whites.

"Of course, there was a lot of applause and excitement throughout the auditorium; and the first thing you knew, the white boy and his girl friend moved from their seats and came down front to sit with some of the black children. That started the ball rolling, and all over the room black children and white children were shifting to sit with each other. Introducing themselves. Sharing the one excitement of a new experience as only young people can.

"A small thing. But when you think about the hundreds of years of distrust that have driven people apart, it doesn't seem small at all. White kids and black kids beginning to think of each other as *individuals* rather than as members of an opposing group." [54]

At the outset, this piece recalled that opposition to school desegregation is neither, new or novel. Because of its pathological components, this opposition is likely to continue. Because white resistance to integrated schools is symbolic, and represents the core of the philosophy that America is a white man's country, it must be fought by even those blacks convinced that the educational merits of integrated schools are overstated, misconceived, or simply untrue. For quite literally the right—whether exercised or not—of black children to attend integrated public schools is a right that is crucial not only to black success, but to black survival in this country.

Anyone doubting this need only re-read the proposed Constitutional Amendments designed, it is asserted, to curb "forced busing." With so much at stake, we can't afford to surrender, and dare not risk compromise. Our efforts may or may not be successful, but fighting for survival is never a "no-win" policy. It is much more a "for better or worst" situation in which, for all our weariness and frustration, we can only, as the current expression goes, "keep on-keeping on". But Langston Hughes said it better as he concluded his "Mother to Son" poem, capturing in his lines what is apparent heritage and inheritance of black America:

So boy, don't you turn back,
Don't you set down on the steps
'Cause you finds it's kinder hard.
Don't you fall now—
For I'se still goin', honey,
I'se still climbin',
And life for me ain't been no crystal stair.

FOOTNOTES

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[1] A. Bontemps, ed., *American Negro Poetry*, 67 (1963).

[2] 347 U.S. 483 (1954).

[3] Newsweek, Mar. 13, 1972, at 24.

[4] 347 U.S. at 493.

[5] H. Aptheker, *A Documentary History of the Negro People in the United States*, 19–20 (Citadel ed. 1968). Subsequent efforts are reviewed in L. Litwack, *North of Slavery*, 113–52 (Phoenix ed. 1961).

Early efforts to educate slaves and free blacks in the South are traced in C. Woodson, *The Education of the Negro Prior to 1861* (1919).

[6] 163 U.S. 537 (1896).

[7] *Cumming v. Board of Educ.*, 175 U.S. 528 (1899).

[8] *Berea College v. Kentucky*, 211 U.S. 26 (1908).

[9] See cases collected in Bell, *School Litigation Strategies for the 1970's*, 1970 Wis. L. Rev. 257, 259, n. 9.

[10] The most famous of these was *Roberts v. City of Boston*, 59 Mass. (5 Cush.) 198 (1850), where the court refused arguments for school integration quite similar to those adopted a century later by the Supreme Court in *Brown*. Earlier, the Court had cited *Roberts* as a basis for its decision in *Plessy v. Ferguson*, 163 U.S. 537, 544 (1896).

Actually citation to the 1850 *Roberts* decision by the *Plessy* Court in 1896 is less than honest, for five years after the *Roberts* case, the campaign to end segregated schools in Massachusetts (of which the *Roberts* case was a part) succeeded in obtaining a state law to this end. See J. Daniels, *In Freedom's Birthplace*, 446–49 (Johnson ed. 1968).

[11] R. Bardolph, ed. *The Civil Rights Record*, 210 (1970).

[12] In the decades following *Plessy*, at least 60 objective factors of disparity were litigated involving physical facilities and equipment, number and qualifications of teachers, richness of curriculum and teacher's salaries. See Larson, *The New Law of Race Relations*, 1969 Wis. L. Rev. 470, 482–83.

[13] See Chief Justice Burger's effort to limit the scope of *Swann* v. *Charlotte Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971) while denying a stay in *Winston-Salem Bd. of Educ.* v. *Scott*,—U.S.—(1971).

[14] 402 U.S. 1 (1971).

[15] *Gordon* v. *Jefferson Davis Parish Sch. Bd.*, 446 F. 2d 266 (5th Cir. 1971); *Bell* v. *West Point Munic. Sep. Sch. Dist.*, 446 F. 2d 1362 (5th Cir. 1971); *Lee* v. *Macon Co. Bd. of Educ.*, 448 F. 2d 746 (5th Cir. 1971); *U.S.* v. *Bd. of Educ. of Clayton County*, 331 F. Supp. 446 (N.D. Ga., 1971).

[16] *Moses v. Washington Parish Sch. Bd.*, 330 F. Supp. 1340 (E.D. La. 1971).

[17] *Smith v. St. Tammany Parish Sch. Bd.*, 448 F.2d 414 (5th Cir. 1971).

[18] *Dunn v. Tyler Indept. Sch. Dist.*, 327 F. Supp. 528 (E.D. Tex. 1971).

[19] *Moore v. Bd. of Educ. of Chidester Sch. Dist.*, 448 F.2d 709 (8th Cir. 1971); *Rauls and Hammond v. Baker Co. Bd. of Educ.*, — F.2d — (5th Cir. 1971); *Smith v. Concordia Parish*, 445 F.2d 285 (5th Cir. 1971); *Cornist v. Richland Parish Sch. Bd.*, — F.2d — (5th Cir. 1971).

[20] *Hobson v. Hansen*, 269 F.Supp. 401, 515–16 (D.C.C. 1967), *aff'd sub nom. Smuck v. Hobson*, 408 F.2d (D.C. Cir. 1969).

[21] *Bradley v. Sch. Bd. of Richmond*, — F. Supp. —, 40 U.S.L.W. 2446 (Jan. 18, 1972). See also, *Lee v. Macon Co. Bd. of Educ.*, 448 F.2d 746 (5th Cir. 1971), where the court refused to allow a city to secede from a county and operate an independent school system where secession would adversely effect desegregation of the county school system.

But see, *Boyd v. Pointe Coupee Parish Sch. Bd.* 332 F.Supp. 994 (E.D. La. 1971), where the court refused to grant further relief after 1800 white students enrolled in private schools to avoid integration. The court deemed the resulting all-black schools "de facto segregated", stating, "This is simply an inevitable result of forced integration of schools." 332 F.Supp. at 995.

The Supreme Court has granted writs of certiorari to review two Fourth Circuit cases in each of which approval was given for the creation of new school districts for cities that were previously included in large county school districts. *U.S. v. Scotland Neck City Bd.* of Educ., 442 F.2d 584 (4th Cir. 1971), 92 S. Ct. 47 (1971); *Wright v. Council of City of Emporia*, 442 F.2d 570 (4th Cir. 1971), 92 S. Ct. 56 (1971).

[22] Note the Court's statement in *Swann v. Charlotte-Mecklenburg Bd. of Ed.* 402 U.S. 1, 15 (1972), that: "absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis."

[23] In the last few years, such orders have been entered in:

Los Angeles—*Crawford v. Bd. of Educ.*, Civ. No. 822854 (Sup. Ct. L.A. City, Feb. 11, 1970);

Pasadena—*Spangler v. Pasadena Bd. of Educ.*, 311 F.Supp. 501(C.D. Cal. 1970);

San Francisco—*Johnson v. San Francisco Unified School Dist.*, —F.Supp—(N.D. Cal. 1971).

Oxnard (Calif.)—*Soria v. Oxnard Sch. Dist. Bd. of Trustees*, 328 F.Supp. 155 (C. C. Cal. 1971).

Las Vegas—*Kelly v. Brown*, Civ. No. LV–1146 (D.Nev., Dec. 2, 1970).

Pontiac (Michigan)—*Davis v. School Dist.*, 309 F.Supp. 734 (E.D. Mich. 1970), aff'd, 443 F.2d 573 (6th Cir.) *cert. denied*, 92 S. Ct. 233 (1971). Detroit—*Bradley v. Milliken*, F.Supp. — (E.D. Mich. 1971).

South Holland (Ill.) —*U.S. v. School Dist. 151*, 404 F.2d—125 (7th Cir. 1968), Modified 435 F.2d 1147 (7th Cir. 1970), *cert. denied*, 402 U.S. 943 (1971).

[24] More than 50 amendments are under consideration, but one which has received substantial support in the House (H.J. Res. 620) provides:

"Section 1. No public school student shall, because of his race, creed, or color, be assigned or to or required to attend a particular school."

This measure, if adopted, would not merely eliminate busing for integration, but would void *Brown v. Board of Education*, except perhaps as to desegregation resulting from freedom of choice plans.

In the Senate, S.J. Res. 165 that would have a similar effect provides that:

"Section 1. The assignment of transportation of children to a region beyond that covered by the neighborhood school, unless such assignment or transportation is voluntary, is expressly prohibited."

[25] J. Franklin, *From Slavery to Freedom*, 330–32 (vintage ed. 1969); K. Stampp, *The Era of Reconstruction* 1865–1877, 186–215 (Vintage ed. 1967).

[26] Perhaps reflecting the racial hostility they see around them, reports indicate that

black students in some predominately black schools have beaten and harrassed the white children assigned to "their" schools.

[27] The U.S. Senate Select Committee on Equal Educational Opportunity has found that disadvantaged children without regard to race tend to perform better in schools with a majority of advantaged children. But in achievement test terms, black students in Berkeley, while improving, are still at an educational level five years behind their advantaged white classmate at the eighth-grade level.

[28] Even committed school integrationist, Dr. Kenneth B. Clark, has expressed support for emergency programs of compensatory education intended to benefit children in predominately black schools. Clark, "Alternative Public School Systems", 38 *Harv. Educ. Rev.* 100, 105 (1968).

[29] R. Niebuhr, *Moral Man and Immoral Society*, 252–53 (1932).

[30] B. Washington, *Up From Slavery*, 218–25 (1901).

[31] L. Bennett, *Before the Mayflower*, 227–29 (1966).

[32] *Id.* Washington's policies were vigorously challenged by other black spokesmen of the day. See, H. Apetheker, *A Documentary History of the Negro People in the United States*, 876–86 (1968).

Of course, the classic statement is, "Of Mr. Booker T. Washington and others", W. DuBois, *The Souls of Black Folk*, 42 (Premier ed. 1961).

The ideological conflict between Washington and DuBois is Reviewed in A. Meier, *Negro Thought in America 1880–1915* (1963).

[33] Newsweek, Mar. 13, 1972, at 21.

[34] 79 Stat. 27–35, *as amended*, 20 U.S.C. §§ 236–44 (1965). ESEA is the largest compensatory education plan ever attempted.

[35] "Title I of ESEA—Is it Helping Poor rights groups was reported in N.Y. Times, Nov. 9, 1969, at 1, col. 1.

[36] See, 1969 Civil Rights Comm'n. Report, 32.

[37] Cohen, "Policies for the Public Schools: Compensation and Integration," 38 Harv. Educ. Rev. 114 (1968). Sen. Walter Mondale, Chairman of the Select Committee on Equal Educational Opportunity, said recently, "With few exceptions, an annual Federal investment of $1.5 billion in compensatory education has little perceptible impact on mounting educational disadvantage." N.Y. Times, Feb. 27, 1972, Sec. E at 13, col. 8.

[38] 37 See Sizer and Whitten, "A Proposal for a Poor Children's Bill of Rights", Psychology Today, Aug. 1968, at 59; Sizer, "The Case for a Free Market", Saturday Review, Jan. 11, 1969, at 34.

For a thorough discussion of the legal, political and educational issues, see Areen, "Education Vouchers", 6 Harv. Civ. Rights-Civ. Lib. L. Rev. 466 (1971). Serious constitutional questions are posed in King, "Rebuilding the 'Fallen House'—State Tuition Grants for Elementary & Secondary Education", 84 Harv. L. Rev. 1057 (1971).

[39] See Coons Clune & Sugarman, "Educational Opportunity: A Workable Constitutional Test for State Financial Structurer", 57 Cal. L. Rev. 305 (1969).

[40] *McInnis v. Shapiro*, 293 F. Supp. 327 (N.D. Ill. 1968), *aff'd mem. sub. nom. McInnis v. Ogilvie*, 394 U.S. 322 (1969).

[41] *Serrano v. Priest*, 5 Cal. 3d 584, 487, P. 2d 1241, 96 Cal. Rptr. 601 (1971); *Van Dusartz v. Hatfield*, No. 3–71 Civ. 243 (D. Minn., Oct. 12, 1971); *Rodriquez v. San Antonio Indpt. Sch. Dist.*, No. 68–175–5A (W. D. Tex., Dec. 23, 1971).

Similar suits are pending in perhaps 20 other states. See Note, "The Evolution of Equal Protection-Education, Municipal Services and Wealth, 7 Harv. Civ. Lib. L. Rev. 103, 200–13 (1972).

[42] See Cohen, "The Economics of Inequality", Saturday Review, Apr. 19, 1969, at 64.

[43] For what has become the classic exposition of the Community control philosophy, see Hamilton, "Race and Education: A search for Legitimacy", 38 Harv. Educ. Rev. 669 (1968).

The issues are thoroughly reviewed in A. Altschuler, *Community Control* (1970). See also Community Control of Schools (H. Levin ed. (1970); L. Fein, *The Ecology of the Public Schools* (1971).

[44] See, e.g., Fantini, "Participation, Decentralization, Community Control, and Quality Education" 71 The Teachers College Record 93 (Colum. Univ. 1969); Myers, "Schools: Morgan's Tentative Revolution," City Bi-Monthly Rev. of Urban America, Nov–Dec. 1968, at 6.

[45] *Confrontation at Ocean Hill-Brownsville* (M. Berube, B. Gittell, eds. 1968; D. Rogers, *100 Livingston Street* (1969).

[46] Community Control is constitutionally permissible. Kirp, "Community Control, Public Policy, and the Limits of Law," 68 Mich. L. Rev. 1355 (1970), but note the unreceptive opinion in *Oliver* v. *Donovan*, 283 F. Supp 958 (E.D.N.Y. 1968).

[47] G. Dennison, *Lives of Children* (1969); H. Kozel, *Free Schools* (1972).

[48] While the Newsweek poll, *supra* note 3 at 21 asserts that ". . . nearly half the blacks interviewed opposed busing." Their reasons go to the unfair burden placed on black children in many busing plans, and what some interpret as the subtle implications in all school integration plans that blacks cannot learn unless in the presence of whites.

This latter concern is reflected in a controversial antibusing resolution passed at the recent black political convention held in Gary, Ind. Boston Globe Mar. 13, 1972, at 2, col. 3.

[49] Glazer, "Is Busing Necessary?" Commentary (Mar. 1972) at 39.

[50] Some courts have required the establishment of biracial committees, but all too frequently this leads to the appointment of blacks who, once exposed to the school board's "problems", are coapted and join with the white members in opposing further legal action that may be needed to insure compliance with the plan.

[51] Petroni, *"Teen-age Interracial Dating"*, Trans-Action, Sep. 1971, at 54.

[52] R. Coles, *Children of Crisis*, (1964).

[53] R. Ellison, *Invisible Man* (1947).

[54] Excerpts from speech of Theodore Lester, board member, Florence County School District No. 1 School Board, Your Schools, Newsletter of the South Carolina Community Relations Program, American Friends Service Comm., 401 Columbia Bldg., Columbia, S.C. 29201.

VIETNAM—THE CYCLE OF STUPIDITY

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ABOUREZK. Mr. Speaker, it is a dirty war.

It is a hateful war.

It is a war which has hurt us at home more than we will ever know.

It is murder.

It is folly.

It is the second worst enterprise of which mankind has been capable in the 20th century.

It has shown the monumental stupidity of which mankind is capable.

It has shown our incredible capacity to swallow the same pack of lies time after time, knowing full well all the while that they are lies.

And it goes on, and on, and on.

The headlines we read this month from the war zone are a nightmare replay of the murder and blood and violence that have numbed our sense of humanity for a decade.

Those are human beings, Mr. Speaker, on our side, on their side. When a bullet rips the flesh, when a midnight explosion scatters the parts of the body, and when the blood runs on the ground, whether on our side or theirs, it is a part of the family of man that has bec.. destroyed.

Are we cannibals? Do we propose to tame political passions in Vietnam by killing or crippling everyone there?

When does it stop, Mr. Speaker? When?

In 1965 we were told, "Just a little more time."

In 1966 we were told, "Just a little more time."

In 1967 we were told, "Just a little more time."

In 1968 we were told, "Just a little more time."

In 1969 we were told, "Just a little more time."

In 1970 we were told, "Just a little more time."

In 1971 we were told, "Just a little more time."

And now in 1972 we are told, "Just a little more time."

A little more time for what, gentlemen? For murder, for bloodshed, for violence, for tyranny, all in the name of the highest ideals mankind can espouse.

Is that not sick? How can that fail to make your guts wrench?

Here we are, the greatest and most powerful nation in the world, conned by a handful of military dictators to sacrifice hundreds of thousands of lives, to maim millions more, on a political premise of worthless validity.

Here we are, the greatest and most powerful nation in the world, made into fools and laughingstocks because we lack the guts to correct a monstrously obvious error.

Here we are, the greatest and most powerful nation in the world, rendered impotent and morally constipated by our pride and the egocentric notion that we must save our face as it is reflected in a sea of blood.

Here we are, the richest and most powerful nation in the world, analyzing the corpse count as if it were the score in a decade-long bowling tournament.

We have sent hundreds of thousands of people, including 50,000 of our own young, to their maker, and the best we can say of it is that we learned not to do it again.

All of this was done in the name of that all-purpose bogeyman, national security.

Does the security of the richest and most powerful nation really depend upon installing our choice of military dictatorships to preside over a land of peasants ravaged by civil war for decades tens of thousands of miles from our shores?

Does anyone really believe that a river of blood is the best messenger for the virtues of democracy?

Does anyone really believe that a river of blood is the best messenger for the virtues of freedom?

Can we not find a better instrument to deal with men when we are smart enough to go to the moon?

Mr. Speaker, we have paid a terrible price. We have ruined our economy. We have poisoned our own institutions. We have even corrupted our language because it will not harbor the truth in convenient terms.

We can pay no more. Our own land is war-ravaged. We must make amends if we are to survive.

Are a hundred cities rotten in the core the best advertisement of our way of life? They look like they have been bombed.

Are suburbs full of millions of frustrated, angry, debt-ridden, overtaxed, unhappy people the best advertisement for our way of life? They are the refugees.

What about our rural areas? Are they not rapidly becoming economic wastelands? What kind of advertising is that for the good life?

What do our people think? Does anyone believe they are pleased to shoulder grossly unfair taxes that favor the superwealthy, that underwrite this inflationary war madness, that enrich the military-industrial complex, that accelerate the concentration of power and money into fewer and fewer hands? And what do they think when we turn around and strap them with the burden of fighting that inflation without redressing the other grievances? How much longer can we push our luck with them?

Have we not done far, far more for Vietnam than is either reasonable or wise? Are we not very well down the road to undoing ourselves in all this process?

Are you ready for the crowning insult?

We persist.

The cycle of stupidity has begun to repeat itself now that we have once again undertaken massive bombing to give that crew of military tyrants one more chance one more time.

When will it stop, Mr. Speaker, when?

When our own children will no longer look us in the eye, is that when?

JUSTICE AND FREEDOM FOR SOVIET JEWS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ROE. Mr. Speaker, on March 31, 1971, I along with other concerned Members of Congress sponsored legislation that would make immediately available 30,000 special nonquota refugee visas for Soviet Jews. H.R. 7038 was advanced as an expression of my support of the courage of the Soviet Jew and to help strengthen the petition of thousands of Jews who have risked their personal safety in applying to the Soviet Government for permission to emigrate. I was also hopeful that this measure would encourage a worldwide movement by other nations to force the Soviet Government to allow their Jewish citizenry to exercise their right of freedom to emigrate to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

Mr. Speaker, on September 30, 1971, I was pleased to learn that the Attorney General, acting in accordance with an administrative change in policy, committed, on behalf of the United States, the intent of this legislation, and offered the utilization of the executive parole authority to grant refuge in America to all Soviet Jews who are permitted to leave the Soviet Union and who wish to come to our country.

Mr. Speaker, this official manifestation of welcome to the Soviet Jews is indeed heartening, but the point must be clearly made that the ultimate responsibility for the achievement of the relief of the Soviet Jews rests solely with our ability to dissuade the Soviet Government from their policies toward their Jewish citizenry. It is a mammoth task, the inevitable measure of which sits squarely with the determination to utilize every available resource at our disposal. The Congress surely must contribute to the job; fully contributing our powers to the goal and enjoining the cooperation of others in meeting our responsibilities.

On August 6, 1971, I joined with 24 other Members of Congress in introducing House Concurrent Resolution 390 which states that it is the sense of Congress that the President shall take immediate and determined steps to call upon the Soviet Union to permit the free expression of ideas and the free exercise of religion by all its citizens; demand of the Soviet Union it permit its citizens to emigrate; call upon the State Department to raise in the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights; and request of all unofficial and official contacts with Soviet leaders to secure an end to discrimination against religious minorities. On July 7, 1971, I introduced House Resolution 524, urging the Voice of America to broadcast in Yiddish to the citizens of the Soviet Union. Clearly, this legislation requires the participation of every branch of the Federal Government to insure justice and reverse the policies of the Soviet Government for Soviet Jewry.

But the necessity to convince and persuade the Soviet Union of our determination and concern is tantamount to our legislative efforts to abrogate the policies of their Government.

Mr. Speaker, the complete participation and assumption of leadership by the President on behalf of Soviet Jews in his meeting with Soviet leaders this spring in Moscow is both opportune and necessary. The administration has expressed its willingness to participate in the relief of the Soviet Jew and opened the doors of this country to those who wish to immigrate. We request now that the administration assume its part in the leadership in this matter, lend credence to their expressed policies at home, express the will of this Congress, wholely commit the vast and powerful resources of the Office of the President, and honestly discuss on a face-to-face basis with Soviet leaders, the issue of Soviet treatment of Jews.

THE FAULTY SCHOOL BUSES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today a truly remarkable article entitled "The Faulty School Buses", which appeared in the March 11 issue of the Saturday Review.

As you know I have introduced the School Bus Safety Act in the House along with 79 other Members. Anyone who is still skeptical about the need for such legislation should read the following article by Colman McCarthy:

THE FAULTY SCHOOL BUSES

(By Colman McCarthy)

In the board rooms of General Motors, the world's mightiest corporation, decisions are routinely made that affect the lives of Americans in ways that the actions of Congressmen in Washington seldom do. By the hard measure of dollars, little doubt exists about the comparative importance of Detroit and Washington. In a recent peak year, 1969, the board chairman of General Motors was paid $655,000, or fifteen times the salary of a United States Senator and more than three times what Americans pay their President. General Motors has $24-billion in gross annual sales (1969 figures), a sum larger than the budget of any of the fifty states or that of every nation except the United States and the Soviet Union. According to GM's records, its cumulative profit from 1947 to 1969 was $22-billion.

One reason for the corporation's Gargantuan size—it has 55 per cent of the American automobile market—is that its customers keep coming back to buy its products, especiall its cars, trucks, and buses available at some 13,000 GM dealerships. Many customers return because they have been conditioned to crave the chrome, horsepower, and gizmos that GM puts into its vehicles. Others are the trapped victims of a corporate philosophy candidly described in April 1970 by former board chairman James M. Roche, forty-two years with GM: "Planned obsolescence, in my opinion, is another word for progress."

It is unlikely that any GM executive ever sends out memos to his staff saying things like, "Make the exhaust systems out of cheaper metal this year," or "Order a lower-grade iron for the engine mounts." Yet in many cases he might as well, for underlings in the auto industry are quick to divine the intentions of their superiors. In February 1969, GM was obliged to notify 5.4 million owners to bring in their GM vehicles for correction of possible safety defects. Some 2.5 million of these were recalled to be checked for exhaust-system leaks. According to the Center for Auto Safety, the leaks were acknowledged by GM to have caused four deaths. The most recent GM recall, in January, set a national record: 6.6 million Chevrolets for possible engine mount failure. The Department of Transportation said it knew of 500 reports of such failures. The Public Interest Research Group, a Ralph Nader organization in Washington, reported at least six deaths and a dozen persons seriously injured in resulting crashes.

Down the line of corporate responsibility, someone had those thoughts about cheapening the exhausts and mounts, someone seconded those thoughts, and someone else carried them out. Death and injury resulted, and surely GM regrets it. Yet many millions of dollars of the $22-billion profit resulted also, and it is not likely that GM has regrets about that.

Consider the front bumper of the 1966 school bus, if a model in Washington, D.C., is representative. It is one-quarter-inch thick. On the 1969 model, it is one-eighth-inch. thick. Thus in three years the bumper's thickness was cut in half. Considering the thousands of buses manufactured with the thinner and cheaper bumper, the savings must have been considerable. But so was and is the risk of injury and death to the thousands of school children who might be better protected with the thicker bumper.

Incredibly, as if more juice could still be squeezed from these lemons, the bumpers on these vehicles were the object of further GM cheapening. Behind the front bumper of the earlier model is a piece of steel extending from the frame in each direction about one foot, reinforcing the bumper. From the 1969 model, however, this piece of reinforcing steel is gone. And anyone who wonders why the 1969 bus rides so roughly need only measure the leaf springs that support the body. Compared to those on earlier models, the springs are seven inches shorter.

If GM cheapens parts that a layman can detect, what may it have done to parts hidden under the hood and within the chassis? General Motors, and its brother corporations such as Ford, Chrysler, American Motors, and foreign motor companies, assure prospective buyers that they can get into their products and go tearing off at high speeds. Yet between 1966 and 1970, some thirteen million vehicles, or 38 per cent of all vehicles manufactured, were recalled for possible defects. With 55,000 persons killed by automobiles in 1971 and nearly five million injured, it is reasonable to believe that not all the carnage was caused by drunk or wild driving. Much was doubtlessly caused by defective cars, and many of those defects resulted from decisions to cut costs.

One citizen who has experienced the cheapness of a GM product is John Donovan. Unlike most owners, who have only themselves or their families to account for when they drive, Donovan has responsibility for some 250 school children, the elementary and high school students he transports to and from six private schools in the vicinity of Washington, D.C. Ever since the famous Huntsville, Alabama, crash in May 1968, when the brakes of a GM school bus failed, killing one child, Donovan has watched his vehicles closely, servicing them frequently and driving carefully. At the time of the Huntsville tragedy, he owned two GM buses, and he didn't want any injuries or deaths due to faulty equipment or anything else.

A short, broad-chested man of thirty-six, born in Oklahoma, a former Marine Corps drill sergeant, brusque in speech, John Donovan first went to Washington as a student at Georgetown University. He stayed on, married, and wound up teaching at a private school—Ascension Academy in Alexandria, Virginia. Students there describe him as a friendly, approachable man with a skill for fairness and discipline. The graduating seniors twice voted him Ascension's most popular teacher.

Donovan began in the bus business in 1963 when a neighbor in the northwest section of Washington asked him if, for a fee, he would take his child to and from Ascension every day. Donovan agreed and took out the proper commercial-carrier insurance. He soon had other requests for the same service. By the 1968–69 school year, Donovan's business had grown; he spent $5,000 to purchase a 1966 GM sixty-passenger bus and a 1959 Chevrolet thirty-seven-passenger model.

In the spring of 1969, the chance to expand still further came along, so that with more school buses he could transport 260 children. The average yearly fare was $200. Many of the children in Donovan's buses were the sons and daughters of Senators, Ambassadors, judges, prominent lawyers, doctors, and other important and powerful Washingtonians. Encouraged by his wife and with confidence in his capacity for hard work, Donovan decided to buy three new 1969 GMC-V-6 school buses. Each cost $8,146.80. The body of this model was made by an independent company; everything else—basically, the transmission, the wheels, the engine, the electrical system, the gas tank—came from General Motors Truck and Coach Division, Pontiac, Michigan.

Early in September 1969, Donovan went to High Point, North Carolina, to pick up his three new buses. Accompanying him were two drivers, as well as a GM dealer from Laurel, Maryland, from whom Donovan was buying the vehicles. On the return trip to Washington, Donovan had what he called at the time "a little trouble." One bus required sixteen quarts of oil for the 300-mile trip. On the second bus, things went fine until the accelerator spring snapped. This meant that the driver had to put the transmission into neutral, find a place to pull over, get out, lift the hood, and, with the engine still roaring, try to adjust the throttle spring with a pair of pliers. The third bus worked well until dusk, when the driver tried to switch on the headlights. They didn't work.

All of this irritated Donovan, but he understood that kinks are part of a new product and no cause for alarm. Except for rattling transmissions, Donovan's buses functioned normally for three days. He and his wife were proud of the buses. They had risked most of their savings on them and believed that no finer company existed than General Motors. Donovan named the buses after his wife, Virginia, and their daughters, Regina, who was three, and Colleen, just six months old.

In mid-September, as required by law, Donovan took the vehicles to be inspected before using them to carry children. One bus passed, two did not. One rejection was caused by a faulty brake-hose suspension. GM, Donovan believed, either had not installed the right part or had not installed any part. Thus, the brake hose, which is essential for stopping and which should be suspended several inches away from the wheel, was rubbing the wheel drag line on turns. Amazed that a slip like this could occur, Donovan was nevertheless grateful that the inspectors had caught it: "Thank God," he said to his wife. "Otherwise, the rubbing eventually would have broken the hose, and the brakes could have failed."

The second bus did not pass inspection because the exhaust-pipe hanger was faulty. It allowed the long exhaust pipe to dangle, thereby increasing the chances of its snapping. If it broke, carbon monoxide would seep out beneath the passenger compartment. "I thought the inspectors would be astonished, as I was," said Donovan, "that two brand-new General Motors buses, serviced by a GMC dealer, would fail to pass inspection. But they weren't surprised at all. They just said, 'Go get them fixed and come try again.' "

His amazement and annoyance slowly turned to dismay, for Donovan was serious about his responsibility for the lives of the children who rode his buses. Besides the Huntsville tragedy, Donovan knew of other failures of GM buses. Only the year before, eighteen children from the Accotink Academy in Springfield, Virginia, were riding in a new GM bus on Highway 236 in Annandale. The brakes failed. Somehow the driver managed to steer clear of traffic and coast the bus to a stop without an accident. The brakes were subsequently fixed three times by GM. The next year, another Accotink bus, a 1969 GM, was being driven along a highway in Fairfax County, Virginia, when the brakes failed completely. The driver steered into a pasture and the bus lurched to a stop. *Those were new GM buses,* Donovan thought to himself, *and these three buses I just bought are new GMs, too.* His mind easily pictured one of his buses, full of children, crashing into a tree or into an oncoming car or truck. He became even more determined to do all he could to keep his three new buses in the best condition possible.

That commitment was made early in Donovan's ordeal, even though he had no way of knowing exactly what it would cost him—in loss of money, time, and peace. Between September 6 and December 6, 1969, according to Donovan's diary, he spent more than 225 hours either repairing the buses himself or hauling them to Central Motors, a GM dealership in Alexandria, Virginia. This averaged out to more than two hours daily, seven days a week. Additionally, he had to pay three of his drivers to do an extra ninety hours of repair work and hauling. A pattern emerged. When the buses finished the afternoon run about 4:30 or 5 p.m. and came to the parking lot in Washington, Donovan would ask what, if anything, had broken or malfunctioned that day. The drivers would tell him, for example, that the clutch had burned out for the second time, or that the left rear tire had leaked air for a second day, or that the bolts were falling out of the motor mounts the way they had last week, or that the wheels were wobbling, or that a gas tank was leaking, or that the power steering had failed.

The waking nightmare would now begin. Donovan would get into the broken bus and head for Central in Alexandria. Donovan's wife and two daughters would follow in the family car, so they could take him home when the bus was dropped off. It was a half-hour trip each way from Donovan's apartment in northwest Washington to Central Motors. After telling the mechanics what needed repairing, Donovan and family would return home. The girls would be fed and put to bed. He and his wife, staring at each other numbly, would have supper and wait for a call from Central—which stayed open until 2 a.m. The Donovans would wake the girls—no sitters were available at that hour—dress them, get in the car, and head for Alexandria. Donovan would pick up the repaired bus and drive it to the lot in Washington, his wife and children tailing. Donovan's records show that they made this trip approximately twenty-five times in the first three months of ownership. When two buses malfunctioned on the same day, two round trips were needed. Sometimes, since he needed to be up at 5:45 in the morning to call the drivers for the morning run, Donovan slept only three hours. During this period, both he and his wife lost weight, and friends found them unusually snappish. Donovan and his wife went out to dinner only twice in three months, and to a movie not at all.

The repairs made at Central Motors were seldom covered by the warranty. Trying to plug the dike through which money was beginning to flood, Donovan traveled to Laurel to talk with the dealer from whom he had bought the buses "The dealer," said Donovan, "told me my buses were obviously special cases, that these problems certainly weren't universal." Nothing could be done, said the dealer, except to notify the factory representative. Donovan called the GM public relations office in Washington and was told the man who would help him was John Nickell, the truck-and-coach field representative for that area.

Between the breakdowns of his buses, Donovan tried locating Nickell. He called several garages that were, according to the local office, on Nickell's list of places to stop. The response was always the same: Nickell either had just left or was expected at any minute. Donovan never found his man this way. Finally, in a stakeout, he went one morning to the dealer's garage in Laurel, where, the owner had said, Nickell was scheduled to appear that afternoon.

He did. Donovan, momentarily elated at talking to a live GM face, detailed the problems, from the burned-out clutches to the leaky gas tanks. According to Donovan, Nickell's reaction at this meeting, and at several to follow, was astonishment—no other operators in his area were having these troubles; therefore, aside from warranty work, GM could not be held responsible. "It must be my drivers, Nickell told me," said Donovan.

Up against a wall and wanting his conscience to be clear if any of the buses ever crashed and perhaps killed someone, Donovan wrote a letter to the parents of the children he served. "In order to facilitate safe transportation for your children with a minimum of maintenance expense," said the letter, "I purchased three new 1969 GM buses in September of 1969. It verges on the impossible to run the routes safely and on time. The reason is that these three new GM buses continue to break down. The vehicles have been fixed, refixed, and re-refixed. These malfunctions are not minor. They are major mechanical failures that often involve the safety of your children." He listed the problems and concluded: "If this pattern continues, we will have to discontinue the service."

A copy of this letter happened to come my way. I called Donovan and asked if I could examine his records and look at his buses. After several meetings in his apartment, I concluded that his complaints were valid. In any event, his anguish was real. He and his wife had put their savings into the buses, and now they appeared lost. One evening after school, Donovan asked me to take a drive with him in one of his lemons. "I'm only going to get it up to twenty miles an hour," he said, "and then I'll put on the brakes." When he applied the brakes, the bus halted with an abruptness that threw me forward. "We were only going twenty," said Donovan, opening the door and going around back. On the road were two black skid marks. The two rear wheels had locked when Donovan put on the brakes. "Can you imagine what happens," he said, "when a bus is going fifty or sixty and the driver has to stop suddenly?"

After again looking through Donovan's material, I approached General Motors to get their side of the story and give them a chance to be heard. I tried contacting John Nickell. I left my name at his office several times, but my calls were never returned. I visited Central Motors one morning—"He'll be there all day," said a secretary in his office—but like Donovan before me, I did not find Nickell that day or any other day. Workers at Central said that Richard Lockwood, the service manager, coordinated with Nickell and that he perhaps could help me.

I approached Lockwood. He preferred not talking about Donovan's problems. "General Motors has official spokesmen for questions from the public. You ought to ask them." When pressed for an explanation of why so many parts on Donovan's buses kept breaking or malfunctioning, Lockwood said, "Some of Donovan's problems are real, some are fanciful." Asked for an example of Donovan's fancy, Lockwood recalled a visit to him by Donovan when he asserted the clutch on one bus needed fixing. "We drove it around for a road test," said Lockwood, "and there was nothing wrong with it." When informed of Lockwood's statement, Donovan agreed; the mechanic did drive it around. "So I took the bus home, with no repairs made. Maybe Lockwood was right that time. But two days later the clutch burned out."

At 6:45 on the evening of December 9, Donovan phoned me at home. "Guess what," he said with elation, the first happy note I had heard from him since our initial meeting. "GM finally knows I exist. Three of their men are coming over to see me in an hour. They said they want to talk things over with me about the buses. That's all they said." Donovan asked me if I could come over and sit in on the meeting; it might be interesting. I said that I'd be there in twenty minutes.

When I arrived, the Donovans were on the last bites of a meal of meat loaf, canned peas, apple sauce, bread, and milk. Their apartment, a third-floor walkup in a housing project, was in mild disorder, a crib in the middle of the room, a chair holding a drawer filled with Donovan's records, a filing cabinet in a corner, and a card table covered with invoices, receipts, and other papers. I asked Donovan why he thought GM wanted this meeting. "Hard to tell," he replied. "Maybe they see my complaints are real and they finally want to square it all up. I've heard of things like that happening."

"I haven't," cut in Donovan's wife, Virginia, "especially not from a bunch like this. The bigger they get, the less they care." A short, sandy-haired woman, second-generation Polish, a user of short, bright sentences, Virginia Donovan was perhaps the wearier of the two. Home all day with the girls, she had to phone the parents when a bus broke down and inform them that their children would either not be picked up in the morning or be late in the afternoon. She had typed the letter to the parents as well as earlier letters to GM president Edward N. Cole, President Richard Nixon, Virginia Knauer, the Presidential consumer adviser, the Federal Trade Commission, and the National Highway Safety Bureau. She also had opened and filed the depressing form-letter replies. "It'll be a snow job, John," she said. "Just wait and see. The drifts will be so high, not even a bus could drive through."

Donovan speculated that GM had heard, probably from Richard Lockwood or someone else at Central Motors, that I was looking into the problem. "They hate bad publicity," he said. "Just the thought of a possible story in a major newspaper has flushed them out. It's funny. GM hasn't really been so bad. They've done a faithful job on the work they say is covered by the warranty. The mechanics at Central are superb. I get fast service; they're courteous. The eerie thing is that I can't find anyone who'll take responsibility for what's gone wrong."

At 7:30 the GM men arrived. Donovan, putting the infant in the crib and the three-year-old on a chair, went to the door and opened it. "Hello, Mr. Donovan," said the out-front man. "I'm Webb Madery of General Motors." Round-faced, heavy in the waist, he rubbed his hands briskly and commented on the cold outside, Madery introduced Jerry Fender and John Nickell. Donovan invited them in. The three were cheery, almost bouncy. Donovan introduced them to Virginia. Madery, with a large smile, said that he was happy finally to meet Mrs. Donovan and that everything her husband had said about her certainly seemed true. The woman did not respond to Madery's pleasantry. She knew her husband had spoken with him on the phone several times, but she also was sure her husband wouldn't have mentioned her. "What a nice little place you have here," said Madery, not letting up. He was unaware that the housewife didn't consider her apartment "nice" at all; she had told me five minutes before that her family would have moved into a house that fall if repairing the three buses had not consumed so much of their money, time, and emotions. Still icy, she took the gentlemen's coats and hung them up.

Of the trio, Madery was the oldest—sixty-two—and, as the Washington zone manager, was highest on GM's ladder. His career in the automobile industry began in 1933. After one year of college at William and Mary, he worked for International Harvester, then Chrysler. In 1958 he accepted an offer from General Motors to become heavy-duty truck manager in the Detroit zone. A year later he moved to Washington.

Fender was a trim, short-haired man of fifty-eight, with the longest GM service of the three, having begun in Oakland, California, as a twenty-four-year-old factory helper. Slowly rising from the bottom, he became shop clerk, parts manager, and so on, eventually moving to Washington as zone service and parts manager.

Nickell, forty-nine and gray-haired, had started with GM in 1940 on the assembly line in the Pontiac truck plant. He also went to school at that time, earning a B.A. in history from the Detroit Institute of Technology. Then he became a parts supervisor and began his climb.

Standing in the uncarpeted living room of the Donovan apartment and not yet down to business, the three GM men continued their cheeriness. They said they had just come from a delightful meal whose main dish was pheasant under glass. "You'd really like pheasant," said Madery to Mrs. Donovan with an overwarm smile, apparently determined to thaw her somehow. The woman could still taste the meat loaf she had just cooked and eaten, so the news about pheasant had a contrary effect upon her.

Moving from the living room into the adjoining part of the L-shaped area, Donovan introduced the three officials to me. I stated clearly that I was a *Washington Post* writer and had begun investigating Donovan's troubles. Still engaged in the busy work of cordiality, the GM men did not seem to notice the significance of having a newsman on hand while they went about the work of customer relations. Only John Nickell, an alert, lively-eyed man, looked twice at me. My name may have been familiar, perhaps from the message slips of my phone calls. Yet, after shaking hands with me at the Donovan apartment, Nickell, lowest of the three in corporate power but closest to Donovan's daily problems, seemed to let the fact of my presence pass. If his superiors weren't concerned, why should he be?

Everyone gathered around a small dining room table, everyone except Mrs. Donovan. She sat on a living room chair within hearing and took out yellow scratch paper, ready to take down in shorthand the important remarks of the conversation. The GM men produced a folder of records covering what they said was the past twelve weeks of Donovan's ownership of the three buses. As the senior official, Madery led off, explaining amiably that the reason for calling the meeting was that "GM wanted to make things right." He said that his corporation had a long record of being concerned about producing safe vehicles, especially those that carry children, and that since Donovan was concerned about safety, GM was most concerned about him. GM, he said, likes to satisfy its customers.

Impatiently Donovan broke in. "I've heard all that talk before," he said. "What I'd like from GM right now is a detailed record of the repairs you've made on my buses and also the modifications you've made on them." Donovan's request, made in a quiet but firm voice, was based on a desire to keep an accurate maintenance record. He explained that "this is the same as wanting information from your surgeon about what he cuts or takes out while operating on your insides. How can you find out unless the surgeon tells you?"

Madery laughed, saying with a final, happy grin that he had undergone operations where the surgeon never told him what he had fooled with. Donovan didn't laugh. On seeing this, Madery nodded to Nickell. "Mr. Donovan should certainly have his records," said Madery. "That's only fair." Nickell said he would get them to Donovan later that week without fail.

As the GM-Donovan case unfolded during the next year, the company never supplied Donovan the records he repeatedly asked for and GM repeatedly promised. In the week immediately after the December 9 meeting in

the apartment, Donovan says, he was told by Jerry Fender that high-level officials in Detroit had made a decision not to release the records "at this time in these circumstances." The circumstances were that the first of my series of articles on Donovan and his plight had just appeared in *The Washington Post* and had been circulated by its wire service, Donovan believed GM refused to release the enormous record of repairs and replacements on the grounds that the public—specifically other owners—would learn of it and expect similar treatment. Donovan never learned precisely who in GM ordered the embargo. The question came up again at a meeting in January 1970 in Falls Church, Virginia, with Robert Stelter, general manager for the GMC Truck and Coach Division, who entered the case when it became a public issue. Donovan says he asked Stelter directly why GM had refused to release the records. Stelter, the superior of Madery, said he himself never understood why. He directed John Nickell, also present at this meeting, to pass along the records. Nickell said he would, but he never has.

At the December 9 apartment gathering, the next topic was an itemized reading by Nickell of the repairs made at GM's expense. The list was long—including leaking oil gaskets, broken motor mounts, flawed gasoline tanks, ruptured rear-wheel seals, uneven brakes, weak tailpipe hangers. Anyone not knowing the whole story would wonder why Donovan was complaining when GM had done all of this work free of charge.

"What about those tailpipe hangers?" asked Donovan. Nickell, shooting a confident glance at his boss as if to say the question was a routine grounder and easily fielded, replied that GM had replaced them on warranty. "I know that," said Donovan, "but the replacements were of the same design as the original ones. So where does that take me?" For my benefit, and looking at me, Nickell explained in layman's terms the nature of a tailpipe hanger: a metal straplike device hung from the frame of the bus and attached to the exhaust pipe to keep it from dragging along the road and breaking.

At this point, the smooth GM presentation showed signs, like Donovan's buses, of falling apart. The customer insisted on getting across his point that replacing a flawed hanger with another flawed hanger, however new, is not really a victory for safety. Visibly annoyed at wrangling over such a small item and apparently sensing a no-win situation, Nickell broke into admit that "the hangers were just not strong enough. The factory made them too flimsy."

Madery looked sharply at Nickell—either startled or angered at this frank concession. He jumped in to say that studies of the hanger were already under way in Detroit and that a better one was being designed. Donovan said he was happy to hear that. He asked, however, if GM was going to warn other owners of 1969 GM buses around the country that this particular part was made "too flimsy." Madery said the decision would have to made by higher-ups in Detroit. "I'm sure they'll tell the public," said Donovan sarcastically, "because, as you say, GM cares about its customers and the safety of children." (The flimsy tailpipe hangers have never been recalled.)

All GM cheerfulness had now evaporated. The next topic involved the leaky gasoline tanks on Donovan's buses. Nickell reminded Donovan that three weeks earlier, to show GM's good faith, he had promised to repair the leaky tanks free of charge. That was a gesture of pure largess. Nickell made clear, because GM did not make the tank. Madery looked pleased. Nickell's statement backed up Madery's earlier one of wanting "to make things right."

"I'm not impressed," said Donovan, his anger growing. "After you told me that GM didn't make the gas tank that was leaking, I called up Thomas Body (Thomas Body company, High Point, North Carolina, the firm that had produced the bodies for Donovan's buses and fitted them onto the GM chassis). Mr. Thomas personally told me—categorically—that his company does not make the tank, GM does."

Nickell could do nothing but admit error. Coming back fast, however, Madery explained to Donovan that, even though Nickell was wrong about the maker of the tank, it actually didn't matter, because the leak was later found by mechanics not to be in the GM-made tank but in the extension from the tank to the exterior of the bus. "That is a Thomas product," said Madery firmly. He said that GM had nothing to do with it.

Donovan could not argue further, at least not then. The next morning, however, he was on the phone again to John Thomas. I also called Thomas within the week. Thomas said, with no equivocation, that his company did not make the tank-neck extension, that it was a GM product. To be certain, I asked him to check his file and read over the phone Donovan's order page for the bus bodies; it was number 9–12202, and the facts again fitted. A few days after the apartment meeting, Donovan reported to the GM men what he had learned from Thomas. The officials, according to Donovan, "just kind of passed it off, admitting they were in 'error' again but attaching no importance to it. But I attached plenty of importance to it. I was being lied to. Not by the men who had anything to gain from the lies, but because it was corporate policy. Put me down, brush me off, keep me happy—but don't ever tell me the truth or give me new buses."

As the meeting continued, Donovan running through his list of complaints, GM running through their list of solutions, the question came up of whether or not these problems were limited to Donovan's buses. They had to be, said Madery; otherwise, GM would have heard from other owners. "What about Tom Gist and Billy Jubb?" asked Donovan, referring to two owners of 1969 GM school buses in nearby Maryland, with whom he had spoken at length about their mechanical and safety problems. Donovan remarked that both were experiencing difficulties similar to his own and that both said they had seen John Nickell. His memory refreshed, Nickell said that was right, he had seen Gist and Jubb. Their problems, however, were different from Donovan's, said Nickell. Once again Donovan could not refute this with absolute surety. The following day I called Thomas Gist in Sykesville, Maryland, the owner of two '69 GMs. As was so with Donovan's buses, the power steering was bad, riding was rough, the clutch and brakes needed constant adjustment and fixing. I mentioned Donovan's name. Gist recognized it, laughingly saying they were fellow sufferers. Billy Jubb, in Pasadena, Maryland, owned four '69s and called them "the worst I've ever owned." Each had a broken clutch. What he said about clutches echoed John Donovan: "I'm always taking the damned things to the dealer to have them adjusted."

"How does GM explain all these failures of clutches?" Donovan asked Madery. "Driver abuse," replied the GM man, starting on a brief monologue about the many ways drivers ride the clutch, pump it unnecessarily, use it wrongly. Donovan replied, again with anger, that his drivers were not heavy-footed amateurs who loved clutch-riding but were veterans of the road with at least five years' experience in driving trucks and buses. None had ever burned out a clutch on earlier-year buses. Thus, said Donovan, it was unlikely they would have ruined the clutches at the rate they were being ruined on the new buses: Two had already burned out in each of two buses; three had burned out in the third.

The talk went back and forth, Donovan repeating his concern for safe buses because children's lives were involved, Madery cordially reassuring him that GM had made things right with its warranty work and that this was a fluke problem. He had a way of feigning surprise, as if to say wordlessly to Donovan, "You're not actually saying, are you, that GM is not 'the mark of excellence'?" Not once did Madery or his two companions offer sympathy to Donovan or ever admit there might be a safety problem. If a problem was admitted, it was inevitably "not safety-related." On specific points the reply was either, "Here, this is what GM has done, so why are you complaining?" or, "Here, you should have done this, and if you had, this problem would never have happened." Nor did the GM men ever mention that their buses had been the object of recalls two years running and that this year was an extension of patterns of work developed then.

As the hour neared 10 p.m., Donovan was still spirited, but Madery, Fender, and Nickell, the taste of pheasant long gone, were tiring. As they tried to wind things down the phone rang. Mrs. Donovan answered. "It's for you, John, from Detroit, person-to-person." Donovan took the phone and was greeted by Robert Stelter, Madery's superior. "He wants to know how things are going with my buses," Donovan remarked to the group. Answering Stelter, Donovan said the buses were just as much broken-down lemons as ever. The two talked for about five minutes, Donovan asking for his records and repeating that he worried about his brakes, clutches, gas tanks, wheels, and everything else that wouldn't stay fixed, no matter GM's diligence in repairing them.

I signaled Donovan that I would like a word with Stelter. Identifying myself and my intentions clearly, I asked Stelter how three new buses could be so flawed. The company, he replied, was doing all it could to make things right. Beyond making things right, I asked politely, would GM make things better and do as Donovan thought it should—replace the buses? The official seemed surprised that Donovan had even thought of such a solution.

After expressing curiosity about what kind of story I might be writing but careful to remain pleasant and assuring, Stelter asked to speak to Madery. As GM Detroit spoke to GM Washington, there was little but "Yes, sir" and "No, sir" from the latter. Madery concluded his conversation by saying he would call Stelter in the morning. The phone hardly back on the receiver, the GM official looked at me in astonishment: "You're a reporter?" I nodded. Nickell nodded too.

Abruptly, the GM men began putting away the materials they had spread out on the table during the evening. The phone call from Detroit, apparently meant as final proof to Donovan that GM really cared, because his troubles had reached the ears of high powers in Detroit, had had the opposite effect. GM had learned that rather than having put down a customer, it had instead fired up a customer, one who had the crust to interest a reporter in his troubles.

Madery rose, as did Nickell and Fender, and recapturing his earlier nerve, smiled broadly at Donovan and said that the evening was certainly well spent. Madery even had one last happy word for Mrs. Donovan, throwing her a compliment about "what wonderful boys" the Donovan's two baby girls were. Donovan got the men their coats and saw them to the door.

I remained for a few minutes. Mrs. Donovan said, "Let's get the snow shovels and clear out this place." Her husband saw the evening a little less bitterly. GM now knew, he said, that it could not talk its way out. "They didn't refute a fact I threw at them. That's the test. They would have slapped me down hard if one fact of mine, one record, or one document, was slightly off. But they didn't. Sure, they tried to scare me off, calm me down. What do you expect?"

After telling Donovan I would call him in a few days to check whether anything happened, I said good night.

My story of Donovan's ordeal appeared in the *Post* on December 15 and 22, 1969. On the day of the second installment, General Motors and the White House Office of Consumer Affairs held a joint press conference to announce two investigations of the 1969 buses, one by the government and the other by the company. The press conference statements of GM vice president Martin Caserio were oddly similar to the GM presentation at the Donovan apartment. Caserio said there were no complaints about the buses from other owners. Asked about the 1969 school bus that had suffered brake failure and careened into a pasture, Caserio said he believed the braking equipment on that vehicle was not the same as on Donovan's, adding, "I'm not certain about that yet." Like Madery, Caserio stressed GM's concern for safety. Thus, the faulty exhaust pipe hanger should not be classified as a safety-related defect, because if it broke the driver could hear the exhaust pipe clattering along the ground and have repairs made before any harm was done to occupants. (But what if merely cracked?)

Reporters pressed Caserio on Donovan's problems. For the first time the company gave a little, Caserio conceding that some of Donovan's complaints were legitimate. But always added to these admissions was the qualifier, "They are not safety-related." One reporter listed all of Donovan's problems—from brakes to clutches—and said Caserio's claiming these were non-safety problems was an "incredible observation." The press conference did produce one memorable statement: "GM," said Caserio, "does not duck any responsibility for the finished product that bears our name."

Two months later, on February 19, 1970, a total of 4,269 school buses were officially recalled by General Motors, including John Donovan's three. Also recalled were 21,681 trucks using the same model chassis. "Some of the vehicles," said the announcement, "will require installation of new brake-hose retaining springs. Some will require inspection and possible inspection and possible alignment or replacement of a rear steel brake line. A few will require both services."

At my request, GM sent me a list of forty-four owners around the country who operated more than five buses. When I called them (four people were not GM owners, and one owner couldn't be reached because he had been dead four years), I found that a recurring theme was clutch problems. One owner was a GM dealer who had so much trouble with his seven 1969s that in 1970 he bought Fords. Asked if he thought it odd for a GM dealer to buy a competitor's product, he answered, "What should I do—keep on buying buses that I know are nothing but trouble?"

Within the next year, the GM buses were recalled two more times. The second call-in involved the brakes again—possibly faulty brake-fluid reservoirs that caused the braking fluid to leak out. The third recall was for possibly flawed clutches; the clutch linkage was found to be weak—meaning, in lay terms, that the bus could lock in gear and thus be unstoppable.

In a simpler day a consumer with a complaint about, say, shoes, had only to visit the local shoemaker to get justice. "Here," the customer would say, "these shoes are falling apart." The shoemaker, because he was ethical or simply aware that word would spread through the village about his sloppy work, quickly repaired the shoes or replaced them. The exchange was straightforward and there were no evasions. What's more, the shoemaker was there, he had a familiar face, he breathed, and the only separation between the consumer and him was his shop counter.

Things have changed. Seeking relief or redress from GM with its 750,000 employees is an agony. So it is with any large bureaucracy. The vice presidents at the top are protected from the consumers' complaints at the bottom by the mass of employees between; the latter will catch it first if the brass learns that the consumers are mad. So the vice presidents do not measure the company's success by the consumers' voice, as the shoemaker did, but by sales reports, profit charts, and the smiles of stockholders. If tens of thousands of cars are sold every year, the high-ups conclude that the public must be happy. Otherwise, why are sales up? When profits aren't up, however, or when management thinks profits can be bigger, the decision often made seems to be to cheapen the product. When such a decision ends in death, then the ethical numbness encouraged by the profit system becomes grimly apparent, and the need for remedy becomes urgent.

John Donovan's friends jokingly called him a "giant killer," since he had taken on GM and won. "Won? How can they say that?" he asks. "I never got new replacements from GM for my buses. I never got a cent for my lost time. They never compensated my drivers for the overtime spent in hauling the buses to the garage. They never even apologized to my wife for all those nights she spent trailing me over to Central Motors. What's even more chilling, after three recalls, I have yet to hear from the GM crowd even the slightest hint admitting they may be doing something wrong in the way they build buses. But lives are involved; those are not alarm clocks that they're selling.

"That's the true horror of all this—not that they tried to screw one owner like me. It's the corporate callousness. If I were in the business of making school buses—an engineer, a vice president, a local representative like Madery—and someone came along with proof that dangerous defects were in my product, well, I think I'd jump pretty quick to correct them before I had any blood on my hands."

SOVIET JEWRY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. CAREY of New York. Mr. Speaker, I rise today in support of House Concurrent Resolution 471, a resolution to seek relief from restrictions on Soviet Jews.

This Nation has always been, and should always remain, a haven for the oppressed of other lands. Throughout our history we have voiced concern and support for the harsh plight of persecuted minority groups.

Consistent with this heritage are the several resolutions concerning the Soviet Jewry which are now before the Congress. Hopefully, the resolution passed by the Congress will be a part of worldwide efforts on behalf of this proud minority to make sure that the spiritual and cultural rights of Jews are not extinguished and that those who wish to emigrate are given a chance to do so.

Soviet Jews are being prosecuted solely for their wish to emigrate to Israel. Yet this right is guaranteed under article 13(2) of the Universal Declaration of Human Rights—a declaration that was unanimously adopted by the United Nations in 1948. The declaration specifically states:

> Everyone has the right to leave any country, including his own, and to return to his country.

Rights to emigrate are also provided for in the International Convention on the Elimination of All Forms of Racial Discrimination—1965—which was ratified by the Soviet Union, as well as in the International Covenant on Civil and Political Rights—1966.

Yet only a small number of those Jews who have applied for exit visas to Israel have been granted permission to leave. Further, almost all who have applied for visas have had their jobs threatened and have been subjected to harassment by police.

Rights to religious worship and cultural freedom are in fact provided for in articles 124 and 126 of the Soviet Constitution. Article 124 states:

> Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

The Soviet attitude toward this blatant violation of international treaties as well as the Soviet Constitution was summed up on September 20, 1971, by Albert E. Ivanov, the head of the Communist Party Central Committee of the Soviet Union which supervises the Department of the Interior, when he told a delegation of Jews in Moscow:

> The decision of whether to allow Jews to leave is not the right of Jews, but of the State . . . And in this matter, the interests of the State have been given primary consideration . . .[1]

Mr. Ivanov went on to explain that no exit visas would be given to Jews of military age or those with skills needed by the Soviet Union.

It is therefore unrealistic, Mr. Speaker, to expect that the Soviet Government will suddenly consent to the mass emigration of Jews.

Yet it is not unrealistic to expect that the Soviet Government will be sensitive to the force of worldwide pressures—those, I might emphasize, which are not of a violent, insulting, or undignified nature.

World pressure following the December 1970 Leningrad trial of Soviet Jews accused of hijacking an airplane led to the commuting of the death sentences.

World pressure has led to an increase in the number of Jews allowed to leave the Soviet Union. According to figures in the New York Times, the year's total may reach 9,000 although definite figures are difficult to ascertain. In January 50 Jews were allowed to leave; in February, 130; in March, 1,000; in April, 1,300; in June, between 700 and 1,000; in July, between 300 and 500; in August, between 400 and 600; in September, 1,000; and in October, 1,000. The upsurge in the months of March and April was probably due to the March meeting of the 24th Communist Party Congress; Jewish activists were allowed to leave for fear of embarrassing demonstrations. Premier Kosygin said that 4,450 Jews had left the Soviet Union for Israel during the first 8 months of this year, as compared with 4,667 who emigrated dur-

[1] *The Christian Science Monitor*, October 19, 1971.

ing the entire period from 1945 to 1963.

Clearly the number of visas granted is not enough, since it is estimated that close to 500,000 Jews would apply for visas if they could do so without fear of harsh social and economic reprisals. Yet the increase in visas granted demonstrates that the Soviet Union does yield to world pressures, particularly when the Soviet position in the world community would thereby be improved. Congress must therefore go on record as speaking out against the inability of Jews to receive exit visas, until all who wish to emigrate are able to do so. The Soviet Government must know that Americans of all faiths—acting through their elected Congress—deplore the Soviet treatment of Jews and make them welcome in this country.

On November 10, 1971, at the United Nations, a list of names said to include those of more than 1,000 Soviet Jews who want to emigrate to Israel was presented to Adam Malik of Indonesia, President of the General Assembly, by Yosef Tekoah, Israel's representative. Mr. Tekoah said it was the largest number of signers of any single appeal from Soviet Jews, although he said he had transmitted "several hundred such appeals" to the United Nations officials.

Efforts must be intensified to get a positive response to this request. At the very least, I would hope that the President will include this matter in discussions with Soviet officials when he visits Moscow next month.

I would like also to call attention to the petition signed by 900 Soviet Jews which was presented to the United Nations General Assembly at the time of the opening of the 26th session. Representing Jews from about 20 Soviet cities and towns, the appeal is believed to be the result of the most widely coordinated signed nature-collection effort since Soviet Jews began to campaign for emigration in recent years. Calling on the Soviet leadership to change its policy barring unhindered emigration, the petition said:

> The issue of free emigration of Jews to Israel is not a new one and is becoming more acute with every passing day. More and more Jews realize and then openly proclaim that they do not want to assimilate with other peoples. This movement has its historical causes and cannot be stopped by administrative directive.
>
> Here in the U.S.S.R., where there is no Jewish culture or national life, where there are no Jewish schools or Jewish theaters, where there is no possibility of studying Yiddish or the culture and history of the Jewish, where the unprecedently low percentage of Yiddish-speaking Jews is declining from day to day, in this country there is no future for us as Jews.[2]

Let me conclude my remarks by quoting from Ellie Wiesel's book, "The Jews of Silence":

> In comparing the present situation to that of the recent past, a rabbinical scholar quoted to me the commentary given by Rabbi Menachem Mendel of Kotsk on a verse from Exodus, "And the king of Egypt died, and children of Israel sighed by reason of their bondage." The question was raised: All the time Pharaoh was alive the Jews labored and suffered; why, then, did they sigh at his death? Rabbi Menachem Mendel answered that before Pharaoh died, even to sigh had been forbidden.
>
> "Do you understand?" the scholar said. "Today we are permitted to sigh—but only when no one is listening."

Mr. Speaker, I hope that the action that this body takes today will indicate that Americans are listening, and that the sighs are heard. Hopefully one day these sighs will become cries of joy when the Soviet Jews are permitted to go to Israel.

Mr. Speaker, I urge the passage of this resolution.

[2] *The New York Times*, September 21, 1971.

U.S. POLICY: SECRET AND INEFFECTIVE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, on my recent trip to Vietnam and Thailand, I was appalled to learn just how restrictive American information policy is in these countries. Members of the press are being hindered from collecting information of vital concern to the American people, not for security reasons, but for political ones.

I was accompanied on the trip by my former administrative assistant, William Wasserman. Himself a newspaper publisher, Mr. Wasserman is extremely well qualified by his varied experience to evaluate information policy. His forceful and well-reasoned indictment of our Government's censorship of the news in Southeast Asia is an important contribution to the current debate, and I endorse it wholeheartedly.

[From the Amesbury News, Apr. 13, 1972]

U.S. POLICY: SECRET AND INEFFECTIVE

On Friday the U.S. command at Saigon said, "U.S. Air Force tactical aircraft and Navy components are attacking military targets in the area north of the Demilitarized zone in order to help protect the lives of the diminishing U.S. forces in South Vietnam."

That's the rationale publicly applied to our policy.

It's a fiction.

Our government is as fully committed as it ever was to maintaining the present government of South Vietnam.

Only instead of doing it at a cost which cannot be concealed, namely the loss of American ground troops, we are trying to do it from airplanes based in distant places—in Thailand, and in the Yellow Sea.

The public is not given the cost of this war, nor is it told how many men are involved, how many aircraft are being used, what kind of bombs are being dropped, where bombs are being dropped, nor how many civilian casualties we have inflicted by this remote, electronically activated warfare.

Without this information—information which the North Vietnamese on the receiving end must know full well—it is difficult for the American public to determine whether or not the policy we follow is worth the cost in all its ramifications.

As for the policy itself, one certainly must understand that continued air support is the minimum price we must pay for maintaining President Thieu's government, and this week's hostilities suggest that even that may not be enough.

No one with whom Congressman Harrington and I talked during this past week in Vietnam and Thailand had any illusions about Thieu being able to stay in power without massive American air support.

So we are not staying in Southeast Asia to protect our withdrawing forces; we are staying there to protect President Thieu and the other wobbly and unresponsive governments to whom we are committed in Cambodia, Laos and Thailand.

And instead of winding down the war, we are shifting the war. Shifting it to high altitude bombers and supersonic fighters based in Thailand and the Yellow Sea.

On pragmatic grounds there is reason to question this effort.

First, can Thieu survive even with our help? This week may bring the answer.

Second, how effective is our sophisticated, high speed, high altitude air support in the kind of war being waged in Indochina. Do B–52's really stop bicycle traffic? Pilots themselves are frankly skeptical of the results they achieve from radar bombing at supersonic speeds.

Third, is the cost in dollars worth the effort? The massive B–52 bombings cost an estimated $45,000 per mission per plane. For the result they achieve against such small and dispersed targets, the money might be better spent somewhere else. One experienced reporter estimated the price tag for destroying one North Vietnamese truck on the Ho Chi Minh trail was about $1 million.

On moral grounds, there are abundant reasons to question this effort. It is not democracy which we are protecting, so how do we justify our killings? How many civilian lives are being lost, how many civilians being made homeless? And what is the cost to our own morality to drop bombs from great altitudes, then return to remote and comfortable air bases—far removed from involvement with the people actually suffering and fighting?

NIXON WOULD FORCE THE COURT OFF THE BUS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. EDWARDS of California. Mr. Speaker, it is becoming more and more apparent that Richard Nixon is employing the same political advisers in this Presidential campaign as he did in the 1968 one. For his latest antibusing proposals which would limit the authority of the Federal courts to enforce 14th amendment rights are merely variations on his 1968 theme of attacking the courts. In 1968 Mr. Nixon accused the courts of being responsible for a breakdown in law enforcement and the increasing rate of crime. Now after appointing four of his own Supreme Court Justices the President persists in blaming the current social crisis—this time the busing issue—on the courts. In a recent article in the St. Louis Post-Dispatch, James Deakin explains how this new attack on the courts has emerged as one of Mr. Nixon's campaign tactics. Mr. Deakin explains how the courts—by their very nature unable to provide timely rebuttals to political attacks—have become the scapegoat for the current crisis and a political football in another election year.

However, just as 3 years of the Nixon administration has failed to result in a

decrease in the amount of crime—crime has increased 6 percent from 1970 to 1971 alone, with violent crimes rising by 9 percent—it is doubtful that this legislation can remedy the complex busing crisis while insuring the rights of all children to equal educational opportunities.

Instead, as a Washington Post editorial pointed out, the President's proposed measures fail to deal with the question of policy, focusing instead on the conflict over power. As explained in a legal memoranda prepared by the Washington Research project and cited in the Deakin article, the proposals constitute a frontal attack on the independence and integrity of the Federal judiciary, the 14th amendment's guarantee of equal protection under the law, and the constitutional doctrine of separation of powers. This conflict over power rather than policy in the words of the Post can only be interpreted as "a challenge to the competence and authority of the courts" which "must necessarily undermine public respect for the validity of past desegregation orders."

Following is the Deakin article, the Washington Research project memo cited in the article, and the Washington Post editorial.

The articles follow:

[From the St. Louis Post-Dispatch, April 2, 1972]

NIXON WOULD FORCE THE COURT OFF THE BUS

(By James Deakin)

WASHINGTON, April 1.—Four years ago, presidential candidate Richard M. Nixon made the federal courts one of his main campaign issues. Permissive judicial decisions, he told the voters, had weakened the law-enforcement forces of the nation in their fight against crime.

This year, another attack on the courts appears to be emerging as one of Mr. Nixon's campaign tactics. This time, the President is blaming the courts for school integration decisions that he says have created a national crisis over school busing.

The new attack on the courts appears to go further than the 1968 strategy. That year, Mr. Nixon confined himself to promising to appoint "strict-constructionist" Supreme Court justices. His promise was understood by conservatives and liberals alike to mean more rights for the accuser and fewer rights for the accused.

In the busing issue, however, the President has proposed specific legislation to curb the powers of the federal courts. They would be prohibited from handing down any new school integration decisions involving busing until July 1, 1973. After that, their authority to order such busing would be sharply limited.

His proposal has encountered strong opposition from civil rights organizations and other groups. They consider it a far-reaching assault on the independence of the federal judiciary, on the Fourteenth Amendment's guarantee of equal protection under the law, and on the constitutional doctrine of separation of powers.

A major effort to defeat the Administration's plan and similar antibusing amendments already approved by the House is being led by the Leadership Conference on Civil Rights, representing more than 100 civil rights, labor, religious and citizens' groups, and by the AFL–CIO and the Washington Research Project, an organization concerned with the rights of poor persons and minority groups.

Mr. Nixon's proposal has intensified the congressional controversy over busing. The next big test on Capitol Hill will come in the Senate-House conference committee that is considering the Higher Education Bill.

Although this bill deals with college education, the House added a series of restrictions on busing of grade school and high school students, including an amendment to prohibit all court orders involving school busing from taking effect until the appeals procedure is completed. That process could take many years.

The Senate, after approving and then defeating a similar proposal, passed a compromise sponsored by the majority and minority leaders, Senator Mike Mansfield (Demo.), Montana, and Senator Hugh Scott (Rep.), Pennsylvania. This version would impose a stay until June 30, 1973, but only on busing orders involving transportation between school districts.

Civil rights leaders have promised to oppose the Higher Education Bill itself—an unusual position for them—if it emerges from the conference committee with either the House amendment, sponsored by Representative William S. Broomfield (Rep.), Michigan, or the anti-busing plan proposed by Mr. Nixon.

Because the Mansfield-Scott amendment would apply at this point only to interdistrict busing orders in Richmond, Va., and Detroit, it is somewhat more acceptable to the civil rights forcs. Even so, there is a strong feeling among those leaders that all three proposals are unconstitutional.

To those who recall Mr. Nixon's law-and-order attacks on the courts in the 1968 campaign, his statements on busing have had a familiar ring.

In a televised speech March 16, the President announced his busing decision and said, "Recent decisions of the lower federal courts . . . have gone too far—in some cases beyond the requirements laid down by the Supreme Court—in ordering massive busing to achieve racial balance."

Mr. Nixon said the decisions had created "confusion and contradiction in the law; anger, fear and turmoil in local communities, and, worst of all, agonized concern among hundreds of thousands of parents for the education and the safety of their children . . ."

In proposing that Congress limit the power of the federal courts in school desegregation cases, Mr. Nixon relied on the provision in Article 3 of the Constitution that gives Congress the power to make exceptions to the Supreme Court's appellate jurisdiction.

The President's position received support this week from the chief judicial officer of the United States, Chief Justice Warren E. Burger.

Although Burger's opinion was expressed in a case that had nothing to do with the busing controversy, it appeared to buttress the Administration's contention that Congress can curb the judiciary. In addition, it illustrated the profound suspicion with which conservatives view the federal courts these days.

The case involved the controversial Three Sisters Bridge project in Washington. The Supreme Court refused to intervene in the case, and Burger took the unusual step of saying in a concurring opinion:

"In these circumstances, Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives."

Burger did not suggest that his statement could be interpreted as a general comment on Congress's authority over the courts, but it was likely to be construed that way. The legal guideposts defining the relationship between Congress and the judiciary are few and far between, and the Administration presumably will be looking for whatever support it can find.

The White House and the Department of Justice contend that Article 3 of the Constitution and Section 5 of the Fourteenth Amendment give Congress at least enough authority to declare a moratorium on judicial remedies while it considers legislation to set a national policy on school integration.

This contention involves the complicated relationship between legal rights and legal remedies. The Administration contends that its busing moratorium proposal deals only with the remedies for unequal education, not with the basic right to obtain equal education.

Mr. Nixon's legal advisers accept the view that the Supreme Court, in its 1954 school desegregation decision, declared that equality of education was a Fourteenth Amendment right that Congress could not repeal. However, they assert that Congress retains the right to act with respect to proposed remedies for segregated schools or other unequal educational facilities.

Opponents of the proposed moratorium contend that rights without remedies are not rights at all. Unless citizens can appeal to the courts to remedy rights that have been denied, the rights are no more than promises that the nation does not intend to keep, the civil rights forces say.

"A black child could march into court and obtain a declaratory judgment that a school system was segregated, and that would be an end to the matter," said a study by the Washington Research Project. There would be no enforcement, no remedy—just a paper declaration, the study said.

"Pressed to its logical conclusion, the Administration's argument would justify a congressional bar of any relief in a school desegregation case and a legislative repeal of every decision after Brown I (the 1954 decision), since they involved only questions of 'remedies' and not a question of 'right,' " the study said.

Section 5 of the Fourteenth Amendment, which acting Attorney General Richard G. Kleindienst says gives Congress the power to impose a moratorium on court-ordered busing, states that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Article 3, on which the Administration is also relying, defines the power of the federal judiciary. It gives the Supreme Court wide appellate jurisdiction—but "with such exceptions, and under such regulations as the Congress shall make."

Beyond these clauses, the Administration is relying on a number of judicial decisions, notably Ex Parte McCardle, an 1869 case involving a statute that withdrew the Supreme Court's appellate jurisdiction in habeas corpus cases.

The Supreme Court acquiesced in this exception to its jurisdiction, but only in the case of appeals. It retained the right to issue habeas corpus writs itself, meaning that habeas corpus access to the Supreme Court was preserved.

For this and other reasons, there is disagreement as to whether the McCardle case established unfettered congressional power to prevent the court from adjudicating constitutional issues.

Opponents of a busing moratorium concede that Congress has the power to make exceptions to Supreme Court jurisdiction. But they cite constitutional authorities in contending that "the power vested in Congress over the jurisdiction of the judicial department may not . . . be employed so as to destroy rights guaranteed by the Constitution itself."

"To hold otherwise would be to give the legislative department an all too easy way to circumvent the supreme law," the Washington Research Project study said.

"There has never been a law passed that expressly singles out a class of constitutional rights . . . and seeks systematically to bar

judicial enforcement of the rights selected," the study said.

The argument that the rights guaranteed by the Fourteenth Amendment are overriding, and therefore cannot be abridged by Congress' exception power, was cited by the Democratic Study Group, an organization of liberal Democratic members of the House.

"Congress does not have the authority to deny a person due process of law or prohibit the courts from ordering remedies for denials of equal protection under the law as provided by the Fourteenth Amendment," the group said.

It cited the Supreme Court's decision in 1965 in the case of Katzenbach vs. Morgan, in which the court held that Section 5 of the Fourteenth Amendment "does not grant Congress power to restrict, abrogate or dilute" the guarantees of equal protection or due process.

The stage thus appears to be set for a battle over whether or to what extent the legislative branch can limit the jurisdiction of the judicial branch.

The battle probably will be conducted in legal terminology that will puzzle the layman, but one aspect will be easily understood: whether the federal courts will be made a scapegoat and political football in an election year.

[From the Washington Post, March 31, 1972]

DESEGREGATION, EDUCATION, AND THE LAW

In the current debate over school desegregation (if debate is not too high-flown a word to use for what has been going on), it seems to us that some very important truths have been mislaid. They concern the relationship of constitutional restraints and requirements to the formulation of social policy, and the first may be stated simply as follows: when you have established that something is not unconstitutional—that it is permissible under law—you still have not established that it is worth doing. Because the federal judiciary—by reason of the default of other branches of government—has been forced into so central a role in school desegregation over the years, however, this self-evident distinction between that which is merely permissible and that which is, in addition, desirable, has come to be blurred. Thus the test of any program's constitutionality is thought by many to provide a simultaneous measure of its worth. Just as it did with such questionable proposals as "no knock" and preventive detention, for example, the Nixon administration now seems to be arguing that its proposed moratorium on court-ordered busing is constitutional—and therefore automatically desirable as public policy.

Like so many others we have our doubts on the first score. But whether or not the moratorium—if it is enacted by Congress—withstands a constitutional challenge, it seems to us manifestly bad as policy. For one thing, it forces a confrontation between the federal courts and the other two branches—a confrontation not over the merits of busing but over the authority and jurisdiction of each branch, a conflict over power as distinct from a conflict over policy. For another, such a challenge to the competence and authority of the courts must necessarily undermine public respect for the validity of past desegregation orders—even those the administration would concede were entirely sound. This challenge could have been brought with much less potential damage by entering cases and arguing in the courtroom rather than by seeking to remove the courts' power to remedy constitutional violations.

There is another rather more practical consideration that should have discouraged the Nixon administration from recommending this move. It is that judicial proceedings are already well under way which are likely soon to stabilize the size and scope of court-ordered busing—and would have done so without any "help" from the Nixon administration. Many of the more recent federal court rulings on this question (including in certain respects that of Judge Mehrige) seem to go beyond the criteria established by the Supreme Court in the *Swann* (Charlotte, N.C.) case and to push at the limits of what the court implied it would find just grounds for court-ordered busing. Many of these cases are in the process of review by higher courts at the moment. More important, the Supreme Court has already accepted for review a case from Denver, which in all likelihood will see outer limits established on legally mandated busing. Judging by the strong hints provided in Chief Justice Burger's opinion for a unanimous court in *Swann*, the court now seems disposed to limit authority for such busing orders to school districts where they are deemed necessary to overcome the effects of de jure—or officially sanctioned—segregation of school-children by race. The Nixon administration may or may not be right in asserting that its own proposed moratorium on new busing is constitutional; it is, in our judgment, dead wrong in seeking such legislation just now—wrong in perhaps all but its own domestic political considerations.

The strong chance that the Supreme Court will find that so-called "racial imbalance" does not in and of itself require remedy where no official intent to segregate has been found, that it will rule that there is no constitutional requirement that it be broken up, brings us to the second of those self-evident truths we believe to have got lost in the shuffle. It is that everything the constitution does *not require* is not therefore automatically undesirable or unworthy of doing. This is a proposition that will certainly bear some thinking about if and when the federal judiciary interprets the constitution as not demanding the desegregation of racially imbalanced schools that are a product of causes other than deliberate official intent to separate children by race. We have long been of the opinion that the Supreme Court not only would not, but should not move to establish racial proportioning, per se, as an absolute value or a condition to be met by all school districts irrespective of any past intent to discriminate. And the reasons that have led us to think this unwise—the perils that flow from government's dealing with citizens *solely* on the basis of their race—have led us also to believe that racial balancing legislation (such as that which Senator Ribicoff, for example, has proposed) is unwise. But it is basic to this assumption that the absence of constitutional or statutory requirements should not be regarded as an endorsement of segregated schools, as evidence that it is sound public policy to leave our schools in their present condition or that there is not a role for government to play in encouraging the development of quality integrated education.

For with or without passage of the mischievous administration legislation, it is plain that the time is approaching—in some senses it is long overdue—that we as a nation and also as individual communities within that nation begin to focus not merely on what we must do in a legal sense, but on what we should do. Is it in the public interest to maintain our inner city racially isolated school systems as they are? What is the social cost to the children involved—black and white—proceeding from this very isolation? And what is the prospective cost to the larger society of which they will eventually be adult citizens? Are there not proper combinations of integration and compensatory education that may be specially suited to the individual communities that wish to take action? In a general sense we should now be asking ourselves whether passive resignation to things as they are in our troubled school systems is wise as public policy, what we in fact really want our school systems to look like, and what combination of steps can achieve the result. These are the things we should and must start thinking about in dead earnest. It is a grim bit of irony that had we done so sooner, we might have been spared the agony and the demagoguery of the present "anti-busing" turmoil.

THE 220TH ANNUAL TOWN MEETING OF THE TOWN OF DANVERS, MASS.

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, last month I was privileged to be invited to address the town meeting of the town of Danvers which was held at the First Church of Danvers Congregational, on the occasion of the church's 300th anniversary.

The evening was an inspiring one, bringing together citizens who devote their own free time to their government in the best tradition of American democracy, in an institution which has long served the people of its area vigorously and well. I was honored to be included by the people of Danvers in that ceremony, and in order that it be appropriately commemorated, at this point I wish to place in the RECORD the documents describing that meeting, and the other activities planned to commemorate the church's anniversary:

RESOLUTION OF COMMEMORATION

Whereas: The first Church of Danvers, Congregational, was established in 1672 as the first House of Worship in this Community; and

Whereas: The Congregation thus established also became the first form of local government in the Community; and

Whereas: After many days of darkness and despair during the infamous witchcraft delusion, the light of peace and rays of hope emerged at the "Meeting of Peace" conceived by the Rev. Joseph Green, then the Minister to the Congregation; and

Whereas: The first schoolhouse in the Community was established by the Congregation of the Church; and

Whereas: The "District of Danvers," created in 1752, was built around the structure of the then-existing parish boundaries of the Church; and

Whereas: The Church and its Members contributed in great measure, both in human lives and other personal sacrifices, on the battlefield and in the public forum, during the Revolution, out of which was born this Great Republic; and

Whereas: The Church was served in Civic and Spiritual need by many Ministers over the past 300 years, whose dedicated work serves as the finest example which can be given by Men of God, and whose legacy to the present Members of the Church is constantly displayed to this Town; and

Whereas: This Church stands proudly as the FIRST of a present number of twelve Houses of God in the Town of Danvers, the existence of all of which enriches the lives of all of the citizens of the Town; and

Whereas: Over 300 years, many citizens of the Town, of all convictions, have sought and found friendship, counseling, and often solace, from those in the Ministry of the First Church of Danvers, Congregational,

Be it therefore resolved: That the 1972

Annual Town Meeting of the Town of Danvers, on behalf of all the citizens and officials of the Town, extends congratulations and best wishes to the Members of the First Church of Danvers, Congregational, on the occasion of the Three Hundredth Anniversary of the founding of the Parish, and instructs that these sentiments be duly inscribed in the permanent records of the Town, with a copy of these resolutions to be given to the Pastor, Rev. Edward H. Glennie, as an official document for the permanent records of the Parish.

Attest: A True Record.

March 20, 1972.

Daniel J. Toomey, *Town Clerk,* Francis F. Mills, *Town Moderator.*

TOWN MEETING PARTICIPANTS REPRESENTING ALL THE CITIZENS OF DANVERS

Town meeting members

Precinct I

Stanley F. Brown
James E. Cornell
Francis D. Dougherty
William N. Goldberg
Barbara L. Littlewood
Patricia G. Toomey
Richard W. Chase
Fred C. Martin
Wayne Marquis
Nelson F. Morin
Joseph Sherry
John L. Toomey
John J. Driscoll
John A. Finnegan
Joseph G. Mogavero, Jr.
Jean Romsavich
Russell E. Stevens
Nancy K. Swindell

Precinct II

William H. Clark, Jr.
William H. Clark, Sr.
Harold J. Eisenhauer
Paul F. Ferguson
Vernon C. Russell, Jr.
Richard C. Spaulding
William J. Connors
Richard A. Ferren
Barbara G. Flagg
Dwight W. Gates
James D. Harrington
Paul Coleman
Enoch Logan
William G. Merrill, Jr.
Majorie Watters Murray
J. Casey Olds
Robert W. Teal
Phillip M. Gonet

Precinct III

Leonard D. Bellows
Andrew P. Dabose
Andrea J. Daley
Charles E. McInnis
S. Roger Panunzio
David T. Rowell
John L. George
Albert R. Knights
Joseph F. Mello, Jr.
George A. Orechia
Owen D. Thompson
Lawrence P. Tormey
Robert A. Brown
Michael A. Daley
Linda Jane Nelson
Mildred Pillman
Frances T. Scoledge
Theodore C. Speliotis

Precinct IV

James W. Blanchard
Frederic C. Merriam
Olin D. Samson
Richard B. Trask
Dorothy F. Warren
John D. Woodberry
Arch T. Astolfi
Carl J. Gates, Jr.
Donald F. Innis
Joseph P. O'Connor
Harold B. Skinner
Carter White
Robert V. Hayes
Harvey M. Lewis
Norma Rooks
Edward J. Sabol
Marie E. Towey
Gardner S. Trask

Precinct V

Bruce P. Eaton
Robert E. Caliga
James J. Comstock
Frank W. Kimball
Paul Pecukonis
Lorenzo A. Raimondi
Earle B. Annis
Estelle T. Appel
Dominic C. Benedetto
Philip A. Driscoll
Stuart C. Goodnow
Shirley A. Wentworth
Ignatius C. Goode
Louis A. Green
Edward J. Harrington
Daniel J. Linehan
Stanley J. Mitchell
Peter John Talmadge

Precinct VI

Richard P. Bennett
Stephen B. Carlton
Robert F. Craig
William F. McKinnon
Alden W. Rider
Jane A. Taylor
Richard E. Caldarone
Philip W. Davis
James L. George
Robert J. Granese
Charles V. Hayes
Robert G. Osgood
Willard Allphin
Brain P. Cassidy
Lester F. Crossman
Quentin Eaton
George F. Gibbons
Howard J. Huemmler

Board of Selectmen

Wm. B. Sullivan, III, *Chairman,* J. Ellison Morse, Jr., Ann M. Bouchard, Thomas C. Kerans, Baron P. Mayer.

Finance Committee

Galo P. Emerson, Jr.
Robert E. Cordingley
Ralph E. Ardiff, Jr.
Thomas P. Flynn
Francis X. Grealish
Richard W. Holmes
Robert F. Essler
Walter H. Tipert
John A. Winskowicz

School Committee

T. Frank Tyrrell, Jr., *Chairman,* Roger C. Budgell, Robert E. Francis, Raymond H. Ayers, Leonard Sherry.

Student Representatives

Janice E. Campbell, Suzanne Contreas.

Town Clerk — Daniel J. Toomey.

Town Counsel — Daniel J. Donovan.

Moderator

Francis F. Mills.

6:30 p.m. Carillon Music from the Church Tower.

6:45 p.m. Organ Recital (from inside the Church) *Sterlyn Morgan,* Organist and Chairman of Music for the Anniversary.

7:00 p.m. Call to the Town Meeting—Signalled by the ringing of the Church Bell.

7:15 p.m. Assembly of Town Meeting Members in the Main Church.

7:25 p.m. Swearing of newly-elected Town Meeting Members *Daniel J. Toomey,* Town Clerk, administering the oath of office.

7:30 p.m. Pastor's Invocation for the Town Meeting, *Reverend Edward H. Glennie,* Pastor.

7:35 p.m. Presentation of the Colors: (Please remain standing and in silence) *Honorable Michael J. Harrington,* Member of Congress.

7:40 p.m. Pledge of Allegiance—Led by the Girl Scouts of Troop 228 (Sponsor—First Church of Danvers) "America the Beautiful," "A Mighty Fortress," (All please join in singing).

7:45 p.m. "Welcome" to the Town of Danvers Annual Town Meeting, *W. Hobart Clark, Sr.,* Deacon Emeritus, and Senior Member of the Town Meeting Body.

Congratulations from the Town of Danvers, *William B. Sullivan, III,* Chairman, Board of Selectmen.

Introduction of Honored Guests and Opening Remarks, *Francis F. Mills,* Town Moderator, Presenting . . . Hon. John G. King, *Representative, Sixth Essex District,* Hon. William L. Saltonstall, *Senator, Third Essex District,* Hon. Michael J. Harrington, *Member of Congress,* Hon. Robert H. Quinn, *Attorney General for the Commonwealth of Massachusetts.*

(Conclusion of Commemorative Exercise).

THE MEETING

Call to Order of the Town Meeting by the Moderator.

1. Roll call of members.

2. Declaration of a quorum.

3. Presentation of Commemorative Resolution: To the First Church of Danvers, Congregational, Offered by W. Hobart Clark, Sr.—Senior Town Meeting Member.

4. Presentation of Resolutions of Congratulations and Gratitude: To A. Kenneth Carey, Esq., former Town Counsel, Offered by Daniel J. Donovan, Esq., Town Council; To C. Everett Elliott, Board of Health, 25 Years, Offered by Barbara G. Flagg, Town Meeting Member; To Victor B. Tremblay, former Chairman, Board of Selectmen, Offered by J. Ellison Morse, Jr., Senior Member, Board of Selectmen.

5. Presentation of Memorial Resolutions:

William R. Lynch, former Town Moderator.

James J. O'Neil, Jr., former Member Finance Committee.

William B. Sullivan, Jr., former Town Counsel.

Percy L. Burnes, former Town Meeting Member.

Edward Cunningham, Department of Public Works.

Arthur Ford, Parks Department.

Elsie Godfrey, Hunt Memorial Hospital.

Harry Shepard, Buildings Maintenance.

Margaret Wood, School Department.

Elmer Wright, Department of Public Works.

6. Procedural Explanations by the Town Moderator.

7. Consideration of the Warrant Articles by the Town Meeting.

(Please, no smoking.)

OFFICERS OF THE FIRST CHURCH OF DANVERS

Moderator—Frederick L. Usher.
Clerk—Miss Esther Usher.
Acting Treasurer—J. Stanley Bennett.
Auditor—Alden W. Rider.
Collector—Mrs. Clyde H. Crofts.

Deacons

W. Hobart Clark, *Deacon Emeritus,* John W. Crofts, William H. Clark, Jr., Eric A. Payne, Alfred Hutchinson, Alden W. Rider, E. Melvin Demsey, Clark S. Sears, James G. Jenkins, George H. Martin.

Deaconesses

Mrs. Harry Curtis, *Deaconess Emeritus,* Miss Thelma M. Cross, Mrs. Frank J. Euzukonis, Mrs. Kenneth M. Hoyt, Mrs. Robert J. Belanger, Mrs. Clark S. Sears, Mrs. Kenneth G. Sidmore.

Cabinet at large

David Humphreys, Mrs. H. Wesley Currier, J. Stanley Bennett.

Prudential Committee

E. Curtis Giles, John G. Gale, Richard C. Spaulding, Harold J. Curtis, Robert A. Thompson, Welton I. Woodman.

Hospitality Committee

Mrs. E. Wayne Almon, Mrs. Alfred C. Trefry, Mrs. Donald J. Carr, Mrs. Sterlyn R. Morgan, Mrs. Richard C. Spaulding, Mrs. E. Curtis Giles, Mrs. William H. Clark, Jr., Mrs. Robert T. Cunningham, Mrs. John L. Newbegin.

Music Committee

Mrs. Harold A. Johnson, Donald E. LaFleur, Mrs. Edward H. Glennie, Mrs. William H. Clark, Jr., Mrs. Charles S. Poirier, Mrs. Chester E. Wheeler.

Missionary Committee

Mrs. Frank C. Crooker, Mrs. Gordon V. Sprague, Mrs. J. Charles Pennell.

Social Action Committee

Donald E. LaFleur, Mrs. Harold J. Curtis.

Religious Education Committee

Mrs. Alfred Hutchinson, Mrs. William H. Clark, Jr., Mrs. Arnold N. Weeks, Mrs. Earl A. Toof, Kenneth G. Sidmore, Edwin E. Sylvester.

Memorial Fund Committee

Mrs. Alfred P. Hutchinson, Mrs. E. Melvin Demsey, Mrs. Alden Rider.

Library Committee

Mrs. Robert G. Lounsbury, Mrs. Chester I. Bills, Miss Nancy Morgan.

Institutional Representative to Girl Scout Council

Mrs. Earl A. Toof.

Nominating Committee

Kenneth M. Hoyt, Mrs. Robert G. Livingston, Robert B. Sidmore.

Student Guides for the Town Meeting

Julie Caldarone, Anne McKinnon, Rich Spaulding, Jim Lounbury, Judy Appel, Beth Coleman, Tom Roy, Chris Taylor, Phil Szypko, Sue Green, Tim Rider, Mark Glennie, George Taylor.

OATH OF OFFICE

I, (*name*) do solemnly swear (*or affirm*) that I will faithfully and impartially discharge all the duties incumbent upon me as a Town Meeting Member according to the best of my abilities and understanding, agreeably, to the rules and regulations of the Constitution, and the Laws of this Commonwealth. So help me God.

AMERICA THE BEAUTIFUL

O beautiful for spacious skies,
For amber waves of grain.
For purple mountain majesties
Above the fruited plain.
America! America! God shed His grace on thee,

And crown thy good with brotherhood
From sea to shining sea.

A MIGHTY FORTRESS

A mighty fortress is our God
A bulwark never failing;
Our helper he amid the flood
Of mortal ills prevailing:
For still our ancient foe
Doth seek to work us woe;
His craft and power are great,
And, armed with cruel hate,
On earth is not his equal.

A Note on the Colors . . . The flag of the United States, presented this evening to the Church by Congressman Michael J. Harrington, has been flown over the Capitol of the United States at Washington. May it always remind the Members of the Church, and all the Citizens of our Town, of the priceless freedom to worship which we all enjoy.

A Note on Recess . . . During the recess (usually about 9:00 p.m.) refreshments will be served in the basement of the Church through the kindness of the Highlands Circle. Please do not bring food of any kind back to the auditorium or Church proper.

A Personal Note . . . The Moderator wishes to express many and sincere thanks to William H. Clark, Jr., Town Meeting Member, for his boundless enthusiasm and invaluable assistance during the many weeks of preparation for this very special evening of commemoration. Thank you.

THE SECOND MEETING HOUSE 1702–1786

The "Second Meeting House" was the first building at the present location of the Church, the place for the 220th Annual Town Meeting. The description of this site was originally "the corner of Andover Road and Meeting House Lane . . . before Deacon Ingersoll's door." From this building and the neighboring "green" (now, "Ingersoll Park"), five companies of militia answered the call to Lexington, Concord and Bunker Hill. This Meeting House was also the House of the fifty-one year pastorate of the Reverend Peter Clarke (1717–1768).

Notwithstanding contemporary standards of the division between church and state, but ever mindful of the heritage and tradition of the Town Meeting form of municipal government, it is most fitting that our Annual Town Meeting be held here tonight. The original jurisdiction of the Parish was to "maintain the roads, supply the pulpit, and provide a house of worship." And, at that time, the first tax levy in the Town was "a single pence per acre of improved land and one-half pence, unimproved."

Yes, time passes and some things have changed, but the responsibility of the Members of the Town Meeting Body remains the needs of the community, including, among others, the roads, the seats of authority and the "pence" to be levied to pay for the government.

May all who rule within the honored Town Meeting, the purest of all democracies and the strongest of all citadels of civil liberty, recall the truth of log fires, lonesome treks through the evenings of March, and the priceless treasure of self government.

FIRST CHURCH OF DANVERS CONGREGATIONAL
THE NORTH SHORE'S MOST HISTORIC CHURCH

The history of the First Church dates back to 1672 when, through convenience, the "farmers" of Salem Village, now Danvers Highlands, received permission from the First Church of Salem to worship in their own church, though still retaining membership in the mother church.

The parish has had six different meeting houses or churches in its history. These have varied from simple frontier buildings to majestic examples of Gothic and Victorian architecture. Two churches have burned, two were demolished, and the first was left to help rid the parish of the stigma of the Witchcraft Delusion which swept the parish in 1692.

During the nineteenth century members of varying faiths left the First Church to form their own denominational churches. Original members of most of the Protestant churches in Danvers were former members of the First Parish.

In the span of 300 years, the church has had 23 ministers, two of them, the Rev. Peter Clark and Dr. Benjamin Wadsworth, serving consecutively a total of 104 years.

The membership roll reveals names of many honored and respected citizens. The record of achievements during these years is truly remarkable. Today our membership is made up of men and women from all walks of life who have found that without a spiritual life, their lives are barren materialism, void of a guiding influence of love and understanding.

Much has been done at First Church—and with God's help we will do even more.

Historical Highlights

1672 Parish established.
1689 The Church of Christ at Salem Village is formed.
1692 Infamous Witchcraft Delusion, 20 killed, hundreds imprisoned.
1698 Meeting of Peace.
1708 First school house.
1717–1768 51 years Clark pastorate.
1775 First armed-resistance to British by people of the Parish at North River.
1775 Involvement at Lexington-Concord, and Bunker Hill.
1785 Samuel Holten, President of 2nd Continental Congress.
1814 Danvers Moral Society (Temperance).
1818 Sabbath School established.
1772–1826 53 year Wadsworth pastorate.
1832 Ladies Benevolent Society founded.
1839 White Church built.
1891 Present Church built.

ANNIVERSARY ACTIVITIES

January 15, 1972, Supper 6:30, Reception for Kallands.
January 16, 1972, Dr. Lloyd Kalland, Former Interim minister.
February 12, 1972, Supper 6:30, Reception for Duffeys.
February 13, 1972, Rev. Joseph Duffey, Minister 1957–1960.
March 11, 1972, Supper 6:30, Reception for Loesches.
March 12, 1972, Rev. Russell Loesch, Minister 1936–1939.
March 20, 1972, Annual Town Meeting.
Auril 8, 1972, Supper 6:30, Reception for Stearnses.
April 9, 1972, Rev. Howard O. Stearns, Minister 1960–1966.
May 13, 1972, Supper 6:30, Reception for Aeschlimans.
May 14, 1972, Rev. Adrien Aeschliman, Minister 1946–1953.
June 10, 1972, Supper 6:30, Reception for Mayers.
June 11, 1972, Rev. Paul Mayer, Minister 1930–1935.
July 4, 1972, Highlands Parade.
July-August, Historical Display at church. 1–4 p.m. daily.
October 8, 1972, Rev. Avery Post.
October 10, 1972, Youth Night U.C.Y.
October 12, 1972, Historical Presentation.
October 13, 1972, Reception for Glennies.
October 14, 1972, Tercentennial Banquet.
October 15, 1972, Tercentennial Service.

ANNIVERSARY CHAIRMEN

Steering committee, Frederic Usher, Harold Curtis, George Martin, Alfred Hutchinson.
Publicity, Margaret Crofts.
Open houses, Raymond and Mildred Swinerton.
Finances, Charles Ferguson.
Historical, William H. Clark, Jr.
Banquet, Ladies Benevolent Society.
Guests, Dorothy Martin.
Program book, Alfred Hutchinson.
Decorations, Melvin Demsey, Clyde Crofts, Edwin Sylvester, Margaret Hutchinson.
Music, Sterlyn Morgan.
Commemorative plates, Thelma Cross.
Program, Frederic Usher, George Martin.
Youth activities, Donald LaFleur.

THE RAPE OF CZECHOSLOVAKIA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BRAY. Mr. Speaker, it has now been 4 years since Russian military might stormed into Czechoslovakia and gave the world a truly hideous lesson in what power politics can mean. It is something that should never be forgotten by the rest of the world.

Two years later, Mr. Paul Beattie, minister of All Souls Unitarian Church in Indianapolis, preached a sermon on the incident. It is as timely today as it was then.

The sermon follows:

THE RAPE OF CZECHOSLOVAKIA

(By Paul H. Beattie)

Living in a day of perpetual social and political crisis we find our concerns more vast than our knowledge and it is hard to decide where to focus our attention. In a country like Russia where the press is controlled by a single ruling party, the party keeps always before the minds of the people what it wants them to consider. In a country of freedom, like ours, very often the latest news is given priority over events of somewhat greater vintage, even if some older events are more significant. During the Hungarian uprising, an event of great import, we almost ignored it when England bombed Suez. So it is with the Russian invasion of its own peaceful Puppet State on August 20th, 1968. The Russian system was greatly exposed by that event. One must remember such events when one talks about arms limitations, and other matters of life and death.

There is another reason why this event should be reviewed. Not long ago we had a Czech speaker, and I heard the same man speak to many of my Unitarian colleagues. He was a discreet gentleman, saying nothing against his regime, but I was appalled and disappointed how few Unitarians were capable of reading between the lines.

Since my extraction is half Czech this small nation commands my attention, and so I may be somewhat biased; but I discuss the Czech plight with you today because it seems to me that it represents a case history which is quite revealing.

Czechoslovakia is a small nation composed of Czechs, Slovaks, and Germans, the Czechs being the dominant group. Before the advent of modern history the land was known as Bohemia. The history of this small country, from earliest times to the present, has been one of perpetual rape and betrayal. The Czechs have always been an independent minded and freedom loving people. As early as the 9th Century, German Christian missionaries came to convert them, but met with little success. The Czechs have always been one of the most advanced countries in middle Europe. In 1348 the University of Prague was founded and not long afterwards became, for several hundred years, one of the great intellectual centers of Europe.

One of the early great national heroes was Jon Huss, who lived from 1370 to 1415. He was inspired in part by the writings of Wycliff, the English scholar and preacher, to preach a free religion which appealed to in-

telligence and the free conscience of mankind. Under promise of safe conduct he went to Rome to discuss his differences with the Church and was there burned at the stake. This was a betrayal by the west. His movement had the support of the Bohemian people and it took five crusades mounted by the Catholic powers of Europe to utterly root them out and destroy any hope of following a course independent from Rome. But from that day forth, free religion went underground and has always flowered when given an opportunity.

Later in 1619 when Luther's Protestant Reformation was afoot, many Czech's joined in the Reformation. A Catholic offensive was mounted against them, they were abandoned by their Protestant allies, and suffered a crushing defeat at White Mountain. This was a betrayal by the west. The victors were so stern that almost the entire Bohemian nobility was exterminated, and since that time the Czechs have been a middle class people without aristocracy.

Following that, there was a long period of Hapsburg rule which lasted until the end of World War I. During that period the Czech language was suppressed by the centralized German bureaucracy. But a kind of self-consciousness and loyalty to independence continued. Then in 1918, after Austria was defeated in the war, and due to the efforts of Thomas Garrigue Masaryk and others, a truly democratic republic was created. Masaryk had toured the United States gaining support and interest for the hopes of the Czech people. The Czech nation was patterned after the United States.

It was a republic which fostered the freedoms of thought and discussion, multi-political parties, and was in every way a model, stable, and prosperous democracy. The standard of living was never higher in Czechoslovakia than at the high point of the First Republic. Civil liberties were full and available to all. Masaryk, of course, had a love of America, and was married to an American woman from Brooklyn, who was a Unitarian. In the few years between world wars a very full democratic way of life became strongly ingrained in the Czech people.

But fate decreed that this democratic, industrialized, peace loving people would not be allowed to exist. Hitler had risen to power and in 1938 he demanded the northern part of Czechoslovakia in order to reclaim some three million Czechs of Germany descent. The Czechs were ready and willing to fight. But at Munich, a conference *the CZECHS were not allowed to attend,* both England and France agreed to the proposed dismemberment of their ally. Munich has since become synonymous with the concept of foolish appeasement. This was a betrayal by the west. The following year, having solemnly promised not to do so, Hitler occupied the rest of the small nation. Democracy was ended. All intellectuals who might prove to be difficult were liquidated or deported to German labor camps. The Nazi occupation was incredibly harsh.

Following World War II, Edward Benes, Jan Masaryk, the son of the great founder of the First Republic, and others, set about to re-establish the democratic republic. But Russian influence made it necessary to have a government of coalition between Communists and other parties. From the beginning the Communists had no other object but that of seizing control. When it became evident that the people might vote the Communists completely out of office, a Communist coup was staged, which relied upon the threat of Russian troops and tanks massed at the Czech border. Masaryk was found dead, probably pushed out of a window. No help from America, another betrayal by the west. Our ambassador was on a trip out of the country when the takeover was accomplished.

And so in 1948 this small nation slipped behind the grey blanket of conformity and hopelessness of the Communist satellite nations. Since they were one of the more highly industrialized and industrious peoples, they were robbed, systematically by economic controls, to pay for the developments of the more underdeveloped Communist nations. They are still playing this role of economic pawn. The Czechs, against their will, are paying most of the economic costs of the Russian involvement in Vietnam. The Czechs do not by any stretch of the imagination universally condemn our involvement in that part of the world, even though they pay a large part of the bill on the Russian side.

People have often commented on how depressed the Czechs seem to be under Communism. The reason is that they have known better, and have gained absolutely nothing from the Communist system that was forced on them. Much of the country's leadership had already been purged by Hitler, and under the Stalinist system resistance seemed hopeless. They saw the Hungarian and Polish revolts were to no avail. They, unlike the Poles and Hungarians, had a Munich in their history and so they harbor little hope of help from the west. The reform attempts by Alexander Dubcek begun in 1968 are incredible. Unable to throw out Communism the Czechs have subverted it from within! Had the reforms been established there would have been once again freedom of the press, the right to have opposition parties, a general humanizing of the system, and economic reforms. But in the few days of free press, too much came out. There are reports that at least 120,000 Czechs had been liquidated by the Communist regime since 1948. That is a lot of people to murder for political reasons. That would be every fifth person in the city of Indianapolis. That was only a matter of 6,000 people a year. The Russians and their lackeys have always been able to think big in this way. Long before Hitler, Stalin had established the first really massive concentration camps and slave labor camps in history.

There is an old argument as to whether freedom is innate in man, or only learned. Can you create a political system in which men would be utterly creatures of the state and unable to ever revolt? I suspect that such might be possible. But it seems that if a civilized people has ever had a real taste of freedom, it is almost impossible to erase it. It is somewhat encouraging, even as it is depressing, to realize that neither the Nazis nor the Soviets and their henchmen have been able to erase the democratic values that are appreciated and established in the Czech Republic from 1918–1938.

We were in Yugoslavia when the Russians invaded the Czechs. The very depressing lessons in all of this, and this is what people in Europe kept saying, is that big nations do what they want and small nations suffer what they must. Certainly the whole miserable history of the tiny Czech nation demonstrates that there is little justice in history, for the Czechs have suffered again and again, simply because they were too small a nation to defend their independence.

People in Yugoslavia in the summer of 1968 were saying that Russian involvement in Czechoslovakia was the same as U. S. involvement in Vietnam, and I have heard Americans agree! I cannot for the life of me understand such a statement. To begin with Russia has invaded one of her allies. She has broken her own Warsaw Pact in order to destroy the humanistic reforms that were coming to life in Czechoslovakia. For the U. S. to do anything equivalent we would have to invade one of the Nato countries like England, or perhaps France, when their internal policies did not suit us. Talk about strange reversals, the very Europeans who were saying that the United States should get out of Vietnam, said when the Czechs were invaded, "Why doesn't America do something!"

It is important to note that U. S. foreign policy is subjected to an almost merciless internal criticism. When our policy makers make a decision they must defend it before our people, and their decision can be criticized and even reversed. The Russian people do not have this right. They were never given the facts with regards to the Czech invasion. Some of the Russian troops were so misinformed as to the situation there that they had to be withdrawn once they saw the real intentions of the Czechs. There is no public, internal criticism of the party and the state in the Soviet Union. This makes the diplomacy of any free country, vis-a-vis Soviet Russia, most dangerous. For they can make sudden reversals with no explanation.

One cannot help reflecting on the cynical, calculating, and immoral nature of the men in power in the Kremlin. Not only did they break their own Warsaw Pact by invading Czechoslovakia, but they also pretended to confer with the Czechs and to have resolved their differences before the invasion! At Cierna (Chair-nah) and later at Bratislava (Brah-tee-slah-vah) they acted as if they spoke in good faith, signed joint statements, which indicated that compromise and peaceful coexistence were possible between different kinds of Communism. They appeared in public with the Czech leaders, smiling with bouquets, and then when the world and the Czechs thought the war of nerves was over, they sent in the troops.

The Czech passive resistance was incredible. Street signs were changed. As the radio stations were taken over illegal stations continued to keep the people informed. During the first days of occupation a party congress of over 1,000 delegates was held, which elected only liberals to the central committee, and the Russians could not find collaborationists anywhere in the country. But all to no avail, for there was and is no limit to the amount of force the Russians are willing to use.

The Russians have proven once again that they are absolutely incapable of signing an agreement or a treaty which embodies real compromise. Their idea of treaty making is not to follow the spirit of a treaty, but rather to use both the negotiations and the treaty as an instrument of diplomacy to achieve their goals. This is to be expected because they treat the internal laws of their society in the same cavalier manner. The Russians will break any treaty, any agreement or law, in order to get what they want. In this the Russians have not changed one iota since the heyday of Lenin and Stalin. World War II began with Russia signing a non-aggression pact with Hitler so that the two of them could divide Poland. Then Russia abandoned her commitments to France when France was invaded; seizing meanwhile the free peoples of Latvia, Estonia, and Lithuania.

Soviet foreign policy, from Stalin to the present, has been a series of imperialistic intrigues. American are rather naive, because we keep thinking that the Russians are capable of signing a treaty and then of keeping it. They will keep no treaty which is not enforced by external power.

During the Czech crisis it was reported that "the United States (had) advised the Soviet Union through private diplomatic contacts that an armed intervention in Czechoslovakia would imperil President Johnson's efforts for a rapprochement in relations between the United States and the Soviet Union." What insane naivete to think that the Russians would care! And, of course, they didn't.

In America we keep swinging back and forth between the insane paranoia of the McCarthy era, and an ignorant, uncritical acceptance of the current Soviet facade. To do this is simply to ignore the realities of Soviet history.

Many people have been counting on the evolution of Russia. This theory is that in Russia things will get better and better, more

and more liberal. There will be reforms, and eventually freedom of discussion and even perhaps the right to differ in print. It would be nice. But the Czech incident shows how deeply the Russian leadership is committed to the closed society.

How can a one party system be reformed in a country that has never known freedom, has always known absolutism, and which strictly controls all information? In Russia there is not much basis upon which to build a society of law, law in our sense of that word, impartial laws, protecting people's rights.

Of course we must come to some kind of an understanding with the Soviets, but we must never turn our back on them. Every treaty with them must be enforceable by direct action of the contracting parties. They care much less about the world opinion than we do.

Sometimes I wonder how our nation can survive against forces which do not have internal processes of dissent. Our national processes are an open book for the world to see. Our defense budget is a matter of public discussion. Our leaders are under constant pressure, in these days especially from the left, but also from the right, as they try to meet the policies of countries that have very little, if any, internal conscience.

The most horrible factor in the Czech invasion is the burden of grey Communist conformity which the Czech people must bear for 10, 15, 20 more years, perhaps forever. What an appalling thing it is that here is a people that have been ready for, capable of, appreciative of democracy since 1918, and they have been denied it since 1938, first by Hitler and then by Russia.

They are not an overpopulated, underdeveloped, illiterate nation; they never had great capitalists who were living on the backs of the poor, but the Communist block nations will not let them live in freedom. What an indictment of the Communist system that this intelligent, peace loving people must be subjugated lest the whole Marxist house of cards come tumbling down. To be that afraid of opposition parties, freedom of the press and discussion, after fifty years of absolute power, is hardly comprehensible! Yet that is where the Soviet Union is today.

We must not forget Czechoslovakia and the rest of the unfree, unwilling Soviet satellites. Be thankful occasionally that you are not a member of a small nation which appreciates and is capable of democracy but which lives next door to the Soviet Union. And with regards to Russia, let us neither be paranoid, nor should we naively assume that they are always well intentioned. Their word of honor, to date, has been absolutely worthless.

ABE LINCOLN'S BIRTHDAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BEGICH. Mr. Speaker, 107 years ago April 14, this Nation underwent a real tragedy and endured a great loss. This past Friday marked the 107th anniversary of the death of an exceedingly strong yet simple man who steadfastly and wisely led our country through its most troubled period. On April 14, 1865, Abraham Lincoln, 16th President of the United States, was mortally shot by John Wilkes Booth at Ford's Theatre in Washington and died the next morning.

Lincoln, the man, possessed a greatness, a nobility of spirit, and a moral passion that lifted him above all other men. Yet he was a man of purest humility and extraordinary wisdom. This country has been, and eternally shall be, very much in Lincoln's debt for this leadership and strength of character utilized so wisely in mending our divided and crippled Nation.

Abraham Lincoln was born in a dirt floor log cabin in the State of Kentucky on February 12, 1809. As a child he absorbed a scanty frontier education—his formal education probably totaled less than 1 year. Books were scarce, but Lincoln taught himself to read and was a close student of the family Bible. His boyhood readings in it provided the store of Biblical quotations and references that later abounded, with great effect, in his addresses and writings.

Lincoln emerged in national politics when he was elected to the U.S. House of Representatives and on December 6, 1847, took his seat in Congress. In 1860 he was elected 16th President of the United States. Despite reaching such a high plateau Lincoln still retained a closeness with his fellowmen. In his deep and genuine humility, Lincoln would say to his audiences:

> I presume you all know who I am. I am humble Abraham Lincoln. If elected, I shall be thankful; if not, it will all be the same.

Of course, he was wrong, because if he had not been elected, this country would not be the same.

Lincoln's wartime presidency was a severe test of the human spirit, and it is a testimony to his greatness that he was able to bind so well the Nation's wounds. When he again took the oath of office—March 4, 1865—the end of the war was in sight, and in his inaugural address he outlined a postwar policy which will illuminate the type of individual he was—a good and kind man, yet endowed with an almost superhuman strength and visionary foresight to forgive and understand. Lincoln urged that instead of vengeance there be "malice toward none" and "charity for all."

Lincoln's words are as timely today as they were a century ago. His beautiful, moving prose brought to his presidency an eloquence that no other incumbent has matched. What he said of Henry Clay, a man he deeply admired, could well be applied to Lincoln himself, and well expresses the greatness of this unique individual:

> He loved his country partly because it was his own country, but mostly because it was a free country; and he burned with a zeal for its advancement, prosperity, and glory, because he saw in such, the advancement, prosperity, and glory of human liberty, human right, and human nature. He desired the prosperity of his countrymen, but chiefly to show to the world that freemen could be prosperous.

SOMETHING "GOOD" ABOUT NEW YORK CITY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HALPERN. Mr. Speaker, for many years now, New York City has been the point of a joke when someone laughing says, "It is a nice place to visit but I wouldn't want to live there." I get discouraged when I hear this because, New York like every other major urban area in the country has its problems, but ours are no worse. I have always believed that for culture, entertainment, fine shops, and endless excitement New York is the place to live.

Recently, an article in the Los Angeles Times and reprinted by the Association for a Better New York described one ex-New Yorker's impresssion of her hometown.

The article, written by Lila Garrett vividly describes her visit to our city and we can see, through her observations, what New York is all about. She is obviously perceptive to the people and things which surround her because her descriptions of the city say so much.

While her return was only for a short while, she has nevertheless captured New York as it is, lively, exciting and real. After reading Mrs. Garrett's article I could not help but think, once again what charm and uniqueness New York has and how much it is part of what is really happening. At this time I would like to share this article from the Los Angeles Times with my colleagues in the House.

[From the Los Angeles Times, Mar. 19, 1972]

VISITING NEW YORK CITY: YES, BUT NEVERTHELESS

(By Lila Garrett)

Try not to hate me but . . . I just visited New York after eight years away, and I loved it.

I didn't want to go; I had to. I gathered my hatpin and my can of hair spray and by the time I landed I was a coil of fear and an arsenal of defense.

But at midnight, Kennedy Airport felt like a hug. Masses of people—thrilled to see each other . . . for some strange reason thrilled to be there—were laughing and crying and kissing. And the criers and the kissers were all ages, sizes, colors . . . babbling in all languages. Maybe it was this spirit of an international party. Maybe it was the colorful walls, the gentle slope of the ramps which made the long walk to the baggage area so easy. Whatever it was, the coil unwound a little . . . but just a little.

After all I'm nobody's fool. I know a terminal does not a city make. And by the time I got to the Manhattan side of the 59th St. Bridge I was prepared for a sea of strewn garbage ("New York is dirty"), addicts in doorways ready to strike ("New York is depraved"), iron bars on store fronts ("New York is a jungle"). Well, I didn't see any iron bars or shadowy figures. And somebody must have pushed the dirt under a big rug across town, because these East Side streets looked scrubbed. If that sounds incredible, Third Ave., once a slum in the shadow of the "El," was now flooded with light and alive with young couples leaving first-run movie houses, full of opinions, telling each other. Why were they so carefree? Didn't they know they were about to be mugged?

Inspired by their luck, I dropped my bags at the hotel and went to the Brasserie, a casual and usually packed downstairs restaurant I used to love years ago. It was only four blocks away, but I took a cab (I wasn't that inspired). I almost fainted at the $1.50 fare. But when I got there, I was delighted to see that the place hadn't changed. I even ran into a couple I knew years ago. They were still married, still teaching (he was now a principal), still involved in the political life of the city. I asked if they had ever been mugged. They hadn't. We talked, we

ate, we drank and laughed. When I left I was completely relaxed.

I decided to walk back to the hotel. What's four blocks? Think of the warm terminal, those carefree couples, my unmugged friends. Think of that cab fare!

DARK AND SILENT STREET

I chose Park Avenue. It's still an elegant street and all of that, but it is dark. And silent. I was all alone. I froze a smile and made it fine for two blocks. A man turned a corner and instantly was keeping pace behind me. He was black, and intent and gaining. I told myself, "Fool! Walk, do not run." He walked, did not run. Now I was running. I felt him running. I remembered what my 14-year-old daughter had said when she kissed me goodbye at the airport. "Don't worry, mom. Who would dare mug you?" Right! Confront the confronter! I turned to stare him down. And while I stared, the black, intent, pace keeper passed me with such indifference I wilted with rejection.

Maybe I was angry with myself. I know I was ashamed. Whatever it was, at that moment I lost my fear. That's when I really saw New York.

I saw those four blocks by day with old Gothic structures fully rented to ladies in lavender coats walking their Yorkshire terriers, as cool as if they were living in Dubuque. Haven't the muggers noticed these ladies? Or aren't there enough muggers to go around? I saw the garish, ancient dome of Grand Central Station dwarfed by the black glass and steel structure built around it, pouring into the sky, insisting "today." I remember when they wanted to tear that dome down. But a strong opinion kept it there. Another strong opinion built around. I felt the strength of the people behind those opinions. It made me feel stronger.

I saw Third Ave. by day, another mass of inconsistency, a potpourri. An elegant Italian boutique, next to an open vegetable stand, next to a chic French restaurant. A huge department store, Alexander's took up a whole block, except for the inch of corner that refused to sell out its orange juice stand. I stopped to have a glass. It was delicious. And up the street another new skyscraper which meant to rule the world—frustrated by the dumpy little bar on the corner that stood firm. The salty old lady who had been running that bar for 30 years simply liked it there. Individuality, and the courage to assert it. I like that. I missed it.

The street was jammed. People walking with intention, as though they were late for appointments, passed me. If the muggers were out that day (and I was told this particular corner was a big spot for them), they too were late because they surely didn't stop for me.

I went to Bloomingdale's, once my favorite store in New York, and as usual, it was jammed. The glove counter was four deep, but for some reason nobody was pushing. Resignation? Adjustment? I turned to the lady next to me. "Have you ever been mugged?" I asked. "No," she said, "but I'm careful. You hear so much about it." She knew she was supposed to be afraid. I dropped my new gloves. A young man with long hair and a beard bent down and picked them up. And on the Madison Ave. bus the driver let me on without exact change and two people moved over to make room for me on the bench. "You hear so much about it," that lady had said. Maybe that's it. Maybe people are responding to a common danger by being kinder to each other. I felt happy.

Madison Ave. itself was a visual orgy. Again shop upon shop, the delicatessen next to the art gallery . . . the whole thing. Every shop an expression of its owner, every owner a person, every person with conviction. What's a shopping center? Madison Ave. never heard of one.

Down the side streets it was another world again. Town houses snuggled next to each other . . . one with a New Orleans floral balcony, that seemed to say, "Come to the party and wear anything." Next to it, a flawless English Tudor type that clearly said "black tie only." And next to that an old apartment house that said, "We're rent controlled. Find a vacancy. We dare you!"

I had lunch at Maxwell's Plum . . . a restaurant, cafe, gathering place. I was dazzled. Its ceiling was blazing with an enormous expanse of Tiffany glass. It has endless sections with endless feelings. No two candelabra were alike. No murals matched. But the whole thing was very together. And the people were like the decor, none of them matching, but you felt an urge to table-hop. The owner, Warner LeRoy, lived in Los Angeles most of his life (he's the son of producer Mervin LeRoy). "I like New York," he said. "It's exciting. It's alive. I suppose it all depends on what you're interested in. I'm not interested in what a nice day it is out." He lives on the unchic West Side, two blocks from Needle Park (that's a big drug center). "I walk the streets freely at night. My wife does too. Neither of us has ever seen a mugging." Then who are all these people who are afraid of New York? "People who live outside the city. They know what they read. They know what they hear. They don't know New York."

It was the rush hour when I left, and the streets were full of people, but some of their faces had changed. They looked defensive. With the sinking of the sun I could feel the rising of the fear. I decided not to join it. I went into the street and called, melodiously, "Taxi darling." A cab stopped instantly . . . at rush hour. What a triumph!

The cabby was young, with long hair. There was a bulletproof glass between the driver and me. That sobered me. A lot of cabs have that . . . particularly night cabs. Was he ever mugged? "Yes," he said, "One night a junkie in the back of my cab pulled a gun. I took out my money . . . but before I gave it to him, I told him how much I needed it. He told me how much he needed it. By the time we finished the ride he admitted I needed it more. Not only didn't he take it, but he paid the fare and gave me a good tip."

GREAT FOR CHILDREN

I did a lot those two weeks in New York. I invaded Broadway, saw "The Prisoner of Second Avenue" (loved it), and "No, No Nanette" (eh) and "Twigs" (loved her, hated it). On Sunday I went bicycling in Central Park, along with everybody else . . . and I mean everybody else. There's no traffic through the park on Sundays (Mayor Lindsay did that).

All of us—the old, the young, the richer, the poorer, the muggers, the muggees—were riding bikes, skating in the park, listening to impromptu steel bands and guitarists that cropped up here and there, watching the softball games. "New York is a great place to bring up children," one couple told me, and they had four. "Our children aren't thrown by things. They've seen fights in the streets, they've seen people die. There's conflict in the city, but there's so much more."

They were right. There was so much more. I did everything those two weeks in New York, because it was there to do.

On the flight back to Los Angeles I sat next to a gentle blond young man who also was a former New Yorker, now a struggling artist in Hollywood. He hated New York. He could never get a cab and was mugged twice. We had a discussion on the moral decline in our country, felt most starkly in New York because it's a nerve center. We talked and analyzed. It was all very deep. I fell asleep. When I awoke the plane had landed. The gentle young philosopher had left. I opened my hand case to get my lipstick. The lipstick was there, but my jewelry was gone.

When I got back to my house it had been burglarized.

Why do I love New York? Maybe because it's so alive, so varied, so receptive to individuality. Maybe because it's my first home. Or maybe, just because it's so safe.

NEW IRS TAX SIMPLIFICATION STUDY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ASPIN. Mr. Speaker, I have publicly released a heretofore secret Internal Revenue Service study entitled: "Attitudes of Taxpayers Toward the 1970 Form 1040." The study was prepared at the IRS' request by Crossley Surveys, Inc., and is dated June 1971. It is based on extensive interviews with 2761 taxpayers.

It is interesting to note that while the IRS stanchly maintains that any fifth grader can correctly fill out the standard income tax form, over 97 percent of the taxpayers who have had only some elementary school education have others fill out their tax returns, according to the IRS' own study.

The IRS study also reveals that 70 percent of all taxpayers had someone else prepare their tax return for 1970. The study also shows that the better educated taxpayers—even though their tax returns are more complicated—are much more likely to fill out their own tax returns than are less well-educated taxpayers.

The IRS-consultant study reveals that 92 percent of taxpayers whose education went no further than elementary school had others fill out their tax forms, while 70 percent of those who graduated from high school turned to outside help. Fifty-nine percent of those with some college education and only 43 percent with a college degree used outside help in completing the forms.

Surprisingly the study also reveals that the great majority of taxpayers do not object to the task of filling out tax returns. Almost 60 percent said they were "neutral" about the job of filling out their returns, while 29 percent were "negative" and 6 percent were "positive."

The study also reveals that taxpayers, by a margin of 2 to 1, believe that Form 1040 "is a lot more complicated than it has to be." But, by a 4 to 1 margin, they also believe that the complexity of Form 1040 is "largely a result of our complicated tax laws." But the great majority of taxpayers who have had their returns audited by the IRS recently, felt by a 4 to 1 margin that the IRS was fair in its dealings with them.

This study shows that the people are dissatisfied with the tax system. They are angry at all the loopholes which benefit the wealthy and which make the

form so complex, and they are not very satisfied at all with the form itself. In other words, what this study shows is that the middle- and lower-income taxpayer gets it both coming and going. He pays too much in taxes because of all the tax breaks and loopholes in the code for the rich and special interest groups. And then he has to pay what is, in effect, an added tax by being forced to pay for professional tax assistance.

Mr. Speaker, I am hopeful that the public release of this study, and other data that has recently come to light, will increase the chances for significant simplification of the Federal income tax return process in the near future.

The IRS study follows:

ATTITUDES OF TAXPAYERS TOWARD THE 1970 FORM 1040

Prepared for the U.S. Internal Revenue Service, June 1971, Crossley Surveys, Inc.

CROSSLEY SURVEYS, INC.,
New York, N.Y., June 30, 1971.

Mr. ALBERT W. BRISBIN,
Assistant Commissioner, Planning and Research, U.S. Treasury Department, Internal Revenue Service, Washington, D.C.

DEAR MR. BRISBIN: We are pleased to submit the attached summary of findings of a national study among taxpayers. This volume combined with the detailed cross tabulations, provided under separate cover, constitute our report of this year's study.

We hope that the IRS will find the results of value in the design of future forms and instructions as well as in its taxpayer relations programs.

We would like to acknowledge the cooperation and assistance received from your office, particularly on the parts of Messrs. Summers, Wilson and Perlmeter.

Do not hesitate to let us know if there is any way in which we can be of further help. We look forward to the possibility of working with you again.

Sincerely yours,

CROSSLEY SURVEYS, INC.,
FRANKLIN B. LEONARD,
President.

FOREWORD

Background and Purpose

Each year the IRS must revise its basic income tax forms, particularly Form 1040 for individuals, to take into account taxpayer experience, legislative changes and administrative requirements. For the tax year 1969 a major change was made in Form 1040 employing the "building block" approach wherein a simplified basic Form 1040 was supported by various separate detailed schedules.

To evaluate the new Form 1040, the IRS authorized Crossley Surveys to conduct an indepth attitude study among individual taxpayers. The results of that study were reported in June of 1970. By and large the findings were favorable to the new form. The main improvement indicated was for relocation of the instructions which had been printed on the backs of the schedules. For the 1970 Form 1040 this change along with some other revisions were adopted.

Accordingly the IRS authorized a second study of taxpayers to measure the progress that has been made in developing the best possible Form 1040.

The study also had the obectives of providing guidance for further improvement in Form 1040 and to help evaluate and plan IRS taxpayer relations and education programs.

Because of the increased scope of this year's study a broad range of taxpayer attitudes, practices and experiences were covered. Among taxpayers who prepared their own return the focus was on the form itself in terms of positive and negative reactions to individual parts, sections and schedules. In the case of taxpayers who had their returns prepared by others the survey explored the motivations for doing so, the considerations in selecting the preparer, the amount of fee, the kind of preparer used and the nature of the relationship between the taxpayer and the preparer. A specific objective in this respect was to determine what if any changes in Form 1040 might induce these taxpayers to prepare their own returns.

Method

A probability sample of individual taxpayers residing in private households in the conterminous United States was conducted immediately after the filing deadline of April 15, 1971.

The sample definition excluded residents of Alaska and Hawaii as well as those in prisons, hospitals, hotels, religious organizations, educational institutions and on military reservations.

All individuals residing in the selected households who filed a personal income tax return for 1970 were eligible for interview, regardless of who actually prepared the return. In joint return situations, the spouse who prepared the return, or assumed responsibility for its preparation, was the eligible respondent.

Scope

The sample was designed as an enlarged replicate of last year's to facilitate meaningful comparisons between the two studies and track trends.

The allocation of the sample was proportionate to the distribution of taxpayers in the defined universe. All geographic regions and population density areas were represented from large metropolitan areas with over a million population down to rural open country.

The sample was distributed over 80 primary sampling units which consisted of a single county or groups of contiguous counties. In total, about 180 counties were sampled. Within the primary sampling units about 500 clusters (small block areas or enumeration districts) were sampled covering several hundred minor civil divisions. A more detailed description of the sampling procedures is included in the Technical Appendix.

In total interviews were conducted with 2761 taxpayers. Comparison of the results of this survey with the IRS Taxpayer Usage Study on key characteristics shows a remarkably close correspondence thus lending increased evidence to the soundness of the entire survey procedure. This is discussed in more detail in the Technical Appendix.

A copy of the questionnaire is included at the back of this report. The final version was developed through consultation with representatives of the IRS. It was pretested with about 25 taxpayers to insure both its completeness and workability in the field.

SECTION A—REACTION OF TAXPAYERS TO THE 1970 FORM 1040

The charts which appear in this report have been abstracted from the detailed cross tabulations. In many instances only portions of the tables are included and therefore the percentage distributions may add to less than the totals or subtotals.

Where applicable, comparisons are made with the findings from the 1970 study which focused on the 1969 Form 1040.

In the heading of each column a number appears in parentheses representing the percentage of the total number of taxpayer interviews on which the percentage distribution is based. The number of taxpayers interviewed for the 1971 study was 2,761 compared to 1,862 in 1970.

Due to changes in the filing requirements the mean number of returns per household dropped from 1.12 for the 1969 tax year to 1.05 for 1970. A more detailed discussion of the incidence of filing is included in the Technical Appendix.

CHART I.—PERSON WHO PREPARED LAST TWO RETURNS

[In percent]

	1971 study—1970 and 1969 returns, (100)	1970 study—1969 and 1968 returns, (100)
Total taxpayers	100.0	100.0
This tax year, prepared by:		
Someone else	69.8	70.9
Self	30.2	29.1
Last tax year, prepared by:		
Someone else	69.1	63.6
Self	27.7	32.3
Did not file	3.2	4.1
2-year combinations:		
Someone else both years	65.3	61.9
Self both years	25.4	26.6
Someone else this year, self last year	2.3	5.7
Self this year, someone else last year	3.8	1.7
Someone else this year, none last year	2.2	3.3
Self this year, none last year	1.0	.8

Attitudes toward the Form 1040 are most meaningful for those taxpayers who do their own returns. As was found in the 1970 study only about three of every ten taxpayers do their own return.

The percentage of taxpayers who have someone else prepare their return appears to have leveled off this year. Whereas the 1970 study showed an increase from 63.6% for 1968 to 70.9% for 1969 the 1971 study showed 69.1% and 69.8% for the tax years 1969 and 1970 respectively.

CHART II.—INCIDENCE FORM 1040 PACKAGE BEING RECEIVED IN POOR CONDITION

	Base (percent)		Poor condition incidence
Total taxpayers	(100.0)	100	3.0
Prepared own return	(30.2)	100	4.3
Someone else prepared return	(69.8)	100	2.3

The reported incidence of the Form 1040 package arriving in poor condition by mail was higher among taxpayers who did their own return but overall was only 3.0%.

CHART III.—AWARENESS OF A DIFFERENCE BETWEEN THIS AND LAST YEARS' FORMS

[In percent]

Total taxpayers who prepared their own return this year	1971 study, 1970 and 1969 forms (30.2)	1970 study, 1969 and 1968 forms (29.1)
Total	100.0	100.0
This year's form was:		
Different	65.0	88.2
The same	25.1	11.2
Don't know	9.9	.6

Taxpayers who did their own return were asked a direct question as to whether the Form 1040 was the same or different from the

previous one. Only about two thirds of these taxpayers said that the 1970 form was different from the 1969 one.

In last year's study 88.2% of those who prepared their own return were aware that the form was different from the previous one.

As might be expected detailed analysis revealed that taxpayers who do their own return and itemize deductions were more likely to be aware of the new form (72.0%) compared to those who take standard deductions (58.1%).

CHART IV.—PRINCIPAL DIFFERENCES NOTICED BETWEEN LAST 2 FORMS (UNAIDED)

	Percent
Total taxpayers who prepared their own return this year (30.2)	100.0
Neutral mentions:	
Questions/lines were in different order	10.9
Fewer forms	6.7
Instructions printed separately	4.6
Tax laws changed	4.4
Use of color	3.8
Positive mentions:	
Instructions/directions generally easy to follow	7.4
Easier, faster to complete	6.8
Negative mentions:	
Instructions/directions generally difficult to follow	4.2
No differences mentioned	33.9

A wide variety of differences between the 1970 and 1969 forms were noticed but no one thing was mentioned with any consistency. In fact about one third of those who prepared their own returns could find no difference between the two forms.

CHART V.—OVERALL PREFERENCE BETWEEN LAST 2 FORMS

[In percent]

Total taxpayers who prepared their own returns both years	1971 study, 1970 and 1969 forms, (25.4)	1970 study, 1969 and 1969 forms, (26.6)
Total	100.0	100.0
This year's form better	37.5	28.9
Greatly better	8.1	10.1
Slightly better	26.5	16.0
Last year's form better:	12.7	34.3
Greatly better	3.7	16.2
Slightly better	7.3	14.5
No perference	49.8	36.8

The 1970 Form 1040 was preferred to last year's by about a three to one ratio whereas the 1970 study showed a slight preference for the 1968 form over the 1969 one.

This year the degree of preference for the 1970 form was primarily "slight" (26.5%) and half of the taxpayers had no preference (49.8%).

CHART VIa.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to type of return]

[In percent]

	Base	Prefer 1970 form	Prefer 1969 form	No preference
Total Taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Itemized deductions	(13.4)	100	36.0	13.8	50.2
Standard deductions	(12.0)	100	38.9	11.4	49.7
Filed joint return	(17.4)	100	40.1	11.4	48.5
Filed separate return	(8.0)	100	31.4	15.5	53.1

Charts VIa–e analyze the overall preference between the 1970 and 1969 forms according to a variety of variables relating to filing status, demographic characteristics and attitudes. The objective was to identify the variables that correlate with acceptance of the new form.

Except for a small segment of taxpayers (6.0%) who do their own return and who say they are bothered some or a lot by the year to year changes in Form 1040 (Table VIe) every group isolated shows a marked preference for the 1970 form. Although the preference ratios for the new form over the old one vary somewhat between segments of taxpayers the differences in most cases are not great. In fact the data support the conclusion drawn from the 1970 study that taxpayer reaction to a new form is largely a function of their attitudes or state of mind.

Table VIe shows that the greatest preference for the 1970 form is among those self preparers who: 1) have a positive attitude toward filling, 2) say they are not bothered by year to year changes in the form, 3) heard favorable publicity or no publicity about the new form.

CHART VIb.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to sex, age, marital status and race]

[In percent]

	Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Male	(16.5)	100	38.8	11.4	49.8
Female	(8.9)	100	35.0	15.0	50.0
Under 35 years of age	(9.7)	100	36.8	10.8	52.4
35 to 44 years of age	(5.0)	100	43.8	12.4	43.8
45 to 54 years of age	(5.7)	100	38.9	14.0	47.1
55 to 64 years of age	(3.2)	100	32.2	17.2	50.6
65 years of age and over	(1.8)	100	27.5	11.8	60.7
Married	(18.4)	100	40.6	11.6	47.8
Other	(7.0)	100	29.5	15.5	55.0
White	(23.9)	100	37.3	12.3	50.4
Nonwhite	(1.1)	100	48.4	12.9	38.7

CHART VIc.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to occupation, education, and income]

[In percent]

	Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Professional, technical and kindred workers	(5.0)	100	36.2	11.6	52.2
Managers, officials and proprietors	(3.0)	100	39.8	12.0	48.2
Clerical, sales and kindred workers	(5.5)	100	38.4	13.2	48.4
Craftsmen, foremen and operatives	(4.1)	100	41.2	11.4	47.4
Housewives	(2.9)	100	39.2	12.7	48.1
Less than high school graduate	(3.6)	100	35.0	11.0	54.0
High school graduate	(9.1)	100	40.1	15.9	44.0
Some college	(6.0)	100	35.5	12.7	51.8
College graduate	(6.6)	100	36.8	9.3	53.9
Income under $5,000	(4.1)	100	31.0	9.7	59.3
$5,000 to $9,999	(9.2)	100	37.5	13.8	48.7
$10,000 to $14,999	(6.8)	100	42.3	12.2	45.5
$15,000 and over	(4.6)	100	33.9	15.7	50.4

CHART VId.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to region and population density]

[In percent]

	Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Northeast	(7.1)	100	43.7	11.7	44.6
Northcentral	(6.9)	100	37.2	10.5	52.3
South	(7.2)	100	37.0	15.0	48.0
West	(4.1)	100	28.1	14.0	57.9
SMSA's over 1,000,000	(9.3)	100	40.9	12.8	46.3
Other SMSA's	(9.2)	100	31.0	14.9	54.1
Nonmetropolitan	(6.9)	100	41.6	9.5	48.9

CHART VIe.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

According to attitude toward filing year to year changes in form 1040, awareness of publicity about form 1040 and whether refund due]

[In percent]

	Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Attitude toward filing:					
Positive	(2.0)	100	40.0	5.5	54.5
Neutral	(19.2)	100	36.9	13.0	50.1
Negative	(7.3)	100	33.2	16.3	50.5
Attitude toward year-to-year changes in form 1040:					
Bothered some or a lot	(6.0)	100	29.1	34.6	36.3
Hardly bothered at all	(19.1)	100	40.2	6.1	53.7
Aware of publicity about form 1040	(7.9)	100	36.2	17.4	46.4
Publicity was favorable	(2.2)	100	52.5	8.2	39.3
Publicity was unfavorable	(4.2)	100	27.8	22.6	49.6
Not aware of publicity	(17.5)	100	38.0	10.5	51.4
Refund due	(18.6)	100	38.8	12.0	49.2
Had to pay	(6.1)	100	34.9	14.2	50.9

SECTION B—ATTITUDES TOWARD SPECIFIC FEATURES OF THE 1970 FORM 1040

A number of different questions were asked to determine what, if any, difficulties taxpayers had with the new form, what they liked and disliked and how it compared with the previous one on a list of specific attributes. The preference questions were asked only of taxpayers who prepared their own returns for both 1970 and 1969. The other questions were asked only of taxpayers who did their own return this year since they were in a better position to evaluate the various elements of the new form.

CHART VII.—FEATURES OF NEW FORM THAT CAUSED DIFFICULTY

[In percent]

Total taxpayers who prepared their own return this year	1971 study, 1970 form (30.2)	1970 study, 1969 form (29.1)
Total	100.0	100.0
No specific feature or item caused difficulty	63.3	51.5
Mentioned some problem	36.6	47.9
Instructions/directions generally difficult to follow	11.2	8.9
Difficulty with a specific line	9.4	11.4
Specific instructions/directions difficult to follow	7.0	8.2
Difficulty with surtax	3.8	5.1
Not enough forms, space	3.2	3.4

Taxpayers who did their own return were shown a copy of the new form and asked to recall any specific features or items that caused them a problem.

More than six out of ten taxpayers claimed that no feature or item caused them difficulty. The percentage of taxpayers mentioning some problem was significantly less this year than last year.

No single item was mentioned by a large proportion of taxpayers. It is interesting to note that the list of difficulties reported for this and last years' studies paralleled each other closely.

There were no important differences between taxpayers who itemized versus those who took standard deductions. However, taxpayers with incomes over $15,000 were somewhat more likely to mention a difficulty than others (46.3%). A problem with some specific instruction or direction was mentioned by 13.2% of the upper income taxpayers.

CHART VIII.—MOST FREQUENTLY MENTIONED WAYS IN WHICH NEW FORM WAS BETTER AND WORSE THAN PREVIOUS ONE

[In percent]

Total taxpayers who prepared their own return this year	1971 study, 1970 form (30.2)	1970 study, 1969 form (29.1)
Total	100.0	100.0
Mentioned something better about new form	48.0	46.8
Instructions, directions	18.1	15.6
Easier, faster to complete	13.0	[1] 2.5
More space to itemize deductions, list income	[1] 2.1	15.6
Mentioned something worse about new form	18.9	55.7
Instructions, directions	6.0	18.1
More pages, longer form	[1] 2.7	14.5

[1] Not next leading mention but shown for comparative purposes.

Many more taxpayers mentioned something that was better about the 1970 Form 1040 than something that was worse. The instructions or directions were cited as better by 18.1% which was three times as many taxpayers as said they were worse (6.0%). The only other improvement mentioned with any regularity was the generalization that the 1970 form was easier or faster to complete.

The differences in responses between the 1971 and 1970 studies reflect the reality of the situation (the 1969 form had more pages and space to itemize than its predecessor) as well as the fact that the 1970 Form 1040 was better received than the one for 1969.

As might be expected taxpayers who took standard deductions were less likely to cite something worse about the 1970 form (14.4%) than those who itemized (23.2%).

CHART IX.—USAGE OF AND EXPERIENCE WITH PEEL-OFF LABEL

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Used peel-off label	86.2	93.4	79.1
Had some difficulty using	6.0	7.3	4.7

Respondents were shown a sample Form 1040 package with a dummy peel-off label. The peel-off label was said to have been used by 86.2% of the taxpayers who did their own return this year. Usage of the label was significantly higher among itemizers than among those who took standard deductions.

Only 6.0% said that they had a problem in peeling off the address label from the cover of the tax forms package and transferring it to the top front page of Form 1040.

CHART X.—USAGE OF AND TOWARD INDEX

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Used index	43.4	45.0	41.7
Index was helpful	42.3	44.1	40.6
Very helpful	24.0	24.6	23.5
Somewhat helpful	18.3	19.5	17.1

After having the index on the front of the Form 1040 package pointed out to them 43.4% of the self-preparers claimed to have used it. Usage was slightly higher among itemizers.

More than four out of ten self-preparers indicated that the index was helpful.

CHART XI.—AWARENESS OF AND REACTION TO QUESTION ON FOREIGN BANK ACCOUNTS

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Aware of question	37.5	43.8	31.3
No reaction to question	27.9	32.4	23.5
People with foreign investments should pay tax	4.3	4.9	3.8

On an aided basis 37.5% of those taxpayers who did their own return this year claimed to remember having seen the question on the top of page two of Form 1040 about foreign bank accounts. Awareness was somewhat greater among those taxpayers who itemized their deductions (43.8%) and among the highest income groups. Awareness was 43.5% and 54.9% in the $15,000–$19,999 and $20,000 and over income brackets respectively.

When asked to describe their reaction to the question, 27.9% said they had none. Only 4.3% seemed to get the idea that the question was designed to discourage tax evasion.

CHART XII.—USAGE OF AND ATTITUDE TOWARD PARTS ON PAGE 2 OF FORM 1040

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Parts used:			
II—Other income	28.7	43.6	14.0
III—Income adjustments	8.3	12.7	4.0
V—Credits	4.3	6.3	2.4
VI—Other taxes	7.8	10.7	5.0
VII—Other payments	6.5	10.5	2.6
None of the above	61.6	43.6	79.4
Used Part IV—Tax computation	51.3	75.7	27.7
	(11.3)	(8.2)	(3.1)
Total self-preparers who used one or more of the above parts (excluding IV)	100.0	100.0	100.0
Parts were:			
Helpful	70.0	68.7	72.
Not helpful	16.9	17.6	15
No opinion	10.5	11.5	8

Aided by a sample of the 1970 Form 1040 package relatively small proportions of self preparers claimed to have used each of the parts other than IV—Tax Computation (51.3%) and II—other income (28.7%).

Among those who used one or more of parts II–VII but excluding Part IV 70.0% found them helpful and only 16.9% said they were not helpful.

CHART XIII.—EXTENT OF TROUBLE WITH BACK-TO-BACK SCHEDULES, READING TABLES, AND READING INSTRUCTIONS

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
rouble with back-to-back schedules	14.1	15.4	12.8
A lot	2.8	3.2	2.4
Some	11.3	12.2	10.4
Trouble reading tables on pages 14 and 15 because of small print	8.4	9.7	7.1
A lot	2.2	2.2	2.1
Some	6.2	7.5	5.0
Trouble reading instructions on pages 3 to 13 because of small print	7.3	9.5	5.2
A lot	1.4	1.5	1.4
Some	5.9	8.0	3.8

In answer to direct questions only small proportions of taxpayers who prepared their own returns claimed to have any trouble with the back-to-back schedules or reading either the tax tables or instructions because of small print. There were no important differences between itemizers and those who took standard deductions.

Among taxpayers in the $20,000 plus income category 23.5% claimed to have some or a lot of trouble because of the schedules being printed front and back. Otherwise there were no significant variations by income.

CHART XIV.—COLOR PREFERENCE FOR FORM 1040

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Prefer color	65.2	63.3	67.1
Prefer black and white	6.0	7.5	4.5
No preference	28.8	29.2	28.4

Two thirds of the self-preparers indicated a preference for a Form 1040 with blue shading as well as blue and red print versus only 6.0% who would prefer black and white.

There was no important variation in the preference vote by type of deductions or income group.

CHART XV.—PREFERENCE BETWEEN 1970 AND 1969 FORMS FOR SPECIFIC ATTRIBUTES

Among the 25.4 percent of the taxpayers who prepared their own returns both years]

[In percent]

	Preference: This year's (1970)	Preference: Last year's (1969)	Preference: No preference
Overall preference	37.5	12.7	49.8
Clarity of instructions	43.6	12.4	44.0
Location of instructions in tax booklet (unaided)	46.6	11.4	42.0
Ease of following directions for making entries on tax form itself	50.7	11.5	37.7
Amount of time required to complete form	39.0	12.7	48.3
Amount of repitition in making entries	35.9	12.5	51.1
Adequacy of form in providing for deductions	41.0	6.6	52.3

	Preference		
	This year's (1970)	Last year's (1969)	No preference
Ease of comparing with previous year's tax return	33.2	12.0	54.4
Number of different schedules required	36.9	11.0	51.9
Amount of space provided for making entries	41.5	5.7	52.6
Length of form	37.5	12.7	49.9
Ease of making a duplicate copy for personal records	29.8	6.3	63.8
General organization and layout of form	50.7	12.8	36.5
Need for outside assistance	16.8	6.7	76.2
Similarity to previous year's form	32.9	16.5	50.3
Location of instructions (aided)[1]	65.0	15.2	19.7

[1] This preference vote is based on a direct question in which the taxpayer was reminded that last year's instructions were on the backs of the schedules whereas this year's were separate.

The 25.4% of the taxpayers who prepared their own returns for both 1969 and 1970 were asked to express their preference between the two Form 1040's on 14 specific attributes. In addition they were reminded that the 1969 instructions were printed on the backs of the schedules whereas for 1970 they were kept separate and then asked which method they preferred. Because of the nature of the aided question the degree of "No Preference" was lessened considerably. (See bottom line of Chart XV)

The 1970 form was preferred to the 1969 one on every attribute by a wide margin.

The size of the "No Preference" vote is somewhat of a barometer of the importance of an attribute. On this basis "Ease of following directions . . ." and "General organization . . ." would be the most important attributes with "No Preference" responses of 37.7% and 36.5% respectively. On both of these counts the preference for the new form is 4–5 times as great as for the 1969 form.

Either on an aided or unaided basis it is clear that the method of printing the instructions for 1970 was preferred by a wide margin over the system used for 1969.

There were no significant differences in detailed preferences according to kind of deductions and only a few minor differences by income category.

SECTION C—GENERAL ATTITUDES, PRACTICES AND EXPERIENCES RELATED TO FEDERAL INCOME TAXES

A wide variety of questions were asked to gain a better understanding of the attitudes, practices and experiences of taxpayers. Some of this information has already been used to analyze reactions to the new Form 1040.

Knowledge of this kind should also be of value to the IRS in both evaluating and planning its taxpayer relations programs.

CHART XVI.—ATTITUDE TOWARD ANNUAL JOB OF FILING FEDERAL INCOME TAX RETURN[1]

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Positive	6.2	8.0	5.3
Neutral	79.0	76.0	80.5
Negative	28.8	29.1	28.6

[1] The free responses to the question: "Generally speaking, what is your attitudes toward the annual job of filing Federal income tax return?" were classified as positive, neutral, and negative. The distributions add to more than 100 percent since some people gave mixed answers.

Analysis of the responses of taxpayers to the question on attitude toward filing reveals that about 8 out of 10 are neutral. Typical of the responses that were categorized as neutral were "Its the law", "Have to do it", "Necessary evil", "Don't mind filing", and "Something that has to be done". Of the remaining taxpayers most tended to have had a negative, rather than positive, attitude toward the annual job of filing their income tax return.

The group having the lowest percent with a negative attitude consisted of those who took standard deductions and had someone else prepare their returns (22.9%). A negative attitude tended to correlate with income. Taxpayers with incomes of $20,000 or more had the highest incidence of negative attitude (38.0%).

CHART XVII.—AGREEMENT OR DISAGREEMENT WITH 3 STATEMENTS ABOUT FORM 1040

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
STATEMENTS			
Like most government things form 1040 is a lot more complicated than it has to be:			
Agree	52.8	46.5	55.6
Disagree	26.1	47.9	16.6
The complexity of form 1040 is largely a result of our complicated tax laws:			
Agree	61.4	64.1	60.4
Disagree	15.1	24.2	11.1
In changing form 1040 from year-to-year the IRS is trying to make it easier for taxpayers to use:			
Agree	59.3	77.0	51.7
Disagree	22.3	17.4	24.4

Taxpayers tended to agree with the statement that like most government things Form 1040 is a lot more complicated than it has to be. Agreement with this statement was higher among those who had someone else prepare their 1970 return especially those who itemized their deductions (60.1%).

A clear majority attributed the complexity of Form 1040 to the complicated tax laws. As income increased the more likely was the taxpayer to agree with this statement. About ¾ of those with incomes of $20,000 or more agreed that the complexity was a result of the tax laws.

Similarly, about 6 taxpayers in 10 appreciated the fact that in changing Form 1040 from year to year the IRS is trying to make it easier for taxpayers to use. Those who prepared their own returns were most likely to agree with this statement.

CHART XVIII.—EXTENT TO WHICH TAXPAYERS ARE BOTHERED BY THE YEAR TO YEAR CHANGES IN FORM 1040

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Bothered	16.8	23.3	14.1
A lot	6.7	5.9	7.1
Some	10.1	17.4	7.0

Only a small proportion of taxpayers indicated that they have been bothered by the year to year changes in Form 1040. Even among those taxpayers who prepare their own return and also itemize their deductions the incidence of being bothered by form changes was only 27.5%.

CHART XIX.—AWARENESS OF PUBLICITY ABOUT 1970 FORM 1040

[In percent]

	1970 Preparer		
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Awareness publicity	24.3	30.3	21.8
Aware of unfavorable publicity	17.2	20.2	15.9
Aware of favorable publicity	9.7	13.2	8.1

Only about one quarter of the taxpayers claimed to have been aware of any publicity concerning the 1970 Form 1040. In last year's study, 40.3% of the taxpayers were aware of publicity about the 1969 form. However, the ratio of awareness of unfavorable to favorable publicity was about the same both years.

Self-preparers were more likely to be aware of publicity than those taxpayers who had someone else prepare their returns. There was no consistent pattern of awareness by income group.

CHART XX.—INCIDENCE AND NATURE OF CONTACT WITH IRS IN PAST COUPLE OF YEARS ABOUT TAXES

[In percent]

	1970 Preparer		
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Contacted by IRS in past couple of years	8.8	10.4	8.2
Nature of contact by IRS:			
Correction of arithmetic	26.2	28.7	24.8
Questioning items on return	41.4	37.9	43.3
Audit	5.7	5.7	5.7
Miscellaneous	27.0	27.6	26.8
Fairness of IRS in its dealing:			
Fair	75.4	85.1	70.1
Unfair	18.4	11.5	22.3

Fewer than one taxpayer in ten has been contacted by the IRS in the past couple of years. The most frequently mentioned explanation for the contact with the IRS had to do with questioning items on the return followed by correction of arithmetic. Although the miscellaneous category was fairly large (27.0%) no single reason was mentioned by more than 2% of the respondents.

As might be expected the incidence of being contacted by the IRS was greater among itemizers particularly those who prepared their own returns (13.9%). As income increased the likelihood of being contacted by the IRS increased. Among taxpayers with incomes of $20,000 and over the incidence of being contacted by the IRS was 24.1%.

Although the nature of contact by the IRS was pretty much the same for self-preparers and others a higher percentage of self-preparers felt that the IRS had been fair in its dealings with them. Analysis by income group revealed no consistent pattern with regard to the fairness or unfairness of the IRS in its dealings with the taxpayer.

CHART XXI.—AWARENESS AND USAGE OF IRS TO COMPUTE TAX

[In percent]

	1970 Preparer		
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Aware of IRS	58.0	80.6	48.4
Was eligible	24.3	36.9	19.0
Had IRS compute tax	1.0	.8	1.7

Awareness that the IRS will compute the tax under certain circumstances was considerably higher among self-preparers (80.6%) than others (48.4%).

Further analysis suggests that there is a good deal of confusion on this matter. For example, 24.8% of the self-preparers who itemized claimed that they were eligible to have the IRS compute their tax. Similarly, 17.9% of the people who had someone else prepare their return and who itemized their deductions claimed they were eligible. Furthermore significant proportions of taxpayers in the income groups over $10,000 also claimed to be eligible to have the IRS compute their tax.

Interestingly, the 1.0% of the taxpayers who had IRS compute their tax is the identical percentage that the IRS calculated from its Taxpayer Usage Study, based on a sampling of actual returns.

CHART XXII.—INCIDENCE OF GETTING ASSISTANCE AND TIME REQUIRED TO COMPLETE RETURN

[In percent]

	1971 study, 1970 return (30.2)	1970 study, 1969 return (29.5)
Total taxpayers who prepared their own return this year	100.0	100.0
Incidence of getting assistance	53.8	52.3
Advice of friends, relatives	17.3	16.9
Articles in newspapers, magazines	16.7	18.3
IRS supplementary guides	12.8	14.4
Telephoned IRS	11.8	10.5
Privately published tax guides	11.6	11.0
Radio, television programs, or announcements	7.8	(*)
Advice of accountant, lawyer	7.7	4.8
Visited IRS	5.3	5.7
Speeches or articles provided by civic or other organizations	4.2	1.9
Mean time to complete return (hours)	3.74	4.33

Note: No such category included in 1970 study.

The incidence of getting outside assistance in preparing one's own return did not change from last year. Also, the sources of assistance were consistent both years.

The mean time taken to complete the 1970 return was slightly less than for the 1969 return.

The incidence of getting assistance was higher among itemizers (62.5%) than among those who took standard deductions (45.0%). Itemizers used all sources of assistance to a greater extent than others except in the case of "advice of friends and/or relatives" which was more often mentioned by taxpayers who took standard deductions.

CHART XXIII.—METHOD USED TO DECIDE WHETHER TO ITEMIZE OR TAKE STANDARD DEDUCTION

[In percent]

		Deductions	
	Total (30.2)	Itemized (14.9)	Standard (15.3)
Total taxpayers who prepared their own return this year	100.0	100.0	100.0
Knew deductions large enough/too small	60.2	58.6	61.8
Worked out tax both ways and used method that resulted in lowest tax	22.6	26.3	19.0
Always do it this way	9.2	10.2	8.3
Followed formula in instructions on bottom of p. 5	3.4	3.6	3.1
Was advised by someone else	2.6	.7	4.5

Only a very small proportion of taxpayers followed the IRS formula in the instructions on the bottom of Page 5 to determine whether to itemize or take standard deductions. The majority of taxpayers seemed to know instinctively, presumably based on past experience, whether or not their deductions would be large enough to itemize.

SECTION D—DECLARATION OF ESTIMATED TAX

A series of questions were asked of those taxpayers who made a declaration of estimated tax to determine what practices they follow and their opinions of the reminder notices and mailing envelopes.

CHART XXIV.—INCIDENCE OF FILING DECLARATION OF ESTIMATED TAX

[In percent]

	Base		Incidence of filing declaration
Total taxpayers	(100.0)	100	11.5
Itemized deductions	(55.7)	100	16.3
Standard deductions	(43.9)	100	5.4
Income:			
Under $5,000	(23.5)	100	6.2
$5,000 to $9,999	(36.7)	100	10.1
$10,000 to $14,999	(22.9)	100	10.7
$15,000 to $19,999	(8.1)	100	17.0
$20,000 and over	(5.0)	100	37.2

Overall, 11.5% of the taxpayers claimed that they filed a declaration of estimated tax for the 1971 tax year.

The incidence of filing a declaration of estimated tax is three times as great among those who itemized deductions than for those who took standard deductions. Similarly, there is a strong correlation between the incidence of filing a declaration and income.

CHART XXV.—PRACTICES IN FILING DECLARATION OF ESTIMATED TAX

	Percent
Total taxpayers filing declaration (11.5)	100.0
Objective:	
Try to estimate total tax accurately to minimize amount due at yearend	87.1
Make minimum payments necessary to avoid penalties	11.4
Practices:	
Declaration done at same time as form 1040	87.7
Same person does declaration and form 1040	91.1
Declaration done by—	
Self	26.2
Accountant	43.8
Tax service	18
Lawyer	5.7
Friend or relative	2.8

The vast majority (87.1%) of taxpayers who filed a declaration for 1971 claimed that they tried to estimate their total taxes accurately to minimize the amount due at the end of the year. Only a small proportion admitted that they tried to make the minimum payments necessary to avoid penalties. About 9 out of 10 of the declarations were done at the same time and by the same person as Form 1040.

As was the case with Form 1040 a relatively small proportion (26.2%) of the declarers did it themselves.

CHART XXVI.—HELPFULNESS OF QUARTERLY PAYMENT NOTICES AND EXPERIENCE WITH AND OPINION OF ENVELOPES

	Percent
Total taxpayers filing declaration (11.5)	100.0
Notices helpful	79.2
Very helpful	63.7
Somewhat helpful	15.5
Total taxpayers who prepared their own declaration (3.0)	100.0
Envelopes were a problem to use	12.0
Preferred envelope:	
1970 envelope pack	45.8
Regular business envelope	36.1

Eight out of ten declarers indicated that the quarterly notices reminding them of the next payment date was helpful.

Taxpayers who prepared their own declaration, who account for 3.0% of all taxpayers, were shown a sample of the 1970 envelope pack. Only 12.0% of this group said that the envelopes had been a problem to use.

In answer to a direct question as to whether they would prefer the envelope pack or a regular business envelope like the one provided with the Form 1040 package, a clear plurality chose the 1970 envelope pack.

SECTION E—RETIREMENT INCOME CREDIT

Only 2.9% of the taxpayers filed for a retirement income credit for the 1970 tax year. Among this group 44.3% claimed to be aware that under certain circumstances the IRS will compute the taxpayer's retirement income credit as well as his income tax.

Among the 1.8% of the taxpayers who filed for a retirement income credit for both 1969 and 1970 only about one third said that they noticed a difference between the retirement income credit forms for the two years. No one mentioned having a preference for the 1969 form over the 1970 one.

SECTION F—PRACTICES, EXPERIENCES AND ATTITUDES OF TAXPAYERS WHO HAVE SOMEONE ELSE PREPARE THEIR RETURN

A battery of special questions was directed at the 69.8% of the taxpayers who had someone else prepare their return for the 1970 tax year. As explained earlier this large group of taxpayers seems to have been growing as a proportion of total taxpayers until this year when it leveled off.

CHAPTER XXVII.—INCIDENCE OF HAVING SOMEONE ELSE PREPARE FORM 1040

[In percent]

	Base		Incidence of other preparer
Total taxpayers who had someone else prepare 1970 return	(100.0)	100	69.8
Itemize deductions	(55.7)	100	73.3
Standard deductions	(43.9)	100	65.2
Income:			
Under $5,000	(23.5)	100	76.1
$5,000 to $9,999	(36.7)	100	71.3
$10,000 to $14,999	(22.9)	100	64.6
$15,000 to $19,999	(8.1)	100	61.9
$20,000 or more	(5.0)	100	62.8

The incidence of having someone else prepare the tax return varied only slightly according to whether the taxpayer itemized or took standard deductions, the latter being slightly lower.

Interestingly, the incidence of having someone else do the return was inversely correlated with income. About three quarters of the taxpayers with incomes under $5,000 had their return prepared for them.

CHART XXVIIIa.—PREPARER OF 1970 RETURN

[In percent]

	1971 study 1970 return (69.8)	1970 study 1969 return (70.5)
Total taxpayers who had someone else prepare 1970 return (percent)	100.0	100.0
Tax service	37.7	35.2
Accountant	35.5	36.5
Friend or relative	17.3	15.8
Lawyer	6.1	6.5

The most frequently used preparers were tax services and accountants followed by friend or relative.

The distribution of preparers this year was about the same as last year.

CHART XXVIIIb.—PREPARER OF 1970 TAX RETURN

[In percent]

Total taxpayers who had someone prepare 1970 return	Total (69.8)	Deductions: Itemized (40.8)	Deductions: Standard (28.6)
Total	100.0	100.0	100.0
Tax service	37.7	37.3	38.4
Accountant	35.5	44.8	22.8
Friend or relative	17.3	9.8	27.7
Lawyer	6.1	6.2	5.8

There was no variation in the use of tax services according to whether the deductions were itemized or standard. However, taxpayers who itemized their deductions were twice as likely to use an accountant as those who took standard deductions. Similarly, the incidence of using a friend or relative to prepare the return was much greater for those who took standard deductions.

CHART XXVIIIc.—PREPARER OF 1970 TAX RETURN

	Income (dollars): Total	Under 5,000	5,000 to 9,999	10,000 to 14,999	15,000 to 19,999	20,000 or more
Percent of total taxpayers who had someone else prepare 1970 return	69.8	17.9	26.2	14.8	5.0	3.1
Total	100.0	100.0	100.0	100.0	100.0	100.0
Tax service	37.7	33.8	40.1	43.0	34.8	20.9
Accountant	35.5	24.3	32.6	40.8	47.8	62.8
Friend or relative	17.3	30.0	16.7	9.3	9.4	9.3
Lawyer	6.1	7.7	5.8	4.9	8.0	5.8

There was a considerable amount of variation in the types of preparers used when analyzed by income group. Those with incomes under $5,000 were most likely to use a friend or relative as the preparer.

Tax services were the most popular among those in the two middle income groups from $5,000 and $15,000. Thereafter, as income increases the use of tax services decreases and accountants become more popular. Among those in the highest income group 62.8% reported having used an accountant to prepare the 1970 return.

Use of a lawyer was low in all income groups.

CHART XXIX.—MOST IMPORTANT FACTORS IN SELECTION OF SOMEONE TO PREPARE TAX RETURN AND WHETHER USUALLY USE SAME TYPE OF PERSON

[In percent]

Total taxpayers who had someone else prepare 1970 return	Total (69.8)	Preparer: Tax service (26.3)	Preparer: Accountant (24.8)	Preparer: Friend (12.1)	Preparer: Lawyer (4.3)
Total	100.0	100.0	100.0	100.0	100.0
Cax expert	75.9	81.8	84.4	48.3	72.9
Tonfidential dealings	11.7	9.6	9.8	18.0	20.3
Cost	11.0	8.8	6.3	25.5	7.6
Convenience	2.1	1.7	1.8	4.8	8
Incidence of usually switching type of person selected to prepare return	10.6	12.4	6.0	17.7	.8

Taxpayers who had someone else prepare their return were shown a card on which was listed the first three factors on the facing chart. They were then asked to indicate which one of the factors was most important in selecting someone to prepare their tax return. The vast majority selected "tax expert" as the dominant factor although this was less frequently mentioned by those who had their return prepared by a friend or relative.

"Confidential dealings" was mentioned about twice as often by those who used a friend or lawyer than by those who used a tax service or accountant.

Cost was mentioned with frequency only by those who had a friend or relative prepare their return.

There were no important differences in the factors considered between those taxpayers who took itemized versus standard deductions. Similarly, analysis by income group revealed nothing important although, as might be expected, cost was mentioned as a factor more often by those in the under $5,000 group (16.6%) and this group tended to mention "tax expert" less often (64.2%) than others.

About one taxpayer in ten indicated a tendency to switch the type of person selected to prepare the return from one year to the next.

CHART XXX.—MOST IMPORTANT REASON FOR HAVING SOMEONE ELSE PREPARE 1970 RETURN AND SATISFACTION WITH THE WAY IT WAS DONE

[In percent]

Total taxpayers who had someone else prepare 1970 return	Total (69.8)	Preparer: Tax service (26.3)	Preparer: Accountant (24.8)	Preparer: Friend (12.1)	Preparer: Lawyer (4.3)
Total	100.0	100.0	100.0	100.0	100.0
Too complicated	59.5	59.4	56.2	64.9	60.2
To avoid bother	20.5	18.6	21.2	21.9	23.7
To minimize tax due	11.1	11.6	13.6	6.9	8.5
To avoid risk of paying too little	5.8	7.7	5.5	2.7	5.1
Would require help even if Form 1040 was made simpler	63.1	59.1	58.9	57.1	71.2
Fully satisfied with the way return was prepared	90.8	88.0	91.1	95.2	95.8
Somewhat dissatisfied	5.2	8.1	2.6	2.1	3.4
Very dissatisfied	2.4	2.9	2.0	1.8	

Taxpayers who prepared their own return for 1970 were shown a card listing the first four categories on the facing chart and asked to rank them in order of importance as reasons for having someone else prepare their return rather than doing it themselves.

About 6 out of 10 taxpayers indicated that the main reason was that doing the return was too complicated. Only small proportions said that their goal was to minimize the tax due or to avoid the risk of paying too little.

There were no important differences in the responses between itemizers and those who took standard deductions. However, the proportion mentioning too complicated as the primary reason for having someone else prepare their return was correlated with income, being highest with the lowest income group (70.2%) and lowest in the upper two income groups in which about half of the taxpayers mentioned this as their main reason.

A clear majority of taxpayers said that they would still have someone do their tax return for them even if Form 1040 was made simpler. While there were slight variations, the majority held this viewpoint regardless of the type of preparer, type of deductions and income group.

Similarly, about 9 out of 10 taxpayers in all analytical groups indicated that they were fully satisfied with the way in which their 1970 return was prepared for them.

CHART XXXI. COST OF HAVING RETURN PREPARED BY SOMEONE ELSE

	Mean cost to those who paid [1]
1971 study—1970 return	16.44
1970 study—1969 return	16.07
Preparer:	
Tax service	13.66
Accountant	21.76
Friend or relative	9.88
Lawyer	18.65
Itemized deductions	19.75
Tax service	16.21
Accountant	23.25
Standard deductions	11.54
Tax service	9.88
Accountant	15.67
Income:	
Under $5,000	12.48
$5,000-$9,999	14.60
$10,000-$14,999	17.26
$15,000-$19,999	22.63
$20,000 or more	35.78

[1] The incidence of having to pay among all taxpayers was 58.3 percent for 1970 and 60.1 percent for 1969.

The mean cost of having a return prepared by someone else among those taxpayers who had to pay for it was just about the same for 1970 as for 1969.

As can be seen there were significant variations in the average amount paid according to the preparer, type of deductions and income.

It is interesting to note that even for returns involving standard deductions accountants charged their clients significantly more than did tax services.

CHART XXXII.—INCIDENCE OF PAYING MORE FOR PREPARATION OF RETURN THIS YEAR VERSUS LAST YEAR

[In percent]

	1971 study, 1970 return (65.3)	1970 study, 1969 return (61.9)
Total who had someone else prepare return for last 2 years	100.0	100.0
Incidence of paying more for most recent year	23.1 (15.0)	30.4 (18.9)
Reasons for paying more among those who did	100.0	100.0
Harder to fill out, complete	35.3	35.6
Price up on everything, inflation	32.0	27.1
Used a different preparer	16.1	15.1

While the difference is not great the incidence of paying more for "this year's" return than "last year's" was less in the 1971 study than in the 1970 study. This is probably a reflection of the new and more complex form that was introduced last year.

CHART XXXIII.—USE OF PEEL OFF LABEL

[In percent]

Total taxpayers who had someone else prepare 1970 return	Total (69.8)	Preparer: Tax service (26.3)	Preparer: Accountant (24.8)	Preparer: Friend (12.1)	Preparer: Lawyer (4.3)
Total	100.0	100.0	100.0	100.0	100.0
Used label	45.0	45.4	41.5	50.2	49.2
Did not use label	25.6	30.5	24.4	20.7	16.1
Don't remember	29.4	24.1	34.1	29.1	34.7
	(38.4)	(14.4)	(14.5)	(6.0)	(2.2)
Whether or not label was given to preparer by those did not use the label or didn't remember	100.0	100.0	100.0	100.0	100.0
Label given to preparer	28.0	24.9	30.5	27.6	31.4
Label not given to preparer	19.9	24.2	20.1	12.0	14.4
Don't remember	52.1	50.9	49.4	60.4	54.2

Just under half of the taxpayers who had someone else prepare their return said that the peel-off label was transferred to the Form 1040 they filed.

Among those who did not use the label or couldn't remember 28.0% claimed to have given the label to the preparer. However, the majority of this group (52.1%) could not remember whether or not they had given the label to the preparer.

SECTION G—TAXPAYER PROFILE

A number of classification type questions were asked of taxpayers to determine their filing status and demographic characteristics. This information is summarized in this section in total and according to whether or not the 1970 return was self prepared.

CHART XXXIV.—FILING CHARACTERISTICS

[In percent]

Total taxpayers	100.0	100.0	100.0
Itemized deductions	55.7	49.3	58.7
Standard deductions	43.9	50.7	41.3
Joint return	65.4	65.7	65.5
Separate return	34.3	34.3	34.2
Schedules used:			
A—Itemized deductions	51.6	48.4	53.4
B—Dividends or interest	28.3	34.2	25.8
C—Own business	9.5	6.1	11.0
D—Capital gains	8.5	9.4	8.1
E—Annuities, pensions, etc	6.5	8.3	5.7
F—Farm income	6.5	4.0	7.6
R—Retirement income credit	2.9	2.8	2.9
None of the above	24.6	34.7	20.3
Entitled to refund	69.7	74.9	67.6
Had to pay	26.1	22.7	27.7

The remaining four charts contrast self-preparers and others on a number of different characteristics.

For example, self-preparers are less likely than others to itemize their deductions. However, on the matter of whether the return was joint or separate self-preparers and others were distributed about the same. Similarly, there were no major differences between the two groups in terms of the individual schedules they claimed to have used except that self-preparers were more likely to say that they used none of the specific schedules. This may be a reflection of the facts or it may represent a problem of recall.

Self-preparers were more likely than others to be entitled to a refund but the difference was not great.

CHART XXXV.—SEX, AGE, RACE, AND MARITAL STATUS

[In percent]

Total taxpayers	100.0	100.0	100.0
Male	60.2	61.6	59.7
Female	39.7	38.4	40.1
Under 20 years of age	6.7	6.6	6.8
21–34 years of age	28.8	36.7	25.6
35–44 years of age	18.0	18.5	17.8
45–54 years of age	20.3	20.2	20.3
55–64 years of age	15.6	11.5	17.4
65 and over	10.3	6.4	11.8
White	91.2	93.5	90.1
Black	5.7	3.6	6.6
Other	1.9	1.3	2.2
Married	69.1	70.0	68.8
Single	17.3	21.5	15.6
Widowed, divorced, separated, etc	13.4	8.4	15.5

The distribution of self-preparers and others by sex was about the same.

Self-preparers had a tendency to be somewhat younger than others and they showed a greater incidence of being single as opposed to widowed, divorced or separated.

CHART XXXVI.—INCOME, EDUCATION, AND OCCUPATION

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Under $5,000	23.5	19.6	25.6
$5,000 to $9,999	36.7	34.9	37.6
$10,000 to $14,999	22.9	26.9	21.3
$15,000 to $19,999	8.1	10.1	7.1
$20,000 or more	5.0	6.1	4.5
Some elementary school	4.3	.4	6.0
Graduated elementary school	8.8	2.4	11.6
Some high school	19.8	12.5	22.9
Graduated high school	36.0	35.7	36.2
Some college	17.1	23.4	14.4
Graduated college	13.5	25.6	8.3
Professional, technical, and kindred workers	11.0	19.7	7.3
Managers, officials, and proprietors	11.7	10.8	12.2
Clerical, sales, and kindred workers	15.0	21.2	12.3
Craftsmen, foremen, and operatives	24.0	16.7	27.2
Service workers	6.0	3.0	7.3
Laborers	6.3	3.0	7.7
Students	4.6	6.5	3.8
Housewives	12.4	12.0	12.4
Retired	6.6	4.9	7.1
Unemployed	1.6	1.3	1.8

Self-preparers tended to have high income and more education than taxpayers who had someone else prepare their return and this is reflected in the occupations of the two groups.

Although there were no important differences between self-preparers and others in terms of geographic location, self-preparers tended more than others to be located in areas of high population density.

CHART XXXVII.—GEOGRAPHIC REGION AND POPULATION DENSITY

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Northeast	24.9	27.6	23.8
Northcentral	30.9	27.5	32.3
South	29.0	28.0	29.5
West	15.2	16.9	14.4
Standard metropolitan statistical areas	69.3	73.9	67.3
Over 1,000,000 population	35.5	37.2	34.5
Under 1,000,000 population	33.9	36.7	32.8
Nonmetropolitan areas	30.7	26.1	32.7

TECHNICAL APPENDIX

Sample Design

The universe of taxpayers was sampled using an advanced multistage stratified area probability technique. At each stage the probability of selection was made proportionate to population size. The method was such that the probability of taxpayers being draw into the sample was equal. The sample is therefore self-projecting to the universe within specific tolerance limits. Because of detailed stratification of the sampling frame by geographic area, population density and intercensal growth rate, the sample has high statistical efficiency. The sample was drawn from Crossley's master frame and consisted of fresh households not previously surveyed by us. Frequent relisting of the households within the master frame insures that newly built households are properly represented.

The first stage of sample selection was of primary sampling units and proceded along the following lines:

a. All counties in the conterminous U.S. were subdivided into nine census divisions.

b. The counties were then grouped into those in and out of Standard Metropolitan Statistical Areas. (SMSA's).

c. Counties in SMSA's were stratified into five population size groups from those in SMSA's over 1 million to those in SMSA's of less than 100,000 population.

d. Nonmetropolitan counties were divided into four groups according to level of urbanization from those that are 50% or more urbanized down to those with no urbanized place in the county.

e. Nonmetropolitan counties were further subdivided into several groupings reflecting the estimated rate of intercensal growth.

f. With probability proportionate to size, 80 primary sampling units (counties or groups of contiguous counties) were selected from the frame formed by the stratification described in steps a–e above.

The second stage of sampling consisted of selecting several hundred minor civil divisions within the 80 primary sampling units.

a. For those minor civil divisions for which the Bureau of the Census provides block statistics, blocks were selected with probability proportionate to the number of households. The objective was to yield block clusters of approximately equal size. Therefore, very small blocks were combined with adjacent ones and large blocks were randomly subdivided.

b. In minor civil divisions not covered by block statistics, enumeration districts were selected with probability proportionate to size. As in the case of blocks, small enumeration districts were combined and large ones were randomly subdivided to produce approximately equal sized clusters.

For selection of households block maps or enumeration district maps were used as aids to canvass and list all households in the sample areas.

In the designation of sample of households a starting unit was designated at random in each sample area and every *n*th household was selected covering the entire cluster.

Sample Execution

About 500 clusters consisting of 7 or 8 households in about 370 minor civil divisions were selected. No substitution was permitted for sample households that did not yield an interview.

In total 3,875 households were sampled. Of these, 498 (12.8%) contained no taxpayers; and 228 (5.9%) were unoccupied. In calculating the completion rate only these households were excluded.

The number of occupied households designated for interview was 3,148. In total, interviews were completed with 2,427 households (yielding 2,761 individual interviews) for a completion rate of 77.0 percent. Households refusing to be interviewed were 10.4%. The following table shows the completion rates for three major population groups:

[In percent]

	Total	Metropolitan areas over 1,000,000	Other metropolitan areas	Nonmetropolitan areas
Total occupied households	(3,148)	(1,271)	(934)	(943)
Total	100.0	100.0	100.0	100.0
Completed household interviews	77.0	72.3	79.2	81.4
Refusals	10.4	13.6	10.2	6.2
Not at home	9.8	11.8	8.6	8.2
Other[1]	2.8	2.3	2.0	4.2

[1] Including language barrier.

To obtain relatively balanced completions a differential callback pattern was used. In central cities of metropolitan areas over one million, 4 callbacks were made. Three callbacks were made in suburbs of metropolitan areas over one million and in all other metropolitan areas. In nonmetropolitan areas two callbacks were made.

The completion rates for the four geographic regions were as follows:

[In percent]

	Total	North-east	North-central	South	West
Total occupied households	(3,148)	(839)	(904)	(886)	(519)
Total	100.0	100.0	100.0	100.0	100.0
Completed household interviews	77.0	73.5	80.5	82.6	67.4
Refusals	10.4	12.5	9.1	7.7	13.7
Not at home	9.8	11.0	7.5	7.3	15.8
Other [1]	2.8	3.0	2.9	2.4	3.1

[1] Including language barrier.

The following table shows that the incidence of filing a tax return for 1970 and the mean number of returns filed per household both dropped compared to 1969.

Among the 3,059 returns filed in the households where successful contact was established the 2,761 completed interviews represents a completion rate of 90.3%.

INCIDENCE OF FILING FORM 1040 THIS YEAR

	1971 study, 1970 return		1970 study, 1969 return	
	Percent	Number	Percent	Number
Total successful household contacts	100.0	2,925	100.0	1,839
No return filed	17.0	498	12.6	232
One or more return filed	83.0	2,427	87.4	1,607
Mean number of returns filed	1.05	3,059	1.12	2,065

Controls at the field interviewing level

Complete written instructions were prepared for administrative, sampling and interviewing procedures in the field. They included full directions for interviewing and recording responses, as well as all details of sampling and selection processes.

All materials—questionnaire, questionnaire instructions, sampling instructions, call record sheets, etc.—were forwarded to local supervisors in each interviewing point. Prior to the scheduled starting date for interviewing, each supervisor held a group meeting of interviewers for training, study and practice. These training sessions generally ran for several hours. Instructions were read word for word, with discussion on any points requiring classification, to insure complete and uniform understanding by each interviewer. Practice interviews were conducted within the group, using the questionnaire.

Each interviewer received an assignment from the supervisor who was responsible for validation and careful examination daily of each person's work. Completed interviews were mailed to the office for editing and processing.

Verification

More than 20 percent of the interviews were immediately verified by phone by the local supervisor in the field. In addition, over 30 percent of all interviews were verified by long distance telephone from Crossley's New York office.

Controls at the processing level

All completed questionnaires were checked against a Call Record Sheet, kept by each interviewer to record the result of each attempt at interview. This is a control to insure strict adherence to the sampling procedures.

Each questionnaire was reviewed by a trained editor for completeness, accuracy, consistency and quality. The editor reviewed each interviewer's work, watched for statements in conflict with previous answers, nonverbatim recording of responses, for repetition of answers, questions asked unnecessarily, and omissions.

Upon completion of editing, questionnaires were selected at random for hand tabulations of questions which were not precoded. Codes were developed for these questions allowing for the later addition of other items that were mentioned with sufficient frequency.

Prior to coding, codes received thorough instructions. Check coding was performed on a 100 percent basis at the start, continuing until an acceptable coder difference level was reached. Thereafter, 10 percent of the work of each coder was checked.

Data and responses coded into miscellaneous categories were recorded verbatim, retained for later analysis, and identified by questionnaire number. The lists were reviewed frequently to determine whether a new category should be added to the code. "Other" categories did not include any items mentioned by as many as 2 percent of the respondents.

All data were transferred to IBM cards. A 100 percent verification check was made of all key punching. Complete consistency checks were made to uncover and correct any coding and punching errors. All statistical computation as well as consistency of bases were thoroughly checked on all tables.

The actual key punching and computer tabulations were subcontracted to Datatab, Inc., a New York service bureau firm that Crossley has used for many years.

Validation of results

Usually the only possible check of sample survey results is to compare the demographic statistics against Census figures. Often this method is not satisfactory since the population studied may differ from that reported by Census and/or the Census figures might themselves be subject to error or be out of date.

On this study there was a unique opportunity to evaluate the accuracy of the entire sampling, interviewing and data processing procedure.

The IRS conducted a Taxpayer Usage Study. This was a detailed analysis of a systematic, random sample of about 6000 tax returns. Other than for a small sampling error the Taxpayer Usage Study can be regarded as an accurate representation of the characteristics of taxpayer returns. Since the Crossley survey measured some of the same characteristics a direct comparison could be made.

As can be seen from the following illustrations the two studies have a remarkably close correspondence. The apparent discrepancy between the percentages reported using schedule E can be explained by the fact that the Crossley study excluded taxpayers living in institutions who represent a large portion of the schedule E users.

[In percent]

	Crossley study	IRS taxpayer usage study
Schedules used:		
A	51.6	46.6
B	28.3	28.7
C	11.0	8.5
D	8.1	9.0
E	5.7	15.3
F	7.6	4.6
R	2.9	1.8
Used preaddressed peel off label	57.4	57.1
Elected to have IRS compute tax	1.0	1.0

INTERNAL REVENUE SERVICE,
Washington, D.C., April 16, 1971.

DEAR TAXPAYER: This letter is to introduce a field representative from Crossley Surveys, an independent public opinion firm. We have commissioned this company to conduct a survey to learn more about the problems taxpayers have in filling out their Federal income tax returns, and the kinds of assistance they need.

Your household has been scientifically selected at random by Crossley to be part of a national cross-section of taxpayers. Your name and address will be held in strict confidence by the survey organization. The views you express will be combined with those of other people in the sample to produce a statistical report that does not identify you or any other taxpayers in the survey.

By conducting studies such as this, we can develop better tax forms to meet your needs, and improve our taxpayer assistance program.

I hope that you will cooperate with the interviewer. Thank you in advance for your help.

Sincerely yours,
ALBERT W. BRISBIN,
Assistant Commissioner,
Planning and Research.

FEDERAL TAX FORM STUDY

1. When you received your 1970 1040 tax forms package in the mail was it in good condition?
No.
Yes.
Did not receive in mail.

2. Did you prepare your own Federal tax return this year for 1970?
Yes.
No (Skip to Q. 3g).

3a. Was the form you used *this* year, for 1970 taxes, the same or different from the one you used *last* year for 1969 taxes?
Different.
Same.
Don't know.
(Actually this year's form was somewhat different from last year's.)

b. What differences, if any, did you notice between this year's and last year's forms? (Probe.)

c. Overall, from your point of view, was the 1970 tax form better, worse or the same as last year's?
Better.
Worse.
Same (Skip to Q. 3e).

d. Was the difference fairly great or only slight?
Great.
Slight.

e. In what ways, if any, was the new form better than the old one? (Probe.)

f. In what ways, if any, was the new form not as good as the old one? (Probe.)

g. To what extent, if at all, are you bothered by the year to year changes in the form 1040, a lot, some or hardly at all?
Bothered a lot.
Bothered some.
Hardly at all.
Don't know.

4. Please tell me whether you tend to agree or disagree with each of the following statements:

a. Like most government things Form 1040 is a lot more complicated than it has to be.
Agree.
Disagree.
No opinion.

b. The complexity of Form 1040 is largely a result of our complicated tax laws.
Agree.
Disagree.
No opinion.

c. In changing Form 1040 from year to year the IRS is trying to make it easier for taxpayers to use.

Agree.
Disagree.
No opinion.
5a. In the past six months or so have you heard any publicity, either favorable or unfavorable about the 1970 tax form?
Yes.
No (skip to Q.6a.)
b. Was what you heard favorable, unfavorable or both favorable and unfavorable?
Favorable.
Unfavorable.
Both.
Don't know.
6a. Have you been contacted by the IRS in the past couple of years about your taxes?
Yes.
No (skip to Q.7a.)
b. What was the nature of your contact with the IRS? Was it. (Read list.)
Correction of arithmetic.
Questioning items on return.
Or something else. (Specify.)
c. Did you feel that the IRS was fair in these particular dealings with you?
Yes.
No.
Don't know.
7a. *If 1970 return prepared by self (Q.2), skip to Q.7n.*
Who prepared your return for this year (1970)?
Friend, relative.
Internal Revenue Service.
Lawyer.
Accountant.
Tax preparation service.
Other (Specify.)
b. Do you usually have the same type of person or service do your return or do you switch around?
Same.
Switch.
Have prepared own in past.
(*Show card A.*)
c. Which of the factors on this card are most important to you in selecting someone to prepare your tax return?
Cost.
Tax expert.
Confidential dealings.
Other (Specify.)
(*Show card B.*)
d. Which *one* of these reasons was the most important reason for having someone else prepare your tax return this year? What was next most important? Third? Fourth?
Rank Order *1, 2, 3, 4, 5.*
Too complicated to do myself.
To minimize tax due.
To save myself the bother.
To avoid the risk of paying too little.
Other (Please specify.)
e. Would you still have someone do your tax return even if the form was made simpler?
Yes.
No.
Don't know.
f. How well satisfied are you with the way in which your return was prepared for you this year? Are you . . . (Read list.)
Fully satisfied.
Somewhat dissatisfied.
Very dissatisfied.
Don't know.
(*Show 1040 forms package and point to peel off label on front.*)
g. Was this peel off label transferred to the Form 1040 you filed this year?
Yes.
No.
Don't know.
h. Did you give the label or the forms package with the label on it to the person who prepared your return?
Yes.
No.
Don't know.
i. How much, if anything, did it cost to have your return prepared this year (1970)?
$———.
j. Who prepared your tax return last year, that is, for 1969?
Friend, relative.
Internal Revenue Service.
Lawyer.
Accountant.
Tax preparation service.
Other (specify.)
Self.
k. Why did you get assistance this year and not last?
(Skip to Q. 12a.)
l. Was the cost of having your tax done this year more, less or the same as last year?
This year (1970).
More.
Less.
Same (skip to Q. 12a.)
m. Why did you have to pay more/less this year than last year?
(Skip to Q. 12a.)
n. Who prepared your return last year, that is, for 1969 taxes?
Friend, relative.
Internal Revenue Service.
Lawyer.
Accountant.
Tax preparation service.
Other (specify.)
Self (skip to Q. 8.)
o. Why did you get assistance last year and not this year?
(Skip to Q. 9a.)
8. Now I would like to have you give me your opinion, if any, as to which form was better, this year's or last year's on a number of different specific characteristics. First, how about the instructions that accompanied the tax form. By this we mean the descriptions of the sources of income that must be declared, the deductions which you are entitled to take and the different methods of filing. Which instructions were clearer and easier to understand, this year's or last year's?
Q. 8 Preference: this year's (1970); last year's (1969); no pref./D.K.
Characteristics:
A. Clarity of instructions.
B. Location of instructions in tax booklet.
C. Ease of following directions for making entries on tax form itself.
D. Amount of time required to complete form.
E. Amount of repetition in making entries.
F. Adequacy of form in providing for deductions.
G. Ease of comparing with previous year's tax return.
H. Number of different schedules required.
I. Amount of space provided for making entries.
J. Length of form.
K. Ease of making a duplicate copy for personal records.
L. General organization and layout of form.
M. Need for outside assistance.
N. Similarity to previous year's form.
(*Show respondent 1970 Federal income tax forms booklet.*)
9. I would like you now to think specifically about the income tax form you used to prepare your return this year.
Looking through this booklet and the forms, do you recall a specific feature or item that caused a problem for you?
Yes.
No. (Skip to Q. 9b.)
a. What was it?
(*Point to peel off label.*)
b. Did you use this label?
Yes.
No.
Don't know (Skip to Q. 9d.)
c. Did you have any problem in peeling off the address label from the cover of the tax forms package and transferring it to the top front page of form 1040?
Yes.
No.
Don't know.
(*Point to index on front page of booklet.*)
d. Did you use the index when preparing your 1970 return?
Yes.
No.
Don't know (Skip to Q. 9f.)
e. Was the index very helpful, somewhat helpful or not helpful at all?
Very helpful.
Somewhat helpful.
Not helpful at all.
f. Do you remember seeing a question on this year's Form 1040 about foreign bank accounts?
Yes.
No.
Don't know (Skip to Q. 9h.)
g. What reaction, if any, did you have to the question on foreign accounts?
(*Point to second page (back) of form 1040.*)
h. This year the back of Form 1040 provided space for summarizing certain kinds of income (*Point to part II*), adjustments to income (*Point to part III*), credits (*Point to part V*), other taxes and payments, (*Point to parts VI and VII*). Which, if any, of these parts for summarization did you use?
Part II.
Part III.
Part V.
Part VI.
Part VII.
None (Skip to Q. 9j.)
i. Did you find this provision for summarizing helpful or not?
Yes—helpful.
No—not helpful.
No opinion.
(*Point to Part IV, tax computation.*)
j. Did you use this section to compute your tax or were you able to read your tax directly from the tables?
Used Part IV.
Did not use.
Don't know.
(*Turn to instructions pages 3 through 18 and leaf through them quickly.*)
k. Last year instructions were printed on the backs of the various schedules. This year the instructions have been kept separate and the schedules have been printed front and back. Which method do you prefer, this year's or last year's?
Prefer this year—1970.
Prefer last year—1969.
No preference.
l. To what extent, if at all, did you have trouble this year because the various schedules were printed back to back?
A lot of trouble.
Some trouble.
No trouble.
(*Point to tables, pages 14, 15 and back of package.*)
m. To what extent, if at all, did you have trouble reading these tables because of the small print?
A lot of trouble.
Some trouble.
No trouble.
(*Point to instructions, pages 3–13.*)
n. To what extent, if at all, did you have trouble reading the instructions because of the small print?
A lot of trouble.
Some trouble.
No trouble.
(*Point to front of Form 1040 (third page of booklet).*)
o. You will notice that the IRS has used blue shading as well as blue and red print. Do you find the use of color helpful or

would you prefer a white form with black print?
Prefer color.
Prefer black and white.
No preference.
10. In total, about how much time did you spend in preparing this year's tax return?
Amount of Time (Hours).
11a. As you may know assistance and information concerning the preparation and filing of income tax can come from different sources. For each of the following please tell me if you used it as a source of assistance this year.
Telephoned the Internal Revenue Service.
Visited the Internal Revenue Service.
Internal Revenue Service Supplementary Tax guides.
Privately published tax guides.
Articles in newspapers or magazines.
Speeches or articles provided by civic or other organizations.
Advice of friends/relatives.
Advice of accountant/lawyer.
Radio or television programs or announcements.
None.
b. Who was the sponsor of the helpful information you got this year from radio or TV? (Do *not* read list.)
(*Ask all.*)
12a. When you file your Federal tax return you can either take a standard deduction or you can itemize your deductions for such things as contributions, medical expenses, interest and certain taxes. For *this* year, that is, for 1970 taxes did you take the standard deduction or itemize your deductions? Did you take the standard or itemized deductions last year?
Standard deductions. This year 1970; last year 1969.
Itemized deductions. This year 1970; last year 1969.
(*Show Card C.*)
b. Which of the statements shown on this card best describes how you decided on whether to itemize or take the standard deduction?
Followed formula in instructions on bottom of Page 5 (point to page 5 instruction).
Worked out tax both ways and used method that resulted in lowest tax.
Was advised by someone else.
Just knew deductions would be too small to itemize.
Just knew deductions were large enough to itemize.
Always do it this way.
Some other way (please specify).
13. Generally speaking, what is your attitude toward the annual job of filing your Federal income tax return? (Probe)
14a. Were you aware that under certain circumstances the IRS will compute your tax? All you have to do is fill in the information on Form 1040 about your income, exemptions and marital status and mail it to the IRS. They will compute the tax due and refund any overpayment or send you a bill for the amount owed.
Yes.
No. Skip to Q. 15.
b. As far as you know were you eligible this year to have the IRS compute your tax?
Yes.
No. Skip to Q. 15.
c. Did you have your tax computed by the IRS this year?
Yes.
No.
d. Why not?
Skip to Q. 15.
e. Some people tell us that their main reason for having IRS figure the tax is to delay making their payment while others do it primarily to avoid having to make the computations. What was your main reason?
Delay payment.
To avoid computations.
Both important.
15. Were you entitled to a refund this year or did you have to pay?
Refund.
Pay.
16. Did you get a refund last year?
Yes.
No.
I would like to ask a few questions for the purpose of classifying your responses.
17. The income tax form you filed this year had different schedules which were to be attached to it. Please tell me which of the following schedules you used? (Show 1970 Form 1040 and read list)
Schedule A for itemized deductions.
Schedule B for dividends or interest over $100.
Schedule C for own business.
Schedule D for capital gains and mutual fund capital gain dividends.
Schedule E for annuities, pensions, partnerships, estates and trusts.
Schedule F for farm income.
Schedule R for retirement income credit.
18a. You mentioned that you filed Schedule R to get the retirement income credit. Did you also file for a retirement income credit last year?
Yes.
No.
Don't know (Skip to Q. 18d).
b. Were this year's and last year's forms the same or different?
Different.
Same.
Don't know (Skip to Q. 18d).
c. Which one did you find easier to work with?
1970 Schedule R.
1969 Schedule R.
No preference.
d. Were you aware that under certain circumstances the IRS will compute the taxpayer's retirement income credit as well as his income tax?
Yes.
No.
19a. For this year, that is, 1971 did you make a declaration of estimated tax on which you pay installments?
Yes.
No. Skip to Q. 21.
b. In filing their declaration some people try to estimate closely the tax that will be due in order to minimize what they will owe at the end of the year. Others try to pay the smallest required installments necessary to avoid penalties. Which situation would you say best fits your case?
Try to estimate total tax accurately.
Pay smallest installments to avoid penalties.
c. Did you do your Declaration of Estimated tax at the same time as your Form 1040?
Yes.
No.
d. Approximately one month before the 2nd, 3rd, and 4th quarterly estimated tax payments are due the IRS mails you a notice reminding you of the next payment date. How helpful is this notice to you? (Read list)
Very helpful.
Somewhat helpful.
Not necessary.
e. Do you figure your own Declaration of Estimated tax or do you have someone else do it for you?
Do by self.
Someone else does.
f. Who does it for you?
Friend, relative.
Internal Revenue Service.
Lawyer.
Accountant.
Tax preparation service.
Other. Skip to Q. 21.
g. What steps do you take to estimate your tax? (Probe)
h. What tax rate schedules, if any, do you use?
(*Shoe envelope set.*)
20a. Here is a sample of the envelopes IRS provides for mailing your declarations and installment payments. Did you find the envelopes easy to use or did they cause you some kind of problem?
Caused problem.
Easy to use.
b. Which kind of envelope would you prefer: the ones you got this year or regular self addressed loose envelopes like the one that comes with your Form 1040 package?
Prefer this year's.
Prefer regular business type.
21. Are you married, single, widowed, divorced or separated?
Married.
Single.
Widowed/divorced/separated.
22a. What is your occupation?
b. What business or industry is that?
23. What is the last grade of school you completed?
Some elementary school.
Graduated elementary school.
Some high school.
High school graduate.
Some college.
College graduate.
24. Approximately what is your age?
Under 20 years.
21 to 34 years.
35 to 44 years.
45 to 54 years.
55 to 64 years.
65 and over.
(*Show Card D.*)
25. What letter on this card represents your family income for 1970 before taxes?
A. Under $5,000.
B. Over $5,000 but under $10,000.
C. Over $10,000 but under $15,000.
D. Over $15,000 but under $20,000.
E. Over $20,000.
(*Record by observation.*)
26. Respondent's sex:
Male.
Female.
27. Respondent's race:
White.
Black.
Other.
Cluster Frame No.
Name.
Address.
City.
State.
Interviewer.
Household No.
Tel. No. Area Code.
Date.
Val. by.
Date.

THE LATE HONORABLE ADAM CLAYTON POWELL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. DULSKI. Mr. Speaker, the passing of Adam Clayton Powell is a time for both sadness and reflection.

Those of us who served with him in the House came to know him well for his persevering capability as a legislator. He served in this House for 13 terms and his legislative successes are a matter of record.

Dr. Powell was by vocation first a minister in the Baptist Church, having received his doctorate in divinity from Shaw University in 1934. For 40 years he was minister of the Abyssinian Baptist Church in New York City.

There is an appropriate relationship between Dr. Powell's two roles—minister and legislator. In both, he was striving to serve his people—and in this he succeeded very well.

As a member and later chairman of the Education and Labor Committee, Dr. Powell was outspoken and adamant in his support of legislation to help the working man, the uneducated, and the undereducated. He showed particular concern for the oppressed of every race, creed, and color.

Others, particularly members of the committee who served with him, can detail the areas and issues. But suffice it to say that Dr. Powell could take due credit for having brought to fruition some 50 major legislative programs in the fields of education, labor standards, and aid to the poor and the elderly.

There are few pieces of social legislation enacted since World War II which lack the imprint—to one degree or another—of Adam Clayton Powell. He was controversial, but so was nearly every subject with which he and his committee had to deal.

It is too soon to view with true perspective, but I venture to predict that when the history of the social changes of our times are evaluated, the initiative and leadership of Adam Clayton Powell will be most conspicuous and creditable. He was a man who knew his people and their problems and did his best to serve them faithfully in both his roles: as a minister and as a legislator.

UNIFORMED SERVICES SPECIAL PAY ACT OF 1972

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BROTZMAN. Mr. Speaker, I am pleased to join today with a number of my distinguished colleagues in introducing the Uniformed Services Special Pay Act of 1972. It is my conviction that the enactment of this legislation would give the military the authorization which will be necessary if the United States is to achieve its stated goal of an all-volunteer military force by the summer of 1973.

In the 90th Congress I introduced a resolution to express the sense of the House that an all-volunteer military was in the national interest and that such a force should be implemented at the earliest practicable date. Implementation is underway, Mr. Speaker, and I believe the provision of the Uniformed Services Special Pay Act will smooth the transition and assure the eventual success of attracting sufficient numbers of volunteers.

This legislation provides for four types of special pay. First, removal of the restriction on enlistment bonuses to those in combat elements will permit the Defense Department to apply special pay to high aptitude categories in short supply. Second, special pay would be authorized for those who enlist or reenlist into the Selected Reserve of the National Guard and the Reserves. Third, special pay would be authorized to officers with certain occupational skills. High bonuses could be provided to medical, dental, and other specialties. Fourth, the regular reenlistment program and the variable reenlistment program would be combined into a more cost-effective program designed to retain those in special skills.

Flexibility is what is needed to complete the transition to an all-volunteer force, and that is the aim of this bill. The Department of Defense would be allowed to selectively induce certain individuals to reenlist without being bound to a permanent, expensive, across-the-board bonus requirement. This should allow the military to cope with the problem expected to develop as large numbers of the last group of draftees leave the service.

As the economy of the Nation develops, the classes of occupational skills in which there are shortages constantly change. The bill would allow the Department of Defense to implement programs wherein the payment of wage differentials is based on the qualifications of the individual needed by the Armed Forces.

I have been advised, Mr. Speaker, that the Office of Management and Budget and the Secretary of Defense support this legislation which offers a cost-effective method of eliminating the need for draft calls.

SHARE REVENUE, GET OIL

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BOGGS. Mr. Speaker, on recent occasions I have taken the floor to discuss the need to establish a formula by which coastal States can be reimbursed for the public services they render in support of mineral production on the Outer Continental Shelf.

At the present time, 37.5 percent of the revenues derived from mineral production on Federal lands are directed to the States within whose borders the lands are located. This is manifestly fair, for it is the States that provide the roads, schools, hospitals and other public services which make mineral production possible.

Existing law does not provide for similar treatment of coastal States providing identical public services essential to mineral production on the Outer Continental Shelf.

This discrepancy in the treatment of inland States and coastal States has been studied and ably reported by the Times-Picayune and its distinguished executive editor, George W. Healy, Jr.

I am inserting the latest in a series of editorial reports by Mr. Healy, and calling it to the attention of my colleagues.

[From the New Orleans Times-Picayune, Mar. 29, 1972]

SHARE REVENUE, GET OIL

(By George W. Healy, Jr.)

Evidence is mounting, it seems to us, that the Congress of the United States is going to have to begin treating offshore federal lands as it treats inland federal lands.

That is, it is going to have to share with coastal states revenues from offshore lands if it expects those lands to produce more needed energy and to generate billions of dollars for the federal treasury. Certainly, unless it does this, the prospect of increased offshore energy and revenue production is not bright.

During the past four years more than $200 million was shared by the federal government with states having inshore federal lands which produced mineral and other revenues. Louisiana, Texas, California and other coastal states off whose shores billions of dollars have been produced from federal lands have received no share of these revenues.

What are the mounting circumstances which, we believe, must effect change in this inequitable situation?

Many states are resisting proposals for minerals exploration and production off their coasts. Nine state senators and assemblymen from Long Island are pushing four bills in the New York Legislature which would attempt to prohibit drilling in continental waters off New York. Massachusetts, through its governor's office, has stated that it is the public policy of the state to resist drilling to prevent possible damage to its fishing industry.

The fact is that the fish catch off Louisiana has multiplied almost six times since the first oil well was completed off the coast of this state.

Legal action is being taken to seek for the Atlantic Coast states which were among the original American colonies boundaries extending 100 miles into the ocean.

The paramount consideration in the offshore situation, in our opinion, is acute need for more production of energy by the United States.

According to William A. Radlinski, associate director of the Geological Survey, domestic production now meets 76 percent of the nation's requirements for oil and natural gas. By 1985, he expects domestic production will account for only 44 percent of domestic needs.

Mr. Radlinski recently told representatives of the oil industry that whether or not production from the Outer Continental Shelf is expanded will depend largely on reducing public fears of environmental damage.

There is another important consideration. We believe it will depend also on whether the Congress passes legislation providing for sharing with coastal states of revenues which expensive services performed by those states make possible.

States other than Louisiana, Texas and California are beginning to take active interest in the definite need for sharing of the offshore revenues.

The New York State Petroleum Council took note of this need in expressing its opposition to action at Albany seeking to stop or hinder offshore drilling. It pointed out that a factor which should be considered by the New York Legislature before it acts on restrictive bills is "Potential revenue sharing by coastal states in the royalties and bonuses from marine resource development."

Coastal states, obviously, could make good use of this revenue in land reclamation and environmental protection work as well as in other activity for the good of the whole nation. And, of course, the federal government would be sharing with them revenues which they deserve.

As national interest is focused on the growing energy shortage and on ecology, it seems to us natural that more attention will be received by the plight of the coastal states.

What, in our opinion, will be a most important meeting is scheduled in New York April 19–20. It will be a conference on energy and public policy arranged by The Conference Board.

The call for the conference by Alexander B. Trowbridge, board president, is a clear, concise statement of a situation which should

concern all Americans who don't desire to turn back the clock and again rely on the tallow candle for illumination, the pine knot for heat and the horse and buggy for mobility.

Mr. Trowbridge said:

"The security of any major nation depends upon its future supply of clean energy. For the first time in its history, the United States faces the problem of declining energy resources, conflicting concerns and philosophies about the use of energy, and mounting socio-economic expectations on the part of the public.

"This conference will attempt to identify the complexities of the problem and assess the costs and benefits involved in ordering the objectives and priorities of a public policy that will serve the best interests of all.

"The conference objectives are to document to the fullest practicable extent the energy supply-demand prospects of the United States; to set out the facts that suggest a problem of major national proportions for the period 1975–1985 and beyond; to distinguish what factors must be considered if we are to meet our energy requirements; to bring forcefully before the conferees, as energy users, the issues that will need resolution if we are to achieve a clean, economical and secure energy supply; and to provide to the public a clear understanding of the impact and tradeoffs that lie ahead in the management of our national energy resources."

Panelists will include representatives of government, industry and organizations directly concerned with protection and improvement of the environment.

The National Wildlife Federation will be represented. So will the Environmental Protection Agency. Producers of oil, gas and coal and distributors of energy will speak.

This conference, we hope and expect, will be one at which participants will listen to each other and look to the common good of all the people.

It should be an antidote for some of the shouting that has been done and still is being done about "energy versus environment."

As Dr. William M. Laird, director of the American Petroleum Institute's Committee on Exploration, has said, enormous amounts of energy are needed just to clean up the environment, "as well as to maintain our present standard of living."

Sharing with the states of revenues from federal offshore lands is becoming a more and more important part of the picture.

SAVE ST. ALBANS NAVAL HOSPITAL

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. PEYSER. Mr. Speaker, at a meeting on January 18, 1972, of the Retired Officers Association, Knickerbocker Chapter, an organization of over 500 retired officers of all services up to the rank of lieutenant general and admiral, the following resolution was passed regarding the rumored closing of the St. Albans Naval Hospital by the Bureau of Medicine of the Department of the Navy.

Be it resolved that we view with great concern the rumored closing of the St. Albans Naval Hospital. We deem its services to be invaluable to us and our families, as they are no doubt, to the thousands of other retired personnel and their dependents in the metropolitan area. The closing of this hospital would cause irreparable harm to all of us who consider the services of this institution an essential and rightful privilege we have earned and are entitled to.

I remain very concerned about this situation and certainly endorse this resolution, and commend it to the attention of my colleagues in the House.

OHIO AND BOY SCOUTING

HON. WILLIAM J. KEATING

OF OHIO

Monday, April 17, 1972

IN THE HOUSE OF REPRESENTATIVES

Mr. KEATING. Mr. Speaker, Boy Scouting has long been a proud heritage in this country and has played a vital role in developing responsible young men who are able to meet the challenges of this Nation.

I would like to share with my colleagues certain information on the Boy Scouting programs in Ohio.

Ohio provides, of course, a location for important national and regional Scouting events and meetings. As one example, in this past July, Cincinnati served as a center for regional training in the use of the Scouting paraprofessional—a new Scouting concept. But Ohio has made its largest contribution to the Scout movement through its people who serve as leaders of the movement.

Five men from Ohio serve on the BSA executive board. Dwight J. Thomson of Cincinnati, director and special assistant to the chairman of the U.S. Plywood-Champion Papers, Inc., has served since 1962. He is also secretary of the U.S. Foundation for International Scouting. Jeffrey L. Lazarus of Cincinnati, honorary chairman of the board of the John Shillito Co., has served since 1956. Edward L. Kohnle, chairman emeritus of the Monarch Marking System Co. in Dayton, has served since 1953. John R. Donnell of Findlay, senior vice president and director of the Marathon Oil Co., has served since 1953.

Mr. Thomson, Mr. Lazarus, Mr. Kohnle, and Mr. Donnell have received scouting's three highest awards: the Silver Beaver, Silver Antelope, and Silver Buffalo. Lastly, Walter L. Lingle, Jr., of Cincinnati has served since 1954 and is a member of the U.S. Foundation for International Scouting. Mr. Lingle, executive vice-president of the Procter & Gamble Co., has received the Silver Beaver and the Silver Buffalo Awards for his distinguished service to boyhood.

The two men serving on the BSA advisory council are E. J. Thomas of Akron and Oliver P. Bolton of Cleveland. Mr. Thomas, chairman of the board and chief executive officer of the Goodyear Tire & Rubber Co., has been a member of the council for 7 years and is a former BSA executive board member, serving for 14 years. For his service to scouting and to boyhood, he has been presented with the Silver Antelope and Silver Buffalo Awards. Mr. Bolton, associated with Prescott, Merrill, Turben & Co., and an ex-Member of the U.S. House of Representatives, was also a member of the BSA executive board. He was presented with the Silver Beaver and Silver Antelope Awards.

Two men from Ohio are regional executive committee vice chairmen. They are Morris B. Martin of Springfield and Paul H. Pheiffer of Sandusky. Reuben Hitchcock, Jr., of Cleveland was chairman in region 4 for the promotional efforts for the XIII World Jamboree in Japan. Last year the Silver Antelope, for service to boyhood on a regional level, was awarded to William H. Graham of Galion, Judge Perry B. Jackson of Cleveland, Walter C. Langsam of Cincinnati, and Joseph A. Meek of Akron.

Scouting's contributions to Ohio are typified by its program to Save Our American Resources. On just the 1 day, June 5 of this year—Scouting Keep America Beautiful Day—10,000 adults and 60 Scouts collected 1,200 tons of litter, spruced up 15,000 acres of parklands, and cleaned up 2,700 miles of State highways and rivers. This part of the complete program has been so successful that the BSA Executive Board has extended Project SOAR for another year.

Operation Reach is Scouting's approach to the drug abuse problem. Begun by the Boy Scouts of America as a pilot program in a few areas, Operation Reach is now being instituted throughout Ohio and the rest of the country.

The Scout councils in Ohio maintain 38 camps, which cover more than 15,000 acres. Last year 41,000 Scouts and Explorers participated in long-term camping at these camps. The camps additionally hosted 1,173 disadvantaged non-Scouts. From all parts of the country, Scouts and Explorers come to use 70 camping facilities and historic trails in the Buckeye State and are part of the BSA National Campways tour program.

Ohio's 23 Scout councils serve a total boy membership of 232,000. Included are, as of the first of this year, 12,000 young adults in Exploring, 97,000 Scouts, and 123,000 Cub Scouts. Working with these youths are 80,000 adult volunteers and a professional staff of 231.

But Scouting in Ohio provides not just quantity, but quality as well. Scouting's Honor Medal for lifesaving at the risk of one's own life went last year to Eagle Scout Bruce Lamberson, age 16, troop 15, sponsored by the Plymouth Church of Shaker Heights, and Eagle Scout David Potter, age 17, of troop 186, sponsored by Saint Johns Lutheran Church of Columbus.

All in all, Ohio has been and continues to be valuable to the Boy Scouts of America; as Scouting has been and continues to be valuable to the State of Ohio.

THE AMERICAN MERCHANT MARINE

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. LENNON. Mr. Speaker, in recent hearings before the House Merchant Ma-

rine and Fisheries Committee, Mr. O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy, testified on H.R. 12324, to amend the Cargo Preference Act on oil quota imports.

Mr. Strackbein makes a contribution toward an understanding of the problem of maintaining a viable U.S. Merchant Fleet, and I would like to share his testimony with other Members of Congress. His statement follows:

THE AMERICAN MERCHANT MARINE: EXTREMELY ENDANGERED SPECIES

The American public is properly concerned about the preservation of certain species of the animal world. We read much about the imminent extinction of the bald eagle, the great western condor, the sperm whale, the grizzly bear and other species regarded as ecologically valuable and worthy of preservation.

The American merchant marine is threatened with extinction no less surely and relentlessly than the animal species that are finding survival more difficult year after year because of the encroachment of civilization.

The conditions of competition under which our merchant marine operates are no less onerous and no less threatening to survival than those faced by the animal species that give us concern.

If the animal species about the survival of which we are concerned are really to survive we must create the conditions that will assure their survival. If our merchant marine is to survive we are equally obliged to create the conditions necessary for its survival. Present conditions do not augur well for such a result.

We have an unfortunate tendency in this country to indict an industry for inefficiency if it cannot compete with foreign rivals. Even if we ourselves, the public, by legislation or otherwise load onerous handicaps on an industry we expect it nevertheless to compete with foreign rivals that are not similarly burdened. It may indeed be true that the burdens we have laid on our industry is justified, or at least is so regarded by the electorate. This fact does nothing, however, to sharpen the competitive edge of any industry if its foreign competitors do not carry an equal or similar burden.

There has spread in the public mind the idea that American industry is no longer as dynamic, as eager to overcome obstacles and as ambitious, if you please, as in the past. There may be some truth in the indictment; but the quality of incentive may have as much to do as anything else with any decline in that respect. If domestic shipping is inefficient how do we explain the efficiency of our foreign flag vessels that often operate under the same management? Are the operators suddenly transformed when they operate under a foreign flag? If our industry as a whole has become slack, lack-lustre or even lazy, how do we explain the profitable operation of the numerous enterprises that have been built in recent decades through $80 billion in direct private American investment abroad?

No! American industry, be it shipping, mining or manufacturing, unquestionably still responds when the outlook for profits is sustained by foresight and informed calculation. When, however, the odds are so obviously negative that venture capital would be lost, the incentive necessary as motivation is gone. Then apparent apathy seizes our entrepreneurs. The deciding factor is really then a matter of degree of negative probabilities. If these are overwhelming, stagnation will unquestionably follow. If the outlook, though cloudy, still offers some hope, some venture capital will come forward, but not in torrents. The brighter the outlook, the freer will be the flow of investment capital.

Saying this is, of course, not to reveal some hidden truth. Yet it is necessary to say it in reply to the indictments constantly aimed at American industries that face ruinous import competition. Among these industries our merchant marine is perhaps Exhibit No. 1 in point of naked exposure to foreign competition.

Other industries may have some marginal offset through a tariff on imports. Moreover, much of the American market lies inland from ports of entry. Freight charges on imported goods moving to markets lying at varying distance from the ports of entry offer further competitive insulation. In some instances the heavy costs of moving imported goods far inland virtually delivers the market to domestic producers. Does that fact make such industries less efficient?

Ships do not pass through our customs and there is no tariff on the service they render even if they operate under a foreign flag. Therefore, to repeat, if the cost of *shipbuilding* in American yards is higher than in foreign yards there is no tariff and no inland freight charge to act as an offset. If the cost of ship *operation* is higher on American ships than the foreign, again, there is no offset. The competitive confrontation with foreign shipping is flat-footed. There is no cushion, no insulation.

If the higher costs of American shipping arise from the operation of national policy, such as wage and hour laws, obligatory collective bargaining, insistence on higher standards of living, in terms of space per crew member, food, sanitation, safety, etc., the resulting competitive weakness of the shipping enterprises is not their responsibility; and it is an unfair indictment to lay the blame on them.

The subsidies authorized by Congress, both for ship construction and ship operation, have been voted in recognition of the gaping cost-differential referred to. It is often said that subsidization itself leads to complacency and promotes indolence. While this contention appears to be logical it is solidly refuted by the amazing increase in productivity recorded by our agriculture under the system of price support that has been in effect over 35 years. In point of increasing productivity our agriculture has well outstripped manufacturing industry as measured by output per man-hour. An assured financial return might indeed produce the opposite effect if the income could not be increased by additional effort. The record of rising productivity of our agriculture clearly demonstrates that an assured income *combined with the possibility of enhancing it* if methods of production are improved and greater effort put forth, far from producting indifference or idleness, boosts output and productivity. What has this record of our agricultural program to do with merchant marine policy? We shall see.

It is indeed the policy of this country to maintain a merchant marine that is able to carry 100% of coastwise cargo and a substantial portion of its foreign commerce. This policy, imbedded in law, was reaffirmed in the Merchant Marine Act of 1970. Moreover, appropriations have been voted by Congress designed to inaugurate the implementation of the policy.

Yet, the fact is that capital is not rushing into the void. Venture capital should not be regarded as over-timid if it foresees chilling competitive realities. Foreign costs of shipbuilding have averaged less than half of our costs; and the same is true of ship operation. An average, of course, conceals both the costs that run above and below the average. This means that foreign builders and operators whose costs are even below the average of 45–50% of our costs are hidden among our competitors.

If we seek an explanation of the difference between the response of our agricultural producers to governmental incentive payments, on the one hand and that of our merchant marine, on the other, we have only to examine some of the collateral legislative or administrative measures that accompanied the agricultural subsidies. The subsidy of shipbuilding and ship operation itself falls far short of the support that was and is extended not only to agriculture, but to other segments of our economy.

The agriculture program of price support, acreage withdrawal and soil conservation, was accompanied by very restrictive import quotas on wheat, wheat flour, raw cotton, sugar, dairy products and other items. Wheat and wheat flour imports were limited to less than 1% of domestic production. Raw cotton imports were held to less than 5% of domestic production. Imports of dairy products are similarly limited. Most of those restrictions have been imposed under Sec. 22 of the Agricultural Adjustment Act.

Thus, in addition to a guaranteed price, supported by payments from the Treasury, these various crops were awarded a virtual monopoly of the American market.

Our merchant marine, it is true, enjoys 100% of our coastwise trade; but on the seaward side there is nothing other than limited cargo preferences that reserves a percentage share of our export trade to our merchant marine. In other words there is no counterpart to the import quotas on agricultural products which reserve nearly the whole of our market for our domestic producers.

In the field of transportation *other than ocean shipping* we encounter a monopoly of the domestic market similar to that accorded various agricultural products through import quotas. Air transportation, both passenger and cargo, is reserved for American airlines. This monopoly represents a very sharp difference in treatment of two arms of our extra-territorial transport system. Railroad transportation is a natural monopoly for domestic companies. Even trucking is immune to foreign competition. If air traffic within this country can properly be reserved to American airlines, why cannot at least a "substantial" share of ocean shipping in our import and export transactions also be reserved for American-flag ships, whether subsidized or not.

We may be sure that our airlines would soon fall to the low level of our merchant marine, which now carries only approximately 5% of our total import-export tonnage, should air transportation be opened without restriction to foreign airlines. In the case of the agricultural products enjoying import quota restrictions, there can be little doubt that despite our price support of agricultural products, our wheat, cotton, sugar, peanut growers, and or dairying would all be subjected to ruinous import competition should the import quotas be lifted. The price support of itself would not save them because huge unsold stocks would burst out of our warehouses with costly consequences to the Treasury.

For the same reason our maritime subsidies of themselves cannot rescue our merchant marine.

Beyond the monopoly of the domestic market enjoyed by our airlines, they also enjoy considerable Federal subsidies. In 1971 these came to a total of well over $900 million. By comparison the ship operation subsidy administered by the Maritime Administration totaled $277 million and the ship construction subsidy granted by the Department of Commerce reached a total of $140 million. The two combined were less than half the subsidy to air transportation. (Statistical Abstract of the United States, 1971, Table 583, p. 377). 1971 agricultural subsidies were $5.4 billion, est.).

The competitive position of our merchant marine is such today that but for cargo preferences (military and Foreign Aid shipments) our flag ships would have only negligible cargoes, if any, to carry. The Cargo Preference Act of 1954 prevented the final wrecking of our merchant marine. However, this preference is minuscule compared with the virtual monopolies of the domestic

market bestowed on other forms of transportation and leading agricultural products.

Luckily in the field of our maritime activity, from shipbuilding to ship operation, we have a solid statistical base for our judgments and conclusions. The Federal government conducts surveys of actual costs both of ship building and ship operation, here and abroad. We are not reduced to guessing or theorizing when we speak of the cost differential of over 100%. It is a fact of life; and no amount of demagogy can hide the truth.

Moreover, as already said, the merchant marine, outside of the subsidy, enjoys no competitive cushioning in the form of a tariff or inland freight, such as many other industries do enjoy, albeit often to an insufficient degree in view of the wide cost-differentials they also suffer in their competitive confrontation with foreign producers.

To impugn the efficiency and vigor of our industry represents a gratuitous and baseless libel. As already observed, our agriculture which, according to economic or psychological theory, should have become fat, complacent and indolent, under Federal subsidy and import quota protection, has proved the complete opposite to the world, as we have seen.

The upshot of the foregoing is that H.R. 12324 which would amend the Cargo Preference Act by extending it to 50% of the petroleum imported by this country under the oil import quota program, is justified on all counts here considered and would represent a step toward removal of the highly discriminatory treatment that has characterized our management of the public aspects of the welfare of our merchant marine.

This is not to say that the extension of this preference as proposed would bridge the wide competitive gap that separates our merchant marine from its foreign counterpart. To do this will cost money just as surely as all other desirable economic and social objectives cost money; but very much less than many other programs in the public sector.

Alternatively we could regain our historic position in moving world trade if we should repeal the laws that have led to our increased costs. The possibility of doing so even if it were desirable approaches zero as a limit. Therefore, accepting the competitive consequences of our many enactments that raise costs, as fixtures, we must also accept the consequences and stop making a whipping boy out of our merchant marine unless we are bent on killing it. That would be in direct violation of national policy, as already noted. Extension of the cargo preference as proposed under H.R. 12324 would represent appreciable assistance and buy time for other and more far-reaching measures. The bill out of equity, fairness and the national interest, should be enacted.

DECISIVE ACTION IN SOUTHEAST ASIA SURPRISES HANOI: WILL SPEED END OF WAR

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HUNT. Mr. Speaker, the intense bombing of North Vietnam—including the strategic Port of Haiphong and military targets near Hanoi—over the weekend should not surprise anyone and, in fact, it should be welcomed as the kind of decisive action that will quicken the end of the war and insure the safety of our remaining troops as their withdrawal continues.

It is less than amusing that most of the Democrat contenders for the Presidency persist in their criticism of the President's Vietnam policies, because it is becoming increasingly clear that that kind of criticism manifests the devisiveness among our population upon which the North Vietnamese war effort has been sustained. Ironically, however, the North Vietnamese obviously overrated their propaganda successes of the past when they embarked on their massive invasion of South Vietnam across the Demilitarized Zone, because they must have felt sure their sanctuaries in the north would continue to be respected in committing 12 of their 14 regular army divisions to the invasion.

Frankly, I believe the decisiveness of the President's recent actions is the only assurance our remaining American troops in South Vietnam have that their orderly withdrawal will be protected and that their very lives will not be sacrificed by the likes of present-day war antagonists whose mealy-mouthed policies would have our men lay down their arms in surrender and become bunch of sitting ducks in a Sunday shooting gallery. It must indeed be puzzling to our men still in Vietnam, as it is to me and I am sure the large majority of Americans, that the massive North Vietnamese invasion of South Vietnam, including attacks on American men and facilities, was met with silence by the very same individuals who now characterize our response as a dangerous escalation of the war.

Perhaps the shallowness of that position is now revealed to the North Vietnamese and will no longer lure them into the false sense of security they have evidently relied upon in calling the shots so far. The language of decisive action is something about which there is no mistaking the meaning.

Whereas the "peace" talks at Paris have long been acknowledged as a propaganda forum serving only the interests of the North Vietnamese and the Viet Cong, it is now a curious turn of events that the North Vietnamese are begging to begin the talks again in earnest. This, I should think, is evidence of the strategic part the talks have played in the overall conduct of the war by the North Vietnamese. As the President said last January, in disclosing the secret negotiations with the North Vietnamese:

> If the enemy wants peace, it will have to recognize the important difference between settlement and surrender.

THE FARMER AS THE GOOD GUY

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BETTS. Mr. Speaker, recently there has been a great deal of discussion and controversy as to who is responsible for the increase in food prices. Fortunately the Secretary of Agriculture, Hon. Earl Butz, has made a great contribution in the way of explaining the farmers' position. I am inserting in the RECORD at this point an article he wrote which appeared in the New York Times, April 15, 1972. Those who are so anxious to blame the farmer for the high cost of food should read this and realize how little he contributes to the problem. The article follows:

THE FARMER AS THE GOOD GUY

(By Earl L. Butz)

WASHINGTON.—So your food is costing you more these days, isn't it? And you know why. It's those farmers who are pushing their prices higher and who are grabbing an ever bigger chunk of your hard-earned family income, right?

Wrong.

Food prices have gone up. And farmers are getting more. It was recently reported on one of the national television networks—with the usual barely concealed tone of despair—that beef cattle prices have reached the level of twenty years ago. Can that be right—just up to levels of twenty years ago?

True.

The rancher is getting the same price for his beef that he was getting twenty years ago. What other products that the average family buys are only now reaching the 1952 price level? "But," you say, "I'm not buying beef at 1952 price levels. Beef costs me more—quite a bit more—at the store." Right again. Let's see both why food is costing more and why it isn't even higher:

As everybody knows, one of the most effective antidotes to high prices of anything is to increase productivity. The National Productivity Commission has singled farmers out out of their record on productivity:

A man-hour of work on the farm is producing 3.3 times more than it was twenty years ago. Output per man-hour in the industrial manufacturing sphere is only 1.6 times greater than twenty years ago. Thus, output per man on the farm is increasing twice as fast as it is in the industrial sector.

In 1951, one farm worker supplied sixteen people with food. Now he produces enough for 51 people—more than three times as many as two decades ago.

Twenty years ago the average American consumer paid $23 for food from $100 take-home pay. In 1971 he spent $16 from $100 of take-home pay for food, and he will pay out even less this year. Nowhere else in the world does food take up such a low percentage of the consumer budget.

These outstanding gains have been achieved against some pretty difficult obstacles for farmers. The pricing of farm products is very competitive in this country. Most foods are perishable products. Farmers have to sell them almost the day they are ready. Farmers can't hold milk or eggs very long—even meat animals have to go to market when they reach the right weight. Farmers can't wait for higher prices. And they are less able to pass along their costs than other major economic groups. They don't enjoy industry-wide contracts, franchises, patents, licenses or territories, nor do they have the economic ability to force higher prices and hold them.

Farmers are paying 2.3 times higher wage rates now than they were twenty years ago.

The level of all prices that farmers pay for all purchases has gone up nearly 50 per cent from twenty years ago, and farmers' total production costs have nearly doubled.

Real estate taxes on farms are 3.8 times higher than they were two decades ago.

Indeed, the evidence suggests that farmers, far from getting too much of the national income, are still getting far too little.

Nevertheless, the prices of many farm products have gone up lately, and many people are concerned about it. They have a right to be. But they should be directing

their concern at the proper place. Check these figures:

Farm prices for food products are up 6 per cent from twenty years ago. On the other hand, wholesale food prices are up 20 per cent and retail prices a hefty 43 per cent.

Farmers receive only 38 cents from the dollar consumers spend for farm-raised food—down from 49 cents twenty years ago.

Employes in food marketing firms are getting 2.5 times higher wages than twenty years ago; wages for production workers in manufacturing industries are 2.3 times higher than twenty years ago.

The American farmer, far from the corporate landowner he is sometimes portrayed to be, is a hardy and hard-pressed family farmer struggling to earn an income. The rising costs that are really responsible for rising food prices are in the 62 cents of each food dollar that go to the middleman—they are the truckers, marketeers, packagers and retailers who operate between the American farmer and the American consumer.

Recently, one of the leading labor leaders in this country complained that food prices were going up, citing a story Secretary of the Treasury John Connally told about paying $5 for two eggs in a plush New York hotel. The labor leader noted that those eggs brought the farmers whose hen laid them exactly five cents. Maybe it's time he also took note of the fact that neither the prices of eggs in plush New York hotels nor the prices of anything else will stop rising until he and many others who are criticizing President Nixon's economic program while pressing for ever-higher labor costs stop making them go up.

NEW MUSIC COMPLEX IN CINCINNATI—THE PATRICIA CORBETT PAVILION

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. KEATING. Mr. Speaker, the Saturday issue of the Washington Post had an article by Mr. Paul Hume in the opening of the Patricia Corbett Pavilion of the University of Cincinnati's College Conservatory of Music.

The opening of the Corbett Pavilion is the most recent contribution that Mr. and Mrs. J. Ralph Corbett have made to the city of Cincinnati.

In 1967, the Corbetts donated two auditoriums which have brought their contributions to $5.5 million, and have created one of the world's finest centers for the training of young musicians.

The Corbetts were also responsible for the complete renovation of Cincinnati Music Hall by donating $3.5 million in matching grants.

The entire hall has been completely renovated and the stage and backstage area has been prepared for the Cincinnati summer opera.

In the past, the Cincinnati summer opera, which is the oldest summer opera in America, has performed in an open pavilion at the Cincinnati Zoo. Now the opera will be able to carry on its tradition in the beautiful new music hall.

With the Corbett Foundation's most recent grants, Cincinnati Music Hall is now the center for both the world renowned Cincinnati Symphony Orchestra and the Cincinnati Summer Opera.

The Corbett's have also given generously to the Cincinnati hospitals. They recently donated $250,000 to Cincinnati's General Hospital for continued cancer research.

At the request of the famous heart surgeon, Dr. Cooley, the Corbett Foundation donated $100,000 to the Texas Heart Institute in Houston to provide special equipment for their emergency recovery room.

The following article demonstrates the great generosity of Mr. and Mrs. Corbett and the contribution they are making to our city of Cincinnati and the Nation:

CINCINNATI: NEW MUSIC COMPLEX, U.S. PREMIERE

(By Paul Hume)

CINCINNATI.—In what is certainly one of the loveliest intimate opera theaters in the world, Cincinnati is enjoying this week the American premiere of "Callisto," by Francesco Cavalli, a Venetian genius who wrote his music 300 years ago.

The opera production is only one of the events in a week of dedicatory programs celebrating the opening of the Patricia Corbett Pavilion of the University of Cincinnati's College Conservatory of Music. Last Tuesday's ceremonies included a performance of "The Martyr," by Carlisle Floyd, a recital on the handsome Casavant organ that stands against one wall of the new theater, and two ballets by the Cincinnati Ballet Company.

The opening of the Corbett Pavilion in Cincinnati, with its superb facilities, exemplifies a new regional emphasis on opera, as the art expands into many promising new musical centers across the country.

The Pavilion, built at a cost of more than $5 million, is a stunning complex housing a 400-seat theater, facilities for dance training and performance, and a production shop for set design and building. It stands just beyond Corbett Auditorium and Mary Emery Hall, two buildings dedicated five years ago, that house the College Conservatory of Music. Also running more than $5 million, those buildings, given by Mr. and Mrs. J. Ralph Corbett of this city, provide one of the finest centers in the world for the training of young musicians in every branch of the art.

Planned as home for all kinds of music presentations, the Pavilion is an ideal size for intimate opera, dance of every era, chamber music and many other musical forms. Set in a hollow, its buildings, placed fanwise are surrounded by multi-level, landscaped plazas, designed for outdoor concerts as well as student recreation.

In the theater, concrete walls are broken up into myriad reflecting surfaces by slightly raised, abstract designs. The stage is moderately thrust into the house whose seats are on a sharp rise that gives perfect sight and sound to each one.

The whole thing is a striking tribute to its designer, Ming Cho Lee of New York City. The stage facilities easily handle the demands of Cavalli's grand baroque conventions.

"Las Callisto," as its Italian original had it, was revived in that language at England's Glyndebourne Festival in 1970. This week's four performances at the Corbett Pavilion mark the first time for it in this country and its first production in English anywhere.

As Washington knows from the Opera Society's recent performances of Cavalli's "L'Ormindo," operas of this era ask for superb vocal art concealed in a generally quiet pastoral style. Interrupting the quiet from time to time are angry outbursts, and humorous episodes in what today seem a naive manner, but one that was, originally, a highly sophisticated affair.

In the Pavilion's deep orchestra pit, conductor Carmon Deleone, an assistant conductor with the Cincinnati Symphony, turned in a masterful account. His student orchestra included two large harpsichords, and harp, plus the usual winds and strings of the period, supplemented by the organ, superbly played in total darkness—to avoid light distracting to the audience—by Sylvia Plyler.

The entire production was a student affair, with sets and costumes designed and built there, and dancers, chorus, and soloists all from the Conservatory. Cavalli asks today's singers for technical feats with which they have little acquaintance and no experience. By and large the singing was adequate to give a clear idea of how the music should go, without coming very close to real art or vocal style.

The English translation, handsomely done by Geoffrey Dunn, was clearly projected in every case, so that the audience could enjoy the wit, often biting, of the adaptation of the naughty episode from Ovid.

Thanks to the munificence of the Corbetts, the Cincinnati College Conservatory now has magnificent facilities of all kinds to offer its students opportunities to achieve complete command of the musical arts. If it all works out well, this city could become one of the great world centers for the entire art.

EQUAL OPPORTUNITY AT FPC

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. WYMAN. Mr. Speaker, the Nixon administration's policy to afford equal opportunity to women as well as minority groups is producing results. At the Federal Power Commission under the capable leadership of Chairman John Nassikas, the number of women in professional and technical positions has risen by more than 60 percent and nontechnical by 11 percent.

A recent column by Edith Roosevelt appearing in the Manchester, N.H., Union-Leader describes in some detail these creditable accomplishments of Mr. Nassikas at FPC, who, as Mrs. Roosevelt writes, merits commendation for his enlightened personnel policies.

The article follows:

EQUAL OPPORTUNITY AT FPC

(By Edith K. Roosevelt)

WASHINGTON.—The principle of equal opportunity for women in government is being unobtrusively implemented at the Federal Power Commission under the Chairmanship of John N. Nassikas of Manchester, N.H.

FPC personnel records show that since Nassikas took office, there has been during a two-and-one half year period an unprecedented increase of 55 per cent in the number of women employed. The increase has been specifically in the professional and technical categories, including the better paid positions where women are usually hired or promoted only in token numbers.

Between Aug. 1, 1969 and Jan. 1, 1972, the total number of women at the PFC in all categories rose from 325 to 360, an approximately 11 per cent increase. At the same time, the number of women in professional and

technical positions at the FPC rose from 68 to 111, an increase of more than 67 per cent or by two thirds.

The total number of FPC employees was 1,093 on Aug. 1, 1961, as compared with 1,099 as of Jan. 1 of this year. Thus, the number of women employees have increased in proportion to the number of male employees while the total number of employees has been approximately constant.

"I'm not giving women any special treatment," Nassikas said when questioned about the change. "This would be patronizing. All I've been doing is simply allowing women to compete in this country, quite a few get hired and promoted strictly on their merits."

Who are the women in professional positions in the FPC? They include lawyers, financial analysts, public utilities and environmental specialists and statistical assistants.

Diverse in backgrounds and specialties, the professional women at the FPC, which this correspondent met, all agree on one thing: They had been given an equal opportunity to compete and they enjoyed their work.

Susan Thomas Shepherd, at the age of 30, makes a salary of $22,000-a-year as an attorney in the Office of the General Counsel.

With long blonde hair and wearing a leather mini-skirt, she has the "with it" appearance of a fashion designer or even a movie starlet rather than the trial lawyer in a technical field that she is.

Yet, according to FPC Executive Director Webster P. Maxson, "Mrs. Shepherd is generally considered to be one of the FPC's most competent litigators."

WOMEN HAVE ADVANTAGE

A young woman with a great deal of determination, Mrs. Shepherd recalls that she resigned from her job with a Des Moines law firm five minutes after the firm informed her that the most she could hope for when she had a law degree was to be the firm's head legal secretary.

Fortunately, she said, she found more enlightened attitudes elsewhere.

"Women lawyers are more accepted in the Eastern part of the country. In the Middle West law firms are afraid women have an advantage," Mrs. Shepherd said.

Does Mrs. Shepherd have any recommendations to would-be lady lawyers on how to get ahead in government or private industry?"

"I think it's a good idea to find out first hand how offices are run before you try to get a job with a law firm," she replied.

This is just what Mrs. Shepherd did herself. She attended a trade school where she learned stenography and, in this way, was able to work her way through both college and Drake Law School. Her knowledge of the nuts and bolts of law offices enabled her, on graduation, as a corporation council with the Iowa State Commerce Commission where she did both law work and supervised clerical work.

As in many modern marriages in which both husband and wife work—her husband, Roger, is a research mathematician studying for his Ph.D. at the University of Maryland. Mrs. Shepherd's husband does his share of the household chores and, in particular, handles the family budget.

"I just have a check book and a handful of credit cards," Mrs. Shepherd said. "My husband does all the figuring."

Mrs. Ruth G. Van Cleve is another attorney who has found that the FPC is glad to use her outstanding talents. She is employed in the Office of General Counsel as Special assistant to the Commission. Her $30,701-a-year job involves working with the Commissioners and preparing formal Commission opinions and decisions. Formerly Director, Office of Territories at the Department of the Interior, Mrs. Van Cleve, received the Federal Woman's Award in 1966.

Mrs. Van Cleve was hired by Nassikas late in 1969 because he was impressed by her qualifications and reputation. Before her arrival at the FPC, her job was formally contested by two male attorneys at the FPC who wanted the position, but Nassikas ruled that Mrs. Van Cleve should have the job.

NO DISCRIMINATION

"Discrimination? I never found any," said Mrs. Van Cleve. "As a matter of fact, since women in good jobs are still a novelty, the men tend to listen to you at meetings since you are something of a curiosity."

A mother of three school-age children, Mrs. Van Cleve, is married to another attorney. She says that she and her husband, Harry Van Cleve, "like to discuss our law work together."

The Van Cleves divide the household work along traditional lines with Mrs. Van Cleve doing the "fuss work—the shopping and taking the children to their dental appointments."

"He prefers the big picture," she said, "such as painting the walls of our home. He also takes responsibility for our share of community activities."

Her life style differs from that of Mrs. Shepherd in that, she said, "It's me that handles all the money matters. My husband doesn't like to spend money."

The Van Cleves own a house in Fairfax County, Va. Both enjoy gardening.

The FPC's Miss Mary Kidd has a different background than the other two in that she started at the bottom with the FPC—as a $2,500-a-year clerk in 1946. Today, Miss Kidd is making about $22,000 as an assistant to the secretary of the FPC, an office responsible for the orderly processing of all matters coming before the Commission under the Federal Power Act and the Natural Gas Act. The office also serves as liaison between industry representatives and FPC staff members.

Nassikas took a personal interest in Miss Kidd after having been impressed by her efficiency and competence in his contacts with her. When her present job became vacant, on Nassikas' iniative, she was jumped to a higher grade with the approval of the Civil Service Commission.

Miss Kidd has this advice to young girls wanting to climb their way up the executive ladder:

"You have to be willing to apply yourself and to do more than is required of you."

Even in her time off the job, Miss Kidd was preparing herself for a better position. Working days at the Commission, she attended George Washington University for several years until she got her Bachelor of Arts Degree.

But there are rewards when you finally make it up the executive ladder—both professional and personal. As a single woman, Miss Kidd's hobby is foreign travel and meeting people from all over the world.

WILLING TO LISTEN

Miss Kidd was formerly chairman of the Evening Group of Welcome to Washington, an international social organization dedicated to building friendships across international boundaries. When she goes to foreign countries on her vacation, she visits the many interesting friends that she has made in this way.

What do these women employees think of Nassikas as a boss? Interviewed separately, all of them singled out his one quality:

"He's always willing to listen."

A man with an open mind—who considers each person as an individual and on the basis of what he or she can produce—this description fits the FPC Chairman. It goes a long way towards explaining the enlightened personnel policies which prevail at the Federal Power Commission.

CARGO THEFT—A NATIONAL DISGRACE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. PICKLE. Mr. Speaker, earlier today on the House floor, I made comments on a television documentary that pointed out the magnitude of the cargo theft problem facing this Nation. I would like to follow up my floor statement by inserting for the information of the Members an article written by Gen. Benjamin O. Davis. This article appeared in the March 20 edition of Traffic World. General Davis is the Assistant Secretary for Safety and Consumer Affairs at the Department of Transportation. I salute General Davis and DOT for the efforts that they have made toward organizing and coordinating the actions of Government, industry, and labor to control cargo theft.

The article follows:

GOVERNMENT ACTION MAY HELP BUT INDUSTRY AND LABOR HOLD FINAL SOLUTION TO CARGO THEFT CRISIS

(By Gen. Benjamin O. Davis, Assistant Secretary for Safety and Consumer Affairs, Department of Transportation)

America's distribution system has a costly Achilles' tendon. Its weakness is theft—a weakness that has resulted in an estimated $1.5 billion in losses through cargo theft and pilferage in 1970.

Obviously, current security measures designed to detect and prevent these crimes of theft and pilferage are inadequate. So the vicious circle of higher insurance premiums, higher prices for the consumer and increasing confidence among criminals has resulted.

We all know that goods in transit are vulnerable to theft. But at the Department of Transportation, we believe that goods are only as vulnerable as people, like you and me, allow them to be. We also believe that an ounce of prevention is worth a pound of regrets. And we are concerned enough about the problems of cargo theft and pilferage to back up our words with action.

Cargo theft is a problem that demands action and concerted action by government, labor and industry now. We cannot afford to and will not wait for even greater drains on our economy from this invidious threat before we act.

Our first action at the Department of Transportation was to co-sponsor a series of conferences on cargo security in June and July 1971 with the Transportation Association of America designed to highlight the magnitude of the problem and to plan a course of action.

At the first conference, John A. Volpe, Secretary of Transportation, accepted leadership for government in dealing with cargo security. He announced the formation and initial meeting of the Interagency Committee on Transportation Security—the first committee designed to be a federal task force for combined effort in combatting crime in transportation. Fourteen government departments and agencies are represented on the committee and I am its chairman.

The secretary also revealed the formation of the Office of Transportation Security within my Office of Assistant Secretary for Safety and Consumer Affairs. The office has been structured to provide leadership and counsel in all phases of cargo security—a sizeable goal. But we are dedicated to that goal. We accept the challenge of improving cargo security.

Industry also heeded the call to action at these conferences by establishing the Transportation Industry Cargo Security Council under the sponsorship of the Transportation Association of America. On this council, shippers, carriers, freight forwarders, insurers and labor organizations are represented. Thus two committees—one government, one industry—went to work closing the loopholes that invite theft and developing deterrents to cargo larceny.

Soon after the conferences ended, the Department of Transportation, working closely with these two committees, developed a 12-part Cargo Security Program. In essence, each part of the program highlights an area in which conference participants felt action must be taken. Action committees have been established with working groups and specific responsibilities for each part of the program. An individual, whose department or agency is represented on the interagency committee, has been selected to head each of the action committees. Department of Transportation employes currently head seven of the 12 committees, with the Departments of Treasury, Commerce, and Justice, U.S. Postal Service and General Services Administration personnel heading the remainder. DOT's Office of Transportation Security provides support for each program leader and works with them closely.

The 12 focal points included in the Cargo Security Program are:

Cargo loss reporting. (Department of Transportation)

Cargo accountability and documentation. (Department of Transportation)

Packaging, labeling, containers and seals. (Department of Transportation)

Carrier liability, insurance and loss claims. (General Services Administration)

Physical and procedural security measures. (Department of Treasury)

Personnel security measures. (U.S. Postal Service)

Coordination of federal programs. (Department of Transportation)

Coordination of state and local government programs. (Department of Transportation)

Law enforcement and criminal prosecution. (Department of Justice)

Pilot projects. (Department of Transportation)

Security research and dissemination of technical data. (Department of Transportation)

Shipper and consumer activities. (Department of Commerce)

This program should give us a handle on the problem of cargo security, supply us with needed data and identify areas susceptible to theft. Howevei. recommendations from these program studies will have to be adopted by industry and labor if an effective program of cargo security is to be realized.

Perhaps the most important part of the Cargo Security Program is the number one item: Cargo loss reporting: Due to the proliferation of current reporting systems, the accurate dimensions of the cost of cargo theft is virtually unknown. Although we all are indebted to Senator Alan Bible and his select committee on small business for providing us to date with dollar estimates, an accurate breakdown is needed to gauge the scope of the problem. So we initiated a study to develop a uniform loss reporting system. We have monitored the progress of the program carefully and are satisfied with the results thus far. We expect to have a report on this program available to all carrier modes by June 30, 1972.

The Office of Transportation Security has been working also on draft cargo security guidelines—a review and evaluation of current protection systems. About 1,500 copies of the draft report have been distributed for review by labor, industry and government. We expect this report to be available to all segments of the transportation industry by June 1 of this year.

The Office of Transportation Security has also implemented several pilot projects. The purpose of these projects is to test the effectiveness of a procedure or a piece of equipment on a cost effective ratio. We put technology to work with some promising results.

One east coast trucking company installed an electronic protection system using motion sensors, and losses have dropped dramatically. There have been no losses from any trailer protected by the system, although there have been several theft attempts—one of which involved a $225,000 load of electronic equipment. The cost of the new system is several thousand dollars less than the previous one. As a result the company is now attractive to firms shipping high risk merchandise; its insurance rates are lower, and higher earnings are predicted.

Another example recently received national publicity. A truck hijacking in New York City was prevented in a project involving truck marking and identification. When a marked truck was hijacked, it was spotted by a police helicopter surveillance team and the hijackers were apprehended.

Secretary Volpe didn't limit his efforts in cargo security to setting up committees or addressing conferences. Recognizing the interdependence of safety and security, he ordered the department's operating administrations to incorporate cargo security as part of their established safety functions. And the administrations responded.

The United States Coast Guard is now establishing security programs at five busy ports (Baltimore, New Orleans, San Francisco, Oakland, and Seattle) as an experiment to insure that the latest and best techniques are being used to combat loss, theft and pilferage.

The Federal Highway Administration has held seminars on cargo security for its Bureau of Motor Carrier Safety inspectors.

The Federal Railroad Administration's eight regional directors are working closely with the railroads in identifying and solving security problems. And FRA is working with the Association of American Railroads in developing pilot projects to improve cargo security.

The Federal Aviation Administration, with a civil aviation security program already in existence, has an office of air transportation security to deal with total ground security as well as antihijacking efforts.

Secretary Volpe also wrote to each of the 50 governors in October, urging immediate attention to the problem of cargo security at the state level. He enlisted the support of the governors in earmarking for cargo security a proportionate share of federal funds from the Justice Department's Law Enforcement Assistance Agency. The Secretary's letter was followed by one from Harold Hammond, president of the Transportation Association of America, and chairman of the Transportation Industry Cargo Security Council, urging the governors to support the Secretary's call to action. Over 30 governors have responded.

The Law Enforcement Assistance Agency also has provided the Department of Transportation with funds for the writing and publication of a handbook on the relationship of organized crime to cargo theft. The handbook should be available by June 30, 1972.

These are just highlights of some of the programs that the Department of Transportation is organizing and implementing to fight cargo theft. But whatever the federal government has done or will do does not diminish the importance of efforts by industry and labor. Cargo security begins at home—in production lines, loading platforms, and offices across the country. The manufacturer, the shipper, the carrier, the union—each and all have a responsibility to share the burden.

We cannot—as Americans—tolerate thievery of any sort. The attitude of certain elements in industry to write off cargo loss as an element of overhead must change or we are fighting a losing battle. And labor must do its part, too. Only by working together with complete commitment at the highest levels of government, industry and labor, can we expect to achieve our goal: Cargo security. I ask for your commitment. Our programs cannot help or succeed without it.

MISSISSIPPI'S VOICE OF DEMOCRACY CONTEST WINNER

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. COLMER. Mr. Speaker, I have long held that the true future of our country lies in the hands of our young people. I firmly believe that the majority of the so-called under-30 crowd is composed of very fine young men and women who want to contribute to the stable development of our country and the world.

Every day I have matters brought to my attention which further substantiate my feelings that our future leaders will be solid citizens who will strive, perhaps even harder than we have, to solve the many problems we are faced with in an orderly and dedicated manner—free of riots, bombings, and marches as we read about the most.

After reading the speech that was delivered by one of my young constituents, Miss Judith Lynn Young of Soso, Miss., on the theme of "My Responsibility to Freedom," my belief in our young people was strengthened even more. Judi was one of more than 500,000 secondary school students in the United States who participated this year in the Voice of Democracy Contest which is conducted each year by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. As the winning contestant from the State of Mississippi, Judi came to Washington recently to compete with the other State winners.

I wanted to share Judi's speech with you, with the thought that you, as did I, will find in it some very thought provoking statements on the freedoms which many of us take for granted. Miss Young's speech follows:

MY RESPONSIBILITY TO FREEDOM

(By Judi Young)

"Dear Mom and Dad, I've gone to look for America." Love, Your teenager.

Yes, how unlikely to imagine leaving home in search of America . . . Or calling, "America! America! Where are you?" Is America gone in search of her freedom? Have I lost America; and she, freedom?

Why couldn't this situation happen? The possibility that it could and someday might prompted me to do massive soul-searching. I found myself doing nothing to hold America in the grasp of freedom. I was hiding behind the glories of my country's founding fathers and concealing freedom in my heart—playing musical chairs with my loyalty! I fanticized that freedom was "yesterday" with the war of revolution and just a moment ago

with the United States allying to fight for the freedom of others!

I concluded that you and I must share the responsibility of keeping freedom alive. It will take effort, and how we begin this effort will determine our ending. Can't I do more to preserve freedom in America than recite the pledge to the flag or know the framers of the Constitution? Where can I go for freedom from here? I must realize the potential behind the fact that I am a citizen of the United States of America. No one can take from me the promises of life, liberty, and the pursuit of happiness!! In today's world, though, we can hardly expect these promises without *education*.

Therefore, I can attempt to preserve freedom and democracy by studying to comprehend their principles and struggles. Educational freedom is my right and the responsibility of my parents. What can maintain a democratic habit of mind better than understanding democracy?

America began on an individual basis. The desire for liberty came from thinking Christians seeking religious freedoms. Handed to me from generations of free people is the urge to keep my freedom!

We live in a freely knit society where one might question why we need law. Our system of laws is not intended to restrain us, but rather to protect us from ourselves. History is full of reasons to assure us that law is needed, is effective, and in our country, laws are fairly based. I can motivate freedom's cause by the respect I have for law and order. We teenagers are often to blame for problems of unrest in America, but the draft-dodgers, dope-pushers, and rioters, "for the sake of rioting", are groups of freedom abusers! I wonder what use my freedom would be to me if it destroyed the freedom of others!

No minority governs my privileges and no one is dictating to me where I go or how I speak. I would be enraged if it became impossible for me to make choices! I can aid freedom then by encouraging my federal government to avoid communistic and socialistic influences. It is also my duty to vote in all elections, thus taking a stand in the decisions concerning my country's future freedom. John F. Kennedy offered Americans, young and old, a deep challenge when he said, "Ask not what your country can do for you; ask what you can do for your country."

I did not give my life fighting for freedom in American. Freedom and democracy owe me nothing for their existence. What have I given freedom, in comparison to what she has provided for me; and what was the price paid by the revolutionaries for liberty, when one stops to consider the amount America would pay for her loss of liberty?

I must contemplate my convictions. Do they honestly reflect the principles of freedom? America can not be allowed to forget her patriotic love of independence. Remember and recall the fight for freedom. Think! The day might dawn when we all will be searching for the America we once knew. America could be forced to seek her freedom all over again. I would like to be able to say that I shouldered by responsibility to freedom. Then, if perhaps we fail, I will only have myself to blame.

DELAY IN THE SALE OF OFFSHORE MINERAL LEASES

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BOGGS. Mr. Speaker, the failure to resume the sale of offshore mineral leases is having a devastating effect upon the economy and people of Louisiana.

The petroleum industry is the heart of our State's economy, and it is essential both to our State and its people. It is our largest employer and largest single source of tax revenues. Approximately 75 percent of Louisiana's contribution to its public schools, for example, comes directly from its petroleum industry.

Today, because of delays in the sale of offshore leases, the petroleum industry is suffering. Investment and employment are down, and Louisiana is losing the personnel and equipment which have made it a world leader in the technology of offshore mineral production.

The full story is not yet known, but it is already clear that valuable production, revenues, and technology are being irretrievably lost.

The failure to conduct offshore lease sales is not only retarding our petroleum industry. It is also forcing cutbacks and lay offs among hundreds of smaller companies providing vital services to the parent industry.

Recently the Times-Picayune of New Orleans sent one of its ablest reporters, Clarence Doucet, on a tour through South Louisiana to survey the impact of the postponement of offshore lease sales. The result was a five-part series of articles, written by Mr. Doucet, which tell the whole story as it should be told.

I am inserting Mr. Doucet's articles in the RECORD and calling them to the attention of my colleagues:

[From the Times-Picayune, Apr. 4, 1972]

MORE OFFSHORE LEASE SALE DELAY PERILS MORGAN CITY—95 PERCENT OF POPULATION DIRECTLY DEPENDENT ON OIL ACTIVITY

(By Clarence Doucet, Times-Picayune Staff Writer)

MORGAN CITY, LA.—Continued postponement of the sale of offshore oil leases could spell economic doom for this south Louisiana city where an estimated 90 percent of the population is directly dependent on the offshore oil industry for its livelihood.

Last week, a Houston, Tex., company announced it had shelved plans to construct a $2.5 million pipe coating plant here. The main reason: The delay in past offshore lease sales and postponement of the December, 1971, sale.

The impact of a curtailment in offshore operations would reverberate in a shock wave from here and it would be felt along the coast from Lake Charles to Plaquemines Parish.

But it was here that the "Oil Feeds My Family" bumper stickers first appeared, and perhaps no other Louisiana city understands that significance of the offshore oil business quite as well as the people here.

BREAD AND BUTTER

Quite simply, it is their bread and butter.

Already, a lot of expansion money has stopped flowing into the area because of problems related to the last lease sale. Originally scheduled to be held in 1968, it was postponed until 1970.

There are some 150 service companies in the area of Morgan City, Berwick and Patterson, businesses that furnish services for oil companies that operate offshore. Many of these companies are still painfully aware of the economic impact of the last delay.

When they consider that delay and view it along with the seeming uncertainty of future lease sales on a "timely and orderly" basis, they become downright cold.

In 1970, construction companies were able to keep men on the job by bidding for jobs at cost in an attempt to salvage the area's economy.

SPEND MILLION

Says H. W. "Bill" Bailey, vice president of J. Ray McDermott & Co. Inc., the area's largest employer:

"We bought our way through the last delay by spending $1 million. It's something we're not going to do this time. If there's no sale, I'm sure people will start hauling stuff out of here."

In 1970 at Avondale Shipyards' Bayou Black Division nearly 200 workers were laid off despite the company's bidding jobs at cost. Avondale has curtailed its expansion investment here since 1969 because of the uncertainty of the offshore business.

"FIRST EXPERIENCE"

Regarding losses incurred in 1970 in order to keep people working, Dupont says:

"Some people might say if we did this in 1970, we will do it again. But in 1970, it was our first experience with this kind of delay. If we could have known then that there would be another delay around the corner we might have acted differently.

"There is no doubt that we sacrificed a lot of profits to keep people on the job. But we also have a responsibility to our stockholders, and in view of the uncertainty, I don't think we will be as anxious to keep people on the job a year from now if the situation continues."

But Morgan City is experiencing the effects of the on-again, off-again lease sale in more ways than just predictions of what the future will or will not hold.

An example was last week's announcement that Plastic Applicators, of Houston, postponed indefinitely its plans to construct a $2.5 million pipe coating plant here.

SEVERAL FACTORS

L. Bryan, Plastic president, commenting on his company's decision to hold up on the plans that were two years in the making, said several factors combined in making the construction unwise.

Chief among these factors was delay in past offshore lease plans and the postponement of the lease sale scheduled for December, 1971. Further delays in the lease sales because of challenges by various environmental organizations and the willingness of the courts and others to allow indefinite delays in the name of environmental considerations, however far-fetched, have raised serious questions about the economic feasibility of a new, higher capacity plant in the Louisiana area. . . .

"In view of the uncertainty of the near future (and perhaps beyond that) in oil and gas exploration and development operations in offshore Louisiana, therefore, we have indefinitely postponed our plans to build a new pipe coating plant at Bayou Boeuf . . ." Plastic Applicators is a subsidiary of J. Ray McDermott & Co.

Industry spokesmen here and in other nearby areas that rely heavily on the oil industry, including Lafayette and Houma emphasize that the longer the lease sales are delayed, the more serious the economic problems will become.

ACTIVITY OFFSHORE

At present there is activity offshore—both exploration and development drilling—resulting from the 1970 lease sale.

The crux of the problem, though, is that oil companies which had budgeted money for exploration of leases they expected to buy last December must make decisions as to what to do with the money. There are several alternatives including the rechanneling of it into other offshore operations elsewhere in the world, rechanneling it into on-shore work, or just letting it sit.

The more time that passes before the sale is held, the more crucial the decision becomes.

When the sale might be held is still speculative.

The sale of the 366,000 acres of submerged lands was held up last December when environmentalists sued on the grounds that the U.S. Interior Department failed to comply with a law requiring an impact statement on pollution problems.

Thirty days later, when no settlement was reached, the Interior Department canceled the sale. On March 23, Assistant Secretary Hollis M. Dole of the Interior Department said the sale might be held in September or October. Then last week, the department proposed two sales, the first this summer and the second this fall.

"LATE SUMMER"

On Monday, however, a spokesman for the Interior Department indicated that only one sale is being considered at present, and that is being proposed for "late summer."

Men in the field are not at all optimistic.

"I'd settle for anything definite," said Bailey, emphasizing the word definite. "I'd just like to be told we're going to go out there and drill, or were not."

Others feel that if environmentalists are not satisfied with the impact statement on pollution, they will seek and obtain another court order postponing the sale again.

"If there is no sale this fall," said one official, "the work picture will worsen rapidly and there will be the worst depression in south Louisiana you've ever seen in your life."

[From the Times-Picayune, Apr. 5, 1972]

ABOUT 100,000 JOBS RIDE ON LOUISIANA OIL INDUSTRY—AN ANNUAL PAYROLL OF OVER $600 MILLION

(By Clarence Doucet)

BATON ROUGE, LA.—Louisiana is the second largest oil and gas producing state and the third largest refining state in the nation.

(It was incorrectly reported in Tuesday's story on the offshore oil industry that Plastic Applicators, the company that has postponed plans for building a plant in Morgan City, is a subsidiary of J. Ray McDermott & Co., Inc. It is a subsidiary of Schlumberger Ltd.)

Approximately 100,000 Louisianians are employed in the petroleum industry or in some related field. The valuable liquid supports payrolls in the state totalling more than $600 million annually.

Taxes on the petroleum industry and its products provide the state with almost half of its tax revenue, while the industry, itself, spends about $1.5 billion on production supplies and equipment in the state.

These figures, provided by the Louisiana Petroleum Council which is headquartered here, indicate the value of the industry to Louisiana, a state in which oil or gas has been produced in 61 of the 64 parishes.

Oil was discovered in Louisiana near Jennings on Sept. 21, 1901, and for the next 46 years the industry continued essentially as an on-shore activity.

But, on Nov. 14, 1947, the first offshore well was completed as a producer by Kerr-McGee, and a new frontier for mineral production was opened.

Today, oilmen are drilling in water depths of 600 feet with drilling platforms located more than 100 miles offshore.

Following the completion of the first productive on-shore well in 1901, North Louisiana was the center of interest until the late 1930s, even though several fields had been found in the South. Moving into the swamps and marshes of South Louisiana, the industry found oil and gas in sufficient quantity so that by 1940, South Louisiana outranked North Louisiana as the major petroleum production section.

And, just as the center of interest moved south by 1940, that interest has continued onto the Outer Continental Shelf (OCS), where the large offshore reserves have been developed over the past 25 years.

Hollis M. Dole, assistant secretary of the Department of the Interior, said recently that the OCS has been assuming an increasingly larger role in supplying the nation's oil and gas requirements.

In 1970, he said, the OCS was providing more than 10 percent (most of this off Louisiana), compared with about five percent in 1965.

Even more significant than the increase between 1965 and 1970 is Dole's prediction about 1980:

"We estimate that by 1980, 25 percent of the United States oil production and 19 percent of its gas production could be produced from the OCS, but to accomplish this, more OCS areas would have to be opened for leasing, more wells would have to be drilled, and many additional miles of pipelines laid to bring this vital resource to market."

Referring to alternatives to oil and gas as prime source of energy, he said:

"Until alternatives are developed which can replace oil and gas as primary contributors to our energy supply, it will be necessary to find and develop hydrocarbon resources in order to maintain our current level of living. This will obviously require expanding OCS oil and gas operations."

Hollis, who made his comments before a Congressional hearing on ocean resource policies, emphasized that the OCS can be developed in an orderly manner without sacrificing environmental quality.

But testimony before Congressional hearings and state statistics, aside, the need for energy in this country is essential and current.

The average American uses, or has used on his behalf, the energy equivalent of seven gallons of oil every day. National energy consumption is expected to double by 1985, and during this period, nuclear energy is expected to increase its share of total energy produced from less than 1 percent now to about 11 percent.

COAL IN TROUBLE

Coal is another source of energy, but it, too, is having trouble in the area of environmental objections. Industry sources indicate that if the technology can be developed to overcome some of these objections, coal should increase its share of total energy produced from about 18 percent now to some 20 percent by 1985.

Natural gas, already in short supply, is expected to drop from about 33 percent of the total today to some 21 percent by 1985.

According to the Louisiana Petroleum Council, it will be up to oil to fill the remaining gap, and its share of the energy market will remain relatively constant at about 45 percent, which means that if energy demands do double, then the supply of oil must double.

The LPC says that domestic reserves will not be developed at a pace that will come close to meeting new demands. As a result, imports of crude oil are expected to climb from about 23 percent of total oil consumption now to as much as 60 percent by 1980.

SOURCES INSECURE

Oil industry officials are quick to point out that oil production in the North Sea is being consumed by England and European countries, and that the governments with which the United States will have to deal have, in the past, been subject to political disruption.

For several reasons, the instability of the nations with which the U.S. would be dealing chief among them, officials close to the energy problem, are urging less dependency on relatively insecure sources of oil.

To provide more oil, which, in turn, would help decrease our dependence on crude oil imports, it is the offshore areas of the nation that are accented.

The U.S. Geological Survey estimates that the offshore recoverable reserves may be more than 200 billion barrels of oil and more than 1,000 trillion cubic feet of natural gas.

SMALL AREA DRILLED

So far, only about one per cent of the total offshore area has been tested with a drill bit, says the LPC.

And most of this exploration and production has taken place off Louisiana. More than 10,000 wells have been drilled.

Currently, production from offshore Louisiana totals about one million barrels of crude and condensate per day, about 10 per cent of total domestic production. This amounts to about eight per cent of the nation's consumption.

It is estimated that industry has invested nearly $9 billion in offshore Louisiana, and it is also estimated that the industry will realize an overall seven per cent return on these investments.

Aside from offshore financial investment and the energy crisis, there is an even more personal side for the people of south Louisiana to the on-again off-again aspect of recent offshore oil lease sales.

Some 67,644 of them are estimated to be employed directly to make offshore fields productive. These people buy groceries, clothes, furniture and cars in south Louisiana. They live in homes which they are either buying or renting. They have families and their children attend schools.

The stores from which they make their purchases in most cases did not exist prior to 1947. Nor did the homes and the schools. Or the streets and highways on which they travel.

In short, a great deal of the growth that has taken place in coastal Louisiana has taken place because of the offshore oil industry.

The rallying cry of these people is "Oil is beautiful."

[From the Times-Picayune, Apr. 6, 1972]

POSTPONEMENT OF LEASE SALES DEALT HEAVY BLOW TO ECONOMY

(By Clarence Doucet)

MORGAN CITY, LA.—Drilling activity—the heartbeat of the offshore oil business—is already declining as a result of the postponement of the December, 1971, lease sale.

According to one drilling company official, the offshore drilling industry alone is currently losing about $47,000 a day in rentals because nearly 12 per cent of the mobile rig capacity is now idle.

As many as 350 workers are affected directly, and many others indirectly, because it is the activity of the drilling rigs in exploratory and development work that makes the offshore industry go.

And the situation will get worse before it gets better.

The official said that between now and late summer, the earliest last December's lease sale is expected to be rescheduled, drilling activity will continue to decrease and more and more rigs will be stacked.

He characterized the present situation in the Gulf off Louisiana as one in which very little exploratory work is being done, and development drilling is decreasing.

He said that of 59 mobile rigs in the Gulf, available to oil companies, seven are standing idle this week. As the rigs can also be used for development drilling, he said the idleness is indicative of a decline in that area, too.

"All drilling activity is declining because most of the prospects from the 1970 lease sale have been drilled. I know of one major oil company that was running about 12 rigs off the coast; now this same company is running only one rig—because it has no place to drill," said the official.

He said that if the December sale had been

held, the seven rigs now idle would all be working, along with several other rigs constructed for work in the Gulf. And in some cases, newly constructed rigs have already been shipped to other offshore drilling hotspots around the world.

His own company, he said, currently has several rigs under construction and one of them was earmarked for the Louisiana coastal waters. Now, however, the company has committed it to the North Sea.

"In addition," he said, "I know of three rigs that have been scrapped in the past year because of a lack of employment in the Gulf. They had been stacked for about two years and the owners, facing an expenditure of a half-million dollars each to repair them without customers in sight, simply made a business decision."

For most drilling rigs, a team of 20 to 25 men is required to keep it operable. These include the drill crew, the welders, mechanics, caterers, etc. Each rig had two complete complements or teams, each working one week on and one week off.

ABOUT 350 IDLE

This adds up to as many as 350 men for the seven rigs now standing idle, but the problem does not end there.

When the rigs are drilling, men and supplies are transported to the rigs in specialized boats which are leased from boat service companies. The boat service companies, in turn, employ operators, mechanics, and office personnel, Then, there are the supply companies that deal in mud, explosives, casings and the various other types of equipment that go into offshore drilling. There are also diving firms, food catering businesses, and scores of other businesses all directly related to the operation.

When rigs become idle, there is a corresponding decrease in the demand for supplies, for boats, for food.

The smaller companies feel the pinch first; for purely economic reasons, they are the first to have to let employees go. The largest companies, especially those with international operations, are able to shift employees around.

Although it is difficult to pinpoint the number of men who may now be affected, it is a situation that many expect to become very apparent as the offshore activity continues to decline.

OBVIOUS CONCERN

In a city such as Morgan City, the concern is obvious. As the hub of the offshore industry, it would be the most directly affected area in the state. But spokes run from the hub. Rig workers and other connected with the offshore industry come from as far away as Alabama, Mississippi, Arkansas, Texas and Oklahoma, and from towns in Louisiana all along the coast and inland.

In nearby Terrebonne Parish, it is estimated that as much as 70 per cent of the economy may be dependent on the petroleum industry. In that parish alone, some 267 firms are engaged in the oil business, and these firms employ nearly 12,000 persons. They have a combined income of $102 million, more than 50 per cent of all personal income in the parish.

Of the top 20 taxpayers in the parish, 17 are oil companies.

To the west of Morgan City is Lafayette, another city that has seen and felt and continues to feel the impact of the offshore oil industry.

RECENT SURVEY

Lafayette is surrounded by some of South Louisiana's largest and richest oilfields and most productive offshore installations.

A recent survey of 14 oil and oil-related companies in Lafayette shows that when they first located there, 43.2 per cent of their business was devoted to offshore activity. Today, the same companies devote 73 1 per cent of their energy toward the oil-rich bottoms off the Louisiana coast.

But Lafayette, unlike Morgan City—which is almost wholly dependent on offshore activity—has onshore oil activity to fall back on when there is an offshore curtailment.

ONSHORE BOOM

"We're not depressed on balance," says Joe B. Clarke, Jr., a Lafayette businessman and chairman of the petroleum committee of the Lafayette Chamber of Commerce.

He says that while offshore activity has declined, some of the oil companies' money that was earmarked for offshore exploration had been rechanneled into onshore exploration. As a result, there is a boom of sorts in onshore activity.

"But it's not a legitimate boom," explains Clarke. "It's simply something that has resulted from the inability of oil companies to buy offshore oil leases last December. When the lease sales are resumed, I think, this somewhat inflated onshore activity will return to normal. Still, we are fortunate that it is still economically feasible to look for reserves onshore here, because if it wasn't the money from the oil companies would have gone to other regions."

He says there is some unemployment, but only in the sense that some drilling companies are not working as regularly as they would like. However, some effect will be felt, he says, when the land leased in the 1970 sale has all been drilled.

SUMMARIZES

In Houma, R. V. Pierce, an oilman and chairman of that chamber's petroleum committee, summarizes Terrebonne's situation as follows:

"It's hurting some of the service companies. There have been some layoffs, and some companies are carrying some people they don't need. And the postponement really upsets long-range plans. Once there has been a shutdown of sorts offshore, you can't just push a button and start up again; it takes time."

He says that many oil-related companies such as fabrication plants and marine repair yards are utilizing the slack period to do repair work, but he emphasizes that once this work is done, and unless the lease sale picture is definite, the employment picture could change.

[From the Times-Picayune, Apr. 7, 1972]

OIL INDUSTRY PUTTERING ALONG AT GREATLY REDUCED CAPACITY

(By Clarence Doucet)

MORGAN CITY, LA.—There are at least a dozen fabricating plants in the Morgan City area employing some 2,000 people. The head of the largest operation says new jobs for bidding are off 75 per cent.

H. W. "Bill" Bailey, vice-president of J. Ray McDermott Co., Inc., and head of the McDermott Fabricators facility here, says:

"Last year we were bidding at least three jobs a week. Now, we're lucky if we can bid three jobs a month."

He attributes it to the uncertainty of the offshore oil lease sale.

"The oil industry is not in a very rushed state," says Bailey. "It is puttering along at 65 to 70 per cent capacity onshore, and even less than that offshore."

The head of another fabricating plant puts it this way:

"The amount of construction work offshore is way off. All the pipeline is tied up in the yards. Once offshore exploration work stops, everything in the industry begins falling like a set of dominoes."

It is in the Morgan City area fabricating plants that the giant drilling structures and production platforms are constructed. Some of the companies, aware of what happened to the industry in 1970 because a 1969 offshore lease sale was postponed for more than a year, have attempted to diversify their operations.

At present the fabricating yards are generally busy, but this is due principally to backlogs and construction projects not necessarily connected with the Louisiana offshore industry.

For instance, the Bayou Black Division of Avondale Shipyards, Inc., is building three semi-submersible self-propelled drilling platforms that are committed to the North Sea.

McDermott Fabricators had a multi-million dollar backlog of domestic and foreign construction.

Smaller companies are not as fortunate.

EXPECTS TROUBLE

Says one official of his plant:

"Right now our fabricating yard is doing well and we will be busy until late summer, but if there is no lease sale by late summer then we might be headed for a period like we had last year when we were in serious trouble."

At the present time, this official said, his company is bidding on work for delivery up to November. As far as later decisions regarding "reducing overhead," he said this would have to be considered if lease sale prospects do not improve.

"We will attempt to remain at full force as long as we can without reducing overhead. In 1970 we tried to keep as many employes as possible."

There will definitely be a pinch for most plants. The degree of pain will vary.

DATE MENTIONED

The earliest date mentioned for the next sale is late summer. If it is held then, say in late August, it would be in late January or February, 1973, before the oil producers would be asking for construction bids on offshore production platforms. And it would be months later before fabricating plant work would begin peaking.

Thus, those companies with enough work to see them through the late spring of 1973 remain in fairly good shape as far as a late summer, 1972, sale is concerned. But, if additional problems arise and the sale is postponed again, then a very serious industry-wide work slump could present itself next year.

Kenneth Dupont, Avondale vice-president and head of the company's Bayou Black Division, says:

"Many peoples' memories are short-lived regarding the proposed early 1969 sale and the postponements that led to the situation in 1970. There was a shortage of work that is almost indescribable, and it all stemmed from the failure to hold an orderly and timely lease sale."

FIRE AND SPILL

The early 1969 lease sale was first postponed because of the Santa Barbara incident and the situation became more aggravated by the Chevron Oil Co. fire. Some say there were serious political implications connected to the moratorium.

"When the moratorium continued," explains Dupont, "we noticed our work starting to decrease gradually, and we could see a real economic slump coming."

The sale was finally held in December, 1970, but in the 12 months preceding the sale the fabricating plants had suffered because of a severe shortage of work.

It was the Spring of 1971 before the plants were able to begin construction stemming from the 1970 sale, and that construction now is almost all completed and delivered.

FORCE DECREASES

Because of the industry-wide slump for fabricating plants in 1970, the Bayou Black Division work force dropped from an average high of 560 just prior to 1970 to some 390, a reduction of over 30 per cent in personnel.

"It was such a shock that we have tried to diversify the nature of the type work we were doing, but it is not easy to take facilities designed primarily for the offshore oil industry and convert them."

To bridge the gap between the slowing down to work generated by the December,

1970 sales, and what was expected to be the peaking of work generated by the proposed December, 1971 sale, Avondale bidded on and was awarded contracts for the three semi-submersible self-propelled drilling platforms. Now, because of the postponement of last December's sale, the long-range picture changes somewhat.

Dupont agrees that new sizable jobs for bidding are off as much as 75 per cent.

Speaking of the industry, he says that if the lease sale is further postponed into 1973, fabricating yards will be competing "for every bread crumb."

Competition would become fierce, he adds, as companies weighed how badly they wanted to retain employees versus margin of profit.

Without timely and orderly sales, he said, a yo-yo policy develops in which businesses tend to gamble with investments and then try to recoup their investment and make a profit as soon as possible. This in turn, drives costs up, and in the oil industry, the higher costs paid by the oil producers are passed on, as in any industry, to the consumer.

As there are about 2,500 products currently produced wholly or in part from petroleum, what goes on in a fabricating yard in this south Louisiana offshore oil center as far as costs are concerned can ultimately affect the pocketbooks of people all over the country.

[From the Times-Picayune, Apr. 8, 1972]

SOUTH LOUISIANA WORKING MAN HAS STAKE IN LEASE SALES

(By Clarence Doucet)

To the working man in South Louisiana who earns his living from the offshore oil industry, environmental efforts that affect or threaten his family's finances are difficult to equate with being in his interest.

One industry official put it this way:

"I think we have to pursue a rational course, and this means developing our resources in an orderly, timely fashion in accordance with our environment. But we must maintain economic stability, and the economic progress we've made should not have to come to a screeching halt."

On the environmental question, another man who earns his living from the offshore oil industry said:

"The fish and fur people go to bat for us. Edible and sports fish are being caught in greater numbers, and a lot of the increase in fishing is due to the better transportation into the oil field canals because that's where the fish are. There may be some ecology problems related to commercial fishing, but on the whole the fishing industry supports us."

An oysterman in Terrebonne Parish says there have been some changes to the ecology of the marshlands, but he says he is confident the two industries—fishing and oil—can co-exist.

"We are constantly learning more and more about how to operate without creating real problems," says another offshore oil industry official.

In the end, irregular sales of offshore oil leases affect the working man whose livelihood depends on the industry.

The oil companies look for stability that comes from regularly scheduled lease sales, but as one oil company official said:

"No matter how irregular the sales may be, we can't afford to stay out despite the problems. When the sale is held we will be there and after the sale, exploration and development drilling will take place even if it means hauling in equipment from all over the world. These things will be done. A real problem with this on-again off-again policy is the impact it has on the South Louisiana working man who is cast in an economy of feast and famine."

The point is, he explains, that the more than 67,000 people who are dependent on the offshore oil industry in South Louisiana want stability and security.

"What becomes important is not so much what he pockets this year as what are his expectations about next year," the official said.

The working man who wants to buy a new car or purchase a home must base his decision on the stability of his paycheck. If the lease sales are not held regularly, then the working man does not have that security.

Another factor that enters the picture because of the irregularity of recent sales is it causes a lot of workers to look elsewhere for jobs, locales where they will have the security so vital to raising families and making decisions about the future.

So the on-again off-again syndrome can create a drain in experienced manpower.

An oil company official explains it this way:

"It is closely in terms of resources because people are not able to build up their learning, and the more we learn the less things cost us. It's said that the first platform always costs the most, and that each subsequent platform costs less because the workers learn more with each platform they build. But when work becomes sporadic, you have a greater turnover and you get into a situation because of the turnover where you are always building your first platform."

As far as the oil company itself is concerned, it is in the business to produce the valuable liquid. If there is a curtailment in offshore Louisiana work because of postponed lease sale, the company will drill someplace else, and when the sale is rescheduled, it will be there ready to re-bid on the valuable tracts.

But during the interim, it has been the South Louisiana resident who makes his living from the offshore industry who has suffered.

Said an oil company official:

"It's not so much that we can invest elsewhere that's important, but what can we do here. I'm buying my home here and I want to stay here."

His comment is shared by all those who earn their living from the industry that exists off Louisiana's coast.

In Morgan City, where an estimated 95 percent of the population depends directly on the industry, a banker gave this summation:

"A few months delay in holding a scheduled sale doesn't seem to be beneficial to anyone. We would anticipate that the sale would be held in the near future. If not, we would be upset. The worker would be severely injured as far as pay is concerned; money to buy food and clothing. If we were to have unemployment in our area and there's no need for this.

"'There's a great demand for fuel, alone, and there's the shortage of oil that's been declared by the petroleum industry. We would just believe that our government wouldn't do that (postpone the sale even further). We would believe that our government would be more interested in the welfare of our people and the necessity of this fuel. I don't know of an oil company or a service company that is in favor of pollution."

THE FINANCING OF ELEMENTARY AND SECONDARY PUBLIC SCHOOL EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, I submit for the RECORD an excellent statement on the financing of elementary and secondary public schools by Richard G. Gilmore, presented at the National Policy Conference on Education for Blacks. The factual material in this statement will be of great use to us in the Congress as we seek solutions to the financial crisis in education during this session.

The statement follows:

THE FINANCING OF ELEMENTARY AND SECONDARY PUBLIC SCHOOL EDUCATION

(By Richard G. Gilmore)

Financial support for the 18,000 school districts and the more than 51 million school age children in the United States should be described as both inadequate and inequitable, and major urban systems in particular are virtually on the brink of bankruptcy.

In June of last year, school district officials in Philadelphia contacted seven large urban school districts to inquire as to their financial condition. The responses were remarkably similar differing only in the degree of distress:

New York—for the year then ending they had a $50 million deficit and expected it to grow to $200 million in the succeeding year.

Chicago—for the year they had a $58 million deficit and expected it to grow to $96 million in the 1971–72 fiscal year.

Los Angeles—at that time they were operating with a budget of $604 million, $21 million less than the previous year. And for the next year, they expected to confine spending to $607 million, an increase of only .5%, by making massive cuts in their programs.

The situation in Philadelphia was that although the 1971 deficit was only $5.9 million against a $312.4 million budget (deficits of prior years totalling $28 million had been funded by the sale of bonds) funds with which to pay bills, *including wages*, were exhausted in mid June. Currently the system is operating with a $41 million deficit. This is a sorry state of affairs for the four systems located in the nation's largest cities whose populations each exceed two million residents. No wonder that Mark Shedd, then Superintendent of Philadelphia public schools, would call for a Federal takeover of big city school systems.[1]

The financial situation in the smaller cities contacted, Baltimore, Buffalo, Minneapolis and St. Louis, ranging in population from one-half to one million, was almost as deplorable.

And the rural school districts are also plagued with inadequate funding exacerbated by population sparsity. At least 80% of the 18,000 districts have insufficient enrollments to provide minimally adequate education without excessive costs.

GROWTH IN SCHOOL EXPENDITURES

The present financial plight of public education might suggest that increased funding over the years has been minimal. That is not the case. The fact is that vast amounts of new funds have been pumped into public education. However, the input of new funds in the face of rapidly increasing educational costs was analogous to a greyhound chasing the mechanical rabbit at a race track. We have never caught up. As Table I indicates, expenditures for public schools have increased greatly in the past 40 years, from $2.3 billion in 1930 to $39.5 billion in 1970 and the percentage of the gross national product expended for the public schools almost doubled, increasing from 2.2% in 1930 to 4.2% in 1970. Note also that while the consumer price index rose 25.8% from 1960 to 1970, at the same time public school expenditures increased 155.2%—six times greater, even though the increase in pupil attendance was only 29.8%.

Footnotes at end of article.

TABLE I.—TRENDS IN TOTAL EXPENDITURES FOR THE PUBLIC SCHOOLS 1930–70

[Includes all items for current expense, capital outlay and interest on school indebtedness]

Year	Expenditures in current dollars (millions)	Consumer price index (1957–59 prices=100)	Expenditures in terms of 1969 dollars (millions)	Average daily attendance (thousands)	Expenditures per pupil in ADA in 1969 dollars	Percentage of gross national product expended for the public schools
Col. 1	col. 2	col. 3	col. 4	col. 5	col. 6	col. 7
1929–30	$2,307	59.7	$4,935	21,165	$233	2.2
1939–40	2,331	48.4	6,149	22,042	279	2.6
1949–50	5,768	83.0	8,877	22,284	398	2.2
1959–60	15,613	101.5	19,641	32,477	605	3.2
1969–70	39,489	127.7	39,489	42,168	936	4.2
Percent increase 1929–30 to 1969–70	1,612	114.0	700	99	302	91.0

Source: Data on expenditures and average daily attendance from the U.S. Office of Education except for the year 1969–70 which was estimated by the National Education Association. The price index is for the calendar year in which the school year began. Also, the gross national product for the calendar year in which the school year began is used in computing the percentage of the gross national product. Data for the price index were obtained from the Survey of Current Business.

The trends reflected in the Table alarm citizens and represent one of the reasons for the taxpayers revolt that has caused school budgets and bond issues to be defeated in voter referendums. Other reasons are widespread dissatisfaction with the quality of education and the fact that the problems are greatest in the urban areas with high concentrations of the Black and the poor.

SOURCES OF SCHOOL REVENUES

In 1930, almost 83% of public school revenues were provided by local governments. But by 1970, this had decreased to about 53% reflecting greater contribution from state and federal governments. As indicated in Table II in 1960–70, federal, state and local governments contributed 6.6%, 40.7%, and 52.7%, respectively of the total revenues supporting public schools.

TABLE II.—TRENDS IN SOURCES OF SCHOOL REVENUE RECEIPTS BY LEVEL OF GOVERNMENT

[In millions of current dollars]

Year	Federal		State		Local		Total	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
1929–30	7	0.3	354	17.0	1,728	82.7	2,089	100.0
1939–40	40	1.8	685	30.3	1,536	67.9	2,261	100.0
1949–50	156	2.9	2,166	39.8	3,155	57.3	5,437	100.0
1959–60	649	4.4	5,766	39.1	8,332	56.5	14,747	100.0
1969–70	2,545	6.6	15,645	40.7	20,286	52.7	38,476	100.0

Source of data: U.S. Office of Education except for the year 1969–70 which was estimated by the National Education Association.

VARIATIONS IN SCHOOL REVENUES

Wide variations in revenue support exist among school districts and it is evident in the wide range of per pupil expenditures depicted in Table III which reflects the high, low, and average per pupil expenditure for the states in 1969–70. The highest per pupil expenditure is found in a Wyoming school district ($14,554); the lowest is in Missouri ($213); and the highest and lowest average per pupil expenditures are $1,330 in Alaska and $463 in Alabama.

The wide variations in revenue support within states is the situation that has generated the host of court suits challenging state subsidy distribution formulas; the most notable of which is the California case—Serrano vs. Priest. Two interrelated critical points have emerged from the litigation;

1. The dependence of school districts on local property taxes to support their schools has the effect of making the quality of the system a function of local wealth.

TABLE III.—PER PUPIL EXPENDITURES

[All districts 1969–70] [1]

State	High	Low	Student average
Alabama	$581	$344	[2] $463
Alaska	1,810	480	[3] 1,330
Arizona	2,223	436	775
Arkansas	664	343	549
California	2,414	569	753
Colorado	2,801	444	735
Connecticut	1,311	499	915
Delaware	1,081	633	891
District of Columbia			971
Florida	1,036	593	717
Georgia	736	365	589
Hawaii			984
Idaho	1,763	474	595
Illinois	2,295	391	872
Indiana	965	447	675
Iowa	1,167	592	955
Kansas	1,331	454	731
Kentucky	885	358	580
Louisiana	892	499	749
Maine	1,555	229	723
Maryland	1,037	635	893
Massachusetts	1,281	515	691
Michigan	1,364	491	858
Minnesota	903	370	818
Mississippi	825	283	495
Missouri	1,699	[2] 213	720
Montana	1,716	539	802
Nebraska	1,175	623	653
Nevada	1,679	746	753
New Hampshire	1,191	311	687
New Jersey	1,485	400	1,016
New Mexico	1,183	477	690
New York	1,889	669	1,245
North Carolina	733	467	607
North Dakota	1,623	686	665
Ohio	1,685	413	729
Oklahoma	2,566	342	560
Oregon	1,439	399	875
Pennsylvania	1,401	484	892
Rhode Island	1,206	531	885
South Carolina	610	397	615
South Dakota	1,741	350	667
Tennessee	766	315	568
Texas	5,334	264	601
Utah	1,515	533	611
Vermont	1,517	357	1,034
Virginia	1,126	441	753
Washington	3,406	434	873
West Virginia	722	502	646
Wisconsin	1,432	344	941
Wyoming	[3] 14,554	618	884

[1] Source of data: President's Commission On School Finance.
[2] Lowest.
[3] Highest.

2. The fact that a pupil's access to the educational dollar is a function of local wealth violates the equal protection clauses of state and federal Constitutions.

Although the court cases all deal with inequality within states, it is equally clear that inequalities among states are similarly violative of the constitution.

LOCAL REVENUE SUPPORT OF SCHOOLS

Of the approximately 53% of school revenues provided on the average by local sources, about 98% come from local property taxes. The major advantages of the property tax are: [2]

a. It is fairly stable.

b. Property is not easily moved to escape taxation.

c. Benefits go directly to residents of the district.

Some disadvantages are:

a. It bears little relationship to real wealth or to the ability to pay.

b. It tends to discourage rehabilitation of deteriorating property.

c. Assessment practices are inconsistent and these inconsistencies together with variables in market value from district to district create inequities in available resources per pupil.

Despite the failure of the property tax as a viable tax base for local school funds, about 28 states confine school districts to property taxes as a sole source of locally generated revenues. As a practical matter, however, there is not much revenue that could be produced by local non-property taxes imposed for local school districts.

Major producers of tax revenues have been reserved to the Federal, State, and Municipal governments, in that order. Even in the 22 states that authorize nonproperty local taxes for school districts, property taxes continue to be the major source of local school district revenues. The Philadelphia school district utilizes non-property taxes to a far greater extent than do the vast majority of school systems and the property tax still represented more than two-thirds of local school revenues in fiscal 1970–71.[3]

STATE REVENUE SUPPORT OF SCHOOLS

The percentage of school revenue derived from state sources climbed rather sharply from 1930 to 1950—17.3% to 39.8%. Since 1950, however, the increase was rather modest and in 1970 the level of support was at 40.7%. As reflected in Table IV, wide variations in state support have always existed and in 1970 the range was from a high of 87% in Hawaii, a state comprised of only one taxing district, to a low of 8.5% in New Hampshire. Three states, Delaware, New Hampshire, and Wyoming, provided a lower percentage of revenue in 1970 than in 1930.

Footnotes at end of article.

TABLE IV.—PERCENTAGE OF SCHOOL REVENUE DERIVED FROM STATE SOURCES, 1930–70

[In thousands

State	1930	1940	1950	1960	1970
U.S. overall	[1] 17.3	29.2	39.8	39.4	40.7
Alabama	40.8	54.1	71.6	65.3	63.0
Alaska					43.7
Arizona	19.6	18.8	33.8	34.0	47.5
Arkansas	33.7	43.2	58.1	46.6	45.5
California	25.6	45.9	41.3	40.6	35.0
Colorado	3.2	5.0	20.2	19.5	25.3
Connecticut	8.1	8.7	23.6	34.6	33.1
Delaware	87.9	84.4	83.5	82.5	70.6
Florida	22.8	50.4	50.8	56.5	56.5
Georgia	35.6	56.8	57.4	64.0	58.7
Hawaii					87.0
Idaho	7.7	10.7	23.5	27.6	43.2
Illinois	5.3	10.0	16.5	20.6	34.4
Indiana	5.5	32.2	37.4	29.9	34.9
Iowa	4.3	1.1	19.1	12.0	30.1
Kansas	1.7	10.9	24.0	19.2	26.1
Kentucky	26.1	40.0	35.1	45.8	52.5
Louisiana	26.9	52.3	69.6	70.2	58.3
Maine	28.6	15.6	27.8	25.8	44.9
Maryland	17.7	21.6	38.3	34.2	35.2

TABLE IV.—PERCENTAGE OF SCHOOL REVENUE DERIVED FROM STATE SOURCES, 1930–70—Continued

[In thousands]

State	1930	1940	1950	1960	1970
Massachusetts	9.5	10.0	20.5	20.0	20.0
Michigan	18.2	41.6	53.4	43.2	45.1
Minnesota	20.6	31.7	36.2	39.7	43.4
Mississippi	33.5	37.1	47.8	56.5	51.6
Missouri	10.6	32.1	38.9	31.0	34.5
Montana	14.1	7.2	25.3	23.6	30.9
Nebraska	5.4	1.0	6.2	6.5	20.0
Nevada	19.0	17.0	36.5	51.3	39.2
New Hampshire	9.0	5.1	6.2	6.3	8.5
New Jersey	21.2	5.5	19.0	23.7	28.5
New Mexico	21.8	45.3	86.0	74.4	62.7
New York	27.6	33.1	40.0	39.5	45.4
North Carolina	16.6	65.8	67.5	66.7	70.9
North Dakota	11.1	12.8	27.0	26.4	27.2
Ohio	4.1	35.3	31.4	27.7	31.6
Oklahoma	10.6	34.0	56.5	27.7	40.8
Oregon	2.3	.4	28.6	29.3	20.6
Pennsylvania	13.9	21.0	35.1	45.8	46.9
Rhode Island	8.6	10.3	20.2	23.2	34.5
South Carolina	25.5	48.6	55.2	66.6	61.6
South Dakota	10.1	7.6	12.1	8.9	13.6
Tennessee	24.7	33.3	56.9	58.0	49.3
Texas	42.6	39.4	61.8	50.0	42.8
Utah	33.6	37.3	50.3	44.0	51.4
Vermont	12.2	14.5	27.6	24.8	28.6
Virginia	27.9	31.2	39.6	37.0	36.6
Washington	28.9	57.9	65.6	61.6	58.8
West Virginia	8.3	50.7	62.7	52.9	48.2
Wisconsin	17.0	17.2	17.4	22.6	29.4
Wyoming	27.1	4.3	42.0	47.5	25.4

[1] Includes 0.3 percent of Federal funds.

Source of data: U.S. Office of Educat on excepl for the year 1970 which was estimated by the National Education Association.

Further, with respect to state financing of elementary and secondary education, it is interesting to note the extent of effort exercised by the states in revenue support of their school systems. A study conducted for the National Educational Finance Project [4] developed estimates of personal income per capita in the 550 states by deducting from total personal income (1) an allowance of $750 per person to cover basic expenditures for food, clothing, and shelter and (2) federal personal income tax paid. Table V ranks the states according to the percent of net personal income that was allocated for elementary and secondary education. The range is from a high of 8.9% in New Mexico to a low of 5.0% in Nebraska. Net personal income per capita ranges from a high of $3,369 in Alaska, also the least populous state, to a low of $1,292 in Mississippi. Net personal income per child in average daily attendance ranges from a high of $18,772 in New York to a low of $5,624 in Mississippi. Of course, the wide variations are influenced by cost of living differences but not to an extent that would be significant. It should also be pointed out that personal income per child in ADA is influenced by parochial and other private school enrollment and by pupil absenteeism, a significant problem in urban systems. The table also reflects some correlation between net personnel income and the percent of net personal income expended for elementary and secondary education: the higher the net personal income, the lower the percent of NPI spent on public education; the lower the NPI, the higher the percent NPI spent on public education.

TABLE V.—EFFORTS OF THE STATES TO SUPPORT ELEMENTARY AND SECONDARY EDUCATION IN RELATION TO THEIR FISCAL CAPACITY, 1969

States	Net personal income: Per capita	Net personal income: Per child in ADA	Percent NPI expended for elementary and secondary education
New Mexico	1,909 (40)	7,224 (48)	8.90 (1)
Utah	2,006 (39)	7,351 (46)	8.40 (2)
Montana	2,127 (33)	9,111 (36)	8.06 (3)
Oregon	2,473 (34)	11,662 (24)	8.02 (4)
Mississippi	1,292 (50)	5,624 (50)	7.84 (5)
Arizona	2,291 (29)	10,299 (30)	7.71 (6)
West Virginia	1,628 (46)	7,785 (44)	7.63 (7)
Vermont	2,239 (30)	10,489 (29)	7.53 (8)
Louisiana	1,784 (45)	8,386 (42)	7.45 (9)
Minnesota	2,538 (19)	11,072 (26)	7.36 (10)
Delaware	2,781 (10)	13,062 (13)	7.19 (11)
North Dakota	2,049 (36)	8,932 (38)	7.14 (12)
Idaho	1,875 (42)	7,890 (43)	7.13 (12)
Iowa	2,477 (23)	11,085 (25)	7.03 (14)
New York	3,170 (3)	18,772 (1)	6.99 (15)
Maryland	2,864 (9)	13,748 (10)	6.76 (16)
Kansas	2,493 (21)	12,253 (19)	6.67 (17)
South Carolina	1,623 (47)	7,242 (47)	6.66 (17)
Colorado	2,492 (22)	10,768 (27)	6.61 (19)
Wisconsin	2,549 (18)	12,566 (16)	6.61 (19)
Indiana	2,579 (17)	11,733 (22)	6.55 (21)
Wyoming	2,388 (25)	9,453 (33)	6.54 (21)
California	3,096 (5)	14,231 (7)	6.48 (23)
Maine	2,029 (38)	8,990 (37)	6.45 (24)
Michigan	2,767 (11)	12,414 (17)	6.44 (24)
Hawaii	2,689 (12)	13,263 (11)	6.37 (26)
Florida	2,338 (28)	11,694 (23)	6.33 (27)
Virginia	2,222 (31)	10,598 (28)	6.28 (28)
Washington	2,686 (13)	12,052 (20)	6.25 (29)
Alaska	3,369 (1)	14,027 (8)	6.21 (30)
Arkansas	1,582 (49)	7,629 (45)	6.15 (31)
Pennsylvania	2,538 (19)	13,861 (9)	6.15 (31)
Nevada	3,138 (4)	13,132 (12)	5.93 (33)
South Dakota	2,105 (34)	8,834 (40)	5.91 (34)
North Carolina	1,907 (41)	8,926 (39)	5.89 (35)
Tennessee	1,806 (44)	8,617 (41)	5.86 (36)
Kentucky	1,871 (43)	9,410 (34)	5.74 (37)
Georgia	2,031 (37)	9,304 (35)	5.74 (37)
New Jersey	2,992 (2)	16,654 (3)	5.72 (39)
Oklahoma	2,056 (35)	9,502 (32)	5.66 (40)
Connecticut	3,209 (2)	16,917 (2)	5.64 (41)
Missouri	2,373 (26)	12,403 (18)	5.52 (42)
Alabama	1,605 (48)	7,210 (49)	5.50 (43)
Texas	2,191 (32)	10,250 (31)	5.43 (44)
Illinois	3,077 (6)	16,567 (4)	5.39 (45)
New Hampshire	2,365 (27)	12,649 (14)	5.37 (46)
Ohio	2,623 (15)	12,637 (15)	5.30 (47)
Massachusetts	2,946 (8)	15,488 (5)	5.22 (48)
Rhode Island	2,644 (14)	15,223 (6)	5.15 (49)
Nebraska	2,580 (16)	11,870 (21)	5.00 (50)
Total United States	2,556	12,400	6.24

Footnotes at end of article.

The major sources of revenue at the state level are from sales taxes, personal income taxes, corporate income taxes and various excise taxes.

In 1970, 45 states containing 98% of the nation's population levied some type of sales tax. During 1969, sales tax collections by the states totalled $12.3 billion, 30% of all state tax revenue.[5] A sales tax tends to be regressive especially when basic necessities such as food are not exempted. An additional disadvantaged is the economic distortions that occur in neighboring states when one levies a sales tax and one does not. The advantages are ease of administration and collection and the fact that revenue growth is generally at about the same rate as the growth in income.

Personal income taxes were levied in 41 states in 1970. The exchange of information by federal and state government has greatly improved administration and has made tax evasion more difficult. The personal income tax ranks the highest in terms of elasticity and in terms of being directly related to the most generally accepted measure of tax paying capacity—the income of the taxpayer.

FEDERAL REVENUE SUPPORT OF SCHOOLS

Of the revenues supporting public elementary and secondary schools in 1970, it is estimated that federal funds accounted for 6.6%, representing $2.5 billion of the $38.5 billion total of school revenues. However, unlike revenues generated locally and unlike most of the state funding provided to school districts, federal funds are special or categorical in nature.

In 1969, federal funds expended under the provisions of Title I, Elementary and Secondary Education Act, 1965, amounted to $1.1 million, about 40% of total federal funds expended for elementary and secondary education. Title I funds support projects designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low income families. An examination of Title I funding for the fiscal years 1966 through 1969 suggests that Congress and the administration are not in agreement on the value of Title I programs; Congress almost doubled the authorizations from 1966 to 1969, while the administration actually increased appropriations only by about 20%. In 1968 and 1969, only slightly more than half the funds authorized by Congress were actually appropriated by the administration:

Fiscal year [6]	Authorization	Appropriation
1966	$1,192,981,906	$959,000,000
1967	1,430,763,947	1,053,410,000
1968	1,902,136,223	1,191,000,000
1969	2,184,436,274	1,123,127,000

To reiterate, federal funds for the most part are restricted as to use and are not permitted to supplant other funds. An exception is funds expended under the provisions of Public Laws 81–874 and 81–815 that authorize payments to school districts where enrollment are affected by federal activities.

SUMMARY OF REVENUE CHARACTERISTICS

In briefly summing up the characteristics of the three sources of funds available to school districts, the following can be stated:

Local funds depend primarily on property taxes and, as a consquence. the funds provided bear little relation to educational needs or population wealth. An added problem of urban school districts is competition with municipal government for the local tax dollar.

State funds also fail to adequately recognize need and most state subsidy formulas, because of the use of property tax as a measure of local wealth, distribute funds almost inverse to need. The use of special grants and equalization formulas has ameliorated but not rectified the problem of inequity.

Federal funds, for the most part, are categorical or for special purposes and provide little assistance to school districts in financing basic operating costs. The distribution of federal funds does correlate more closely to needs than does local or state funding.

PUBLIC EDUCATION FUNDING ALTERNATIVES

The problems of adequacy and especially equity in educational finance are not new as witness a statement made by Ellwood P. Cubberley in 1905:

. . . . the present plans in use for the apportionment of school funds in fully three-fourths of the states of the union are in need of careful revision. And there is likewise need for more careful study of the problem that has been given it so far by most of the states if it is desired that future evolution shall take place along more intelligent lines than has been the case in the past.[7]

At this juncture in the history of public education, the little red school house is under fire from parents who claim with some justification that they are paying more and getting less; systems serving the urban and rural poor are on the verge of bankruptcy; and the courts are being inserted in the vacuum created by federal and state legislative inaction.

The range of alternatives are not unlimited; considering the three sources of funding for public school education, there emerges only seven possibilities to examine:

Full local funding.
Full state funding.
Full Federal funding.
Local and State shared funding.
Local and Federal shared funding.
State and Federal shared funding.

Local, State and Federal shared funding.

Total dependence of school districts on *local funds* would increase present inequities even if, on an overall basis, school districts had sufficient revenue raising capacity. School districts are confined to the property tax as a revenue base which would mitigate against both equality of funding and equity of funding. The funding of education would be almost totally dependent upon the value of local real estate.

Full state funding would have the potential of eliminating the disparities of financial support among districts within the same state. And it should be possible to develop distribution formulas that relate financial support to educational need.

There are those that would contend that one of the great strengths of our public education system has been the financial and programmatic leeway awarded local districts and there are those who argue directly to the contrary pointing to the interventions that have been necessary by the courts and by the federal government. However, local support and involvement could be management, planning, and implementation rather than fiscal.

Wide variations in the wealth of the states are also a deterrent to full state funding. If we believe that every child should have equal or equitable access to an acceptable level of education, then we cannot be satisfied with the differences that do exist and would continue to exist between, say, Mississippi and Oregon.

The major advantages of *full federal funding* would be the elimination of fiscal variations among the states. In fact, equalization of educational opportunity is not very likely of accomplishment without federal funding. Only the federal government has a tax base capable of funding a broad program of education. Even at the present time, the federal government collects almost 70% of the taxes in the nation yet pays less than 7% of the cost of education.

A combination of *local and state funding* is essentially what exists presently when we consider that these sources presently provide almost 94% of the funding for public education. However, in addition to the problem of fiscal variation among states, is the likelihood that this combination would not be fiscally capable of meeting the costs of equalizing education even within a state assuming that equalization would merely involve increased support to poor school districts to the extent necessary to match the financial input to wealthier districts.

A combination of *local, state,* and *federal* funding is precisely the situation that exists today. Because the federal government could eliminate variations between states and because the states, in turn, could eliminate variations between districts, it may well be that the present difficulties are resolvable by changing relative shares, i.e. decreasing local and state shares and increasing the federal share.

A combination of *local and federal funding* would have to involve nominal funding at the local level. The distribution of federal funds would have to be through the state governments if their traditional and constitutional responsibilities for public education were to continue.

State and Federal funding may well be the best approach. A state's tax resources could be augmented by a nominal statewide property tax and local property taxes for schools would be eliminated. The paramount purpose of state funds could be to equalize educational opportunity among its districts. Federal funds could be utilized to equalize educational opportunity among states.

Footnotes at end of article.

ARGUMENTS FOR AND AGAINST FEDERAL AID TO EDUCATION

Any solution to the problem of educational finance will undoubtedly require a massive increase in federal funding. The possibility of a new federal tax (the value added tax) coupled with the prospect of federal revenue sharing suggest that we may be at the advent of a new and significant role by the federal government in educational finance. It is important, then, to review the arguments for and against federal aid to education. The National Education Finance Project has organized those arguments generally considered to be the most cogent and powerful.[8]

ARGUMENTS AGAINST FEDERAL AID

Equalizing educational opportunity. Federal aid opponents believe that this is impossible to accomplish and that attempts to do so would only drag down educational standards and eliminate the outstanding schools.

Lack of need. Opponents of Federal aid claim that massive federal assistance is not needed and that present problems are resolvable by tightening up present curriculum, eliminating frills, and by getting more effective utilization of existing facilities. Further, the opponents claim that the states have the potential for doing the job if they have the will.

Federal control. To those who view public education as the last stronghold of states' rights, the threat that federal control inevitably follows any program of federal aid is an appealing argument.

Unconstitutionality. The 10th Amendment to the constitution is viewed as having made education a state responsibility. Article X states "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." Education is not mentioned specifically anywhere in the Constitution.

Cost. Opponents claim that the government already burdened with the costs of war efforts, past, present, and future, is in no position to take on the expensive cost of education.

Other arguments against federal aid are that it would tend to curb initiative at the local level and that expanding the role of the federal government in education would be another way of losing our political and intellectual freedom.

ARGUMENTS FOR FEDERAL AID

Local control. This is the first and strongest argument for both the proponents and the opponents of federal aid. However, experience with federal grants to school districts has demonstrated that it is possible to develop and administer federal legislation without inhibiting local control.

Equalization of educational opportunity. Data presented earlier in this paper documents the inability of states or districts to equalize educational opportunity. Proponents argue that equalization is critical to the nation's welfare and only the federal government has the potential for accomplishment.

Need. It is felt that the only way to insure that necessary improvements in education are accomplished in all fifty states is for the federal government to be an innovative agent.

The tax base. The national government is more able to effectively tax the real wealth of the nation—personal and corporate income.

Mobility of the people. Each year 40 million people change their addresses and about 1 million youngsters cross state lines. Since mobility is a fact of our society, place of residence should not be allowed to have the deleterious effect that it might on a person's future and, therefore, indicates the need for a strong minimum education program in every state.

Acceptance. An especially strong argument advanced by proponents is the fact that the majority of citizens are in favor of federal aid to education. The Lou Harris Poll in 1963 found that 70% of the voters favored federal aid to education.[9]

The Constitution. Against the claim that federal aid to education could be unconstitutional, proponents of federal aid offer the General Welfare Clause of the Constitution, Article I, Section 8, that reads, "The Congress shall have power: To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States . . ."

History. Edith Green, Representative from Oregon, stated that the issue of federal involvement in education was decided over 100 years ago and that presently we have at least 42 federal agencies providing aid to education in the amount of over two billion dollars a year.[10] We have had federal aid to education since 1785 (aid to territories for education by endowment of schools with public lands), and indications are that we are no closer to federal control of our schools now than we were in 1785.

OTHER CONSIDERATIONS

In addition to determining the best funding source for financing elementary and secondary public school education, there is also the task of developing distribution formulas that will provide every child sufficient access to the educational dollar to provide that child with an acceptable standard of education. Moreover, it is also critical that strategies and mechanisms be developed to deal with what has been an especially serious problem—rapidly escalating educational costs.

Aid to parochial schools is essentially a political question but warrants attention because of the impact potential on the cost of public education. The National Educational Finance Project has estimated that the cost of public education would increase about 10% if parochial students were to be merged with the public school population. Not a very significant increase considering that public education costs have increased more than 150% in the past 10 years.

The monitoring of educational expenditures, including the imposition of restraints on collective bargaining for teachers and other educational employees, will be necessary if extraordinary escalation in educational costs, unaccompanied with improvement in the quality of education, is to be avoided. A much stronger role on the part of Federal and State governments is called for rather than merely continued dependence on impotent local school districts in the collective bargaining process.

FOOTNOTES

[1] United States Senate, *Hearings before the Select Committee on Equal Educational Opportunity,* Part 16A—Inequality in School Finance. Washington, D.C.: U.S. Government Printing Office, 1971, p. 6618.

[2] *Future Directions for School Financing.* National Educational Finance Project, Gainesville, Florida, 1971, p.p. 9, 10.

[3] The School District of Philadelphia, *Annual Financial Report, 1970–71.*

[4] *Alternative Programs for Financing Education.* National Educational Finance Project, Volume 5. Gainesville, Florida, 1971, p.p. 66–69.

[5] Ibid, p. 63.

[6] United States Senate. Op. Cit. Part 17, p. 8970.

[7] Cubberley, Elwood P., *School Funds and Their Apportionment. New York.* Columbia University, 1905, p. 253.

[8] *Status and Impact of Finance Pro-*

grams. National Educational Finance Project, Volume 4. Gainesville, Florida, 1971, pp. 240–249.

[9] *Christian Science Monitor.* Lou Harris Poll, September 13, 1963.

[10] United States House of Representatives Committee on Education and Labor. *The Federal Government and Education.* Washington, D.C.: U.S. Government Printing Office, 1963.

MY RESPONSIBILITY TO FREEDOM

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. SEBELIUS. Mr. Speaker, in these times it is always refreshing to hear a young person speak out for freedom and what is right with America. Along this line, I would like to submit this essay by Douglas James Lahey for the perusal of my colleagues.

This was the winning essay in the Kansas Voice of Democracy contest sponsored by the Veterans of Foreign Wars. Douglas is a student at St. John's Military School in Salina, Kans.

The essay follows:

MY RESPONSIBILITY TO FREEDOM

(By Douglas James Lahey)

Freedom of speech, press, petition, assembly and religion are some of the basic privileges given to the citizens of these United States. Nowhere else in this world are all these freedoms given to the people—nowhere!

Knowing what freedom is and how much it has to offer, I could not live without it. What would life be like without freedom? Would it be dark and foreboding, restrictive and unrewarding, dull and miserable? I'll tell you why I asked this question. To me, freedom is almost the opposite. I treasure it for what it is—the most special gift ever given to any one of us.

Why is it so special? I know a man who has lived without freedom since World War II. By the time he reached thirty-eight years of age, he knew his life was missing something. Something deep down within him said, "I've had enough, I want out!" That something was his free soul. He was in chains, but his soul was not. He couldn't live a split life, so he followed his conscience. He plotted and planned and escaped from East Berlin on the underside of a car. I wonder what he was thinking as he rode beneath the car, looking up—to freedom. He struggled to America where his right of being free was guaranteed. Now, he is a whole man and realizes that he is more than just existing. Now, he is finally alive. He is free!

As an American, I was given my freedom the moment I cried out and took my first breath, but I was unaware that I had obligations to it. When I grew up, I realized how lucky I was to have it, and not wanting to lose it, I am now slowly realizing that it is my duty to preserve it. We must preserve freedom as we must protect those we love.

Then comes the question, "I know we must protect this freedom, but how?"

I believe the first thing we have to do to protect our freedom is to abide by the written laws of the land. The Constitution of the United States was not written for only a few of us to live by; it was made for all of us. Our laws aren't as strict as some people think, and they would seem much more lenient if all people would abide by them. All people need some restrictions if they are to live with one another. Can you imagine the chaos that would exist if people had no responsibilities? Some limitations are a necessity for a people to survive, and this nation imposes the least number of them. As Thoreau once said, "That government which governs least, governs best!" That is the basis on which this nation was founded.

Many have advocated and supported the slogan, "America, love it or leave it." Is this the way to make it better? I suggest that it is not. Love it and improve it. We must all do everything we can to make it even better or it won't get done.

Thus, to me, this issue becomes a personal question. How much time and effort am I willing to give to protect this privilege? How devoted am I to the idea that others could share the rewards I have found through being free—physically, mentally and spiritually. All these questions I've pondered time and time again until I found my answers.

Freedom is not a right given to every man. It is a gift which we must earn. We must take the responsibility to preserve it, or we will be forced to live without it.

I will devote my life to giving others their freedom because it means so much to me, and I want it to be a part of other's lives also. My responsibility to freedom is to think, speak, and act as a free American, to protect it with my life, if necessary—for myself and for the good of every man—and to guarantee these opportunities to all mankind, so others might have the same gift as we have in America—the land of the free.

SCHOOL DESEGREGATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, I am pleased to note that since the President's ill-advised effort to make political capital out of the sensitive issue of school desegregation, more and more people have spoken out in opposition to his plans. Recently, many members of the faculty of Harvard Law School issued a logical and concise commentary on the President's proposals. Their carefully reasoned argument clearly demonstrates the irresponsibility of the President's performance in this matter: his gross exaggeration of the dimensions of the school-busing problem; his wholly misleading description of the Supreme Court's rulings in this matter; the deliberately deceptive nature of his proposal for spending money for upgrading inferior schools; and the dangerous constitutional implications of his proposed remedy for a problem which is largely of his own devising.

The spectacle of the President of the United States seeking to advance his political position by leading a retreat from the national commitment to abolishing the blot of racial discrimination which still blights the lives of million of black Americans is a tragic one. I am grateful to the signers of this document for speaking out forcefully and persuasively against this effort, and I hope the Members of the House will be encouraged by their example to eschew the temptation to sacrifice the Constitution to political expediency.

The document follows:

SCHOOL DESEGREGATION

The undersigned law teachers are strongly opposed to the two bills proposed by President Nixon for passage by Congress on the subject of busing of school children. We believe that the two bills, if enacted, would sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children. More specifically, our reasons for opposition are as follows:

(1) The Supreme Court declared the segregated dual school system unconstitutional in the *Brown* case 18 years ago. For much of that period, opponents of the *Brown* decision have successfully avoided and delayed its enforcement. Only recently has the enforcement process achieved any momentum. Enactment of the two bills at this time will certainly be seen—by blacks and whites alike—as a major break in the Nation's resolve to realize the constitutional rights of black children under the *Brown* decision. Moreover, the very proposal of these bills—especially given the psychological impact of the President's speech—will seriously hamper and may well cripple efforts now under way to achieve compliance with *Brown*.

(2) The two bills call for a very substantial change in the standards and modes of enforcement of *Brown* by the courts. Their enactment by Congress under Section 5 of the Fourteenth Amendment invokes a rarely exercised power whose limits are not at all clear. Strong doubts of constitutionality exist, with constitutional lawyers differing as to the outcome if the bills were to become law and their legality tested in the courts.

Whatever may be the scope of the Congressional power, the proposed bills clearly would misdirect it. The President is encouraging Congress to react in a panic to busing, as though that were the key issue, when he should be exercising his leadership to calm the public and to call on Congress to deal with busing as one aspect of a comprehensive program for ending dual systems of segregated schools. This failure of leadership is highlighted by two key facts. According to Administration sources, while about 40 percent of the Nation's school children are bused to school, at most 1 percent or 2 percent of this total are bused for reasons of desegregation. Secondly, in calling for an expenditure of 2.5 billion dollars on "inner-city schools," the Administration has not added one dollar to existing programs or proposals it has previously made. The net effect of the present proposals is to cut back sharply on existing remedies for segregation while offering little or nothing in their place.

(3) The two bills involve a needless and dangerous disruption of the proper relationships between the President and the Congress on the one side and the Supreme Court and other federal courts on the other. As recently as one year ago in the *Swann* case, in light of almost 20 years of experience with enforcing *Brown*, the Supreme Court approved of court-ordered busing as one means of disestablishing dual school systems—a means which in particular cases might be necessary to bring about a unitary, desegregated school system. The Court did not insist that busing was required in any mechanical way or that its disadvantages should be ignored by federal judges.

The President has suggested that lower federal courts have gone beyond the Supreme Court—and in his view, improperly so. One would then expect the Administration to press appeals of these decisions to the Supreme Court, and perhaps to ask that Con-

gress mandate stays of execution pending the appeals. Instead, the Administration presents proposals which amount to a declaration of no confidence in the courts and a repudiation of what they have done under the Constitution and laws of the United States. If we take the President at his word, this is premature and unnecessary. It risks the very undermining of the Supreme Court's standing that the President has on other occasions said should be avoided.

(4) One need not be an advocate of large-scale busing to see the harms and dangers in the proposed scheme. Serious questions about various aspects of busing have been raised by both blacks and whites. But the Administration has not asked Congress to regulate alleged excesses of busing in a selective, sensitive way. Rather, the Administration seeks to eliminate all busing as a remedy for desegregation by placing rigid, mechanical limitations on it. The practical effect is that busing could no longer be used even as a minor but necessary part of a desegregation plan that emphasized, for example, new geographic districts, or school pairings. It is in cases of this kind that the threats to the enforcement of *Brown* and to the proper role of the courts are clearest.

We call on Congress to reject two proposed bills on busing.

Paul M. Bator, Derrick A. Bell, Jr., Gary Bellow, Derek C. Bok, Stephen G. Breyer, Victor Brudney, Clark Byse, A. James Casner, Abram Chayes, Archibald Cox, John P. Dawson, Richard H. Field, Paul A. Freund, Charles M. Haar, Philip B. Heymann, Benjamin Kaplan, Andrew L. Kaufman, Lance Liebman, Louis Loss, John H. Mansfield, Michael J. McIntyre, Karen S. Metzger, Frank I. Michelman, Arthur R. Miller, Albert M. Sacks, Frank E. A. Sander, David L. Shapiro, Richard B. Stewart, Arthur E. Sutherland, Donald T. Trautman, Laurence H. Tribe, Donald F. Turner, James Vorenberg, Lloyd L. Weinreb, Ralph U. Whitten.

A PIECE OF STUPIDITY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HUNGATE. Mr. Speaker, as my colleagues know, I opposed the "no-knock" portion for the District of Columbia Criminal Law Code when we enacted this legislation.

The following article describes some cases in which the dangers in such "no-knock" legislation have again been made plain.

A PIECE OF STUPIDITY

[From the Washington Post, Apr. 14, 1972]

(By William Raspberry)

A lot of us thought it was bad news when the District's no-knock law was enacted in 1970.

Some of us could sympathize a little with the rationale behind the law: that in some cases contraband and other criminal evidence may be destroyed if police raiding parties have to announce themselves.

But we were certain that more evil than good would come of a law that made it legal for police officers to break into a home without having to identify themselves as policemen, without waiting to be admitted, without even the necessity of wearing uniforms.

We knew, no matter what the intentions of those who drafted the legislation, that most of the legalized breaking and entering would not be done in the "good" sections of town.

The debate was over whether the police needed this frightening tool.

There just may be a number of local police officers who are wondering whether they want it. No-knock, as some of us suspected from the beginning, can be dangerous not just to those who are raided but also to those who are doing the raiding.

What brings this up now is a case that police say was not a no-knock raid. But it does give a good indication of what can happen.

The legislation was barely on the books when, in October, 1970, D.C. police raided Marvin Vincent's home on Hayes Street NE. They were looking for narcotics, they said.

What they found was not drugs, but slugs. Two of them, from Vincent's gun, struck one of the raiding officers. This week, Vincent was acquitted of all nine counts of the indictment growing out of the affair.

Police told the U.S. District Court that they knocked on Vincent's door and heard someone inside say, "Just a minute." When there was no further response, they said, they broke the door down. They were met by a hail of bullets.

Vincent said he opened fire because the officers had burst in without warning and he feared for his life. It's easy to believe he was frightened in light of the fact that two years earlier he had been shot six times by police during an altercation involving a motorcycle.

In any case, the officers retreated and called for reinforcements. The reinforcements came—including some three dozen policemen and an armored car—but Vincent held them off for nearly three hours until community leaders managed to work out a deal for his surrender.

You and I will never know whether Vincent was given adequate notice of what was happening, or whether he was the intended victim of an unofficial no-knock.

The interesting point is that a jury chose to believe Vincent, in spite of the fact that he hardly qualifies as a pillar of the community.

From what I know of the case, the acquittal makes sense. If you accept the assumption that a man has a right to defend his home against intruders, that puts some special burdens on the police when they are the intruders. And the most important of those burdens is that they make unmistakably clear who they are.

They didn't make it clear when they raided Kenyon Ballew's home in suburban Silver Spring last year, and as a result the young gun collector tried to protect himself and was nearly killed for his efforts.

They didn't make it clear in Northeast Washington, either, and as a result a policeman was lucky to escape with his life.

Vincent's acquittal doesn't make him any sort of tinhorn hero. As a matter of fact, he's in prison now doing 4 to 12 for armed robbery and assault, crimes that took place after the shootout.

The point is that no-knock is a stupid piece of legislation that can get you killed no matter on which side of a busted-down door you happen to be.

In view of Vincent's acquittal, the police might give thought to leading a fight to get that piece of stupidity off the books.

TUPAMAROS "LOSING THEIR WAR"

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HALL. Mr. Speaker, too often, significant events of the past are permitted to fade into oblivion, when they should become constant reminders of dedication and service.

I make specific reference to the late Dan Mitrione, who was assassinated while serving in his capacity of a U.S. Public Safety Adviser to the Uruguayan police.

In August of this year, the Uruguayan Government will issue an airmail stamp memorializing the second anniversary of Mitrione's brutal murder at the hands of the Tupamaro band of urban terrorists.

The following articles are offered for the enlightenment of those who may have forgotten about this U.S. citizen's work for the Agency of International Development, and the sacrifice he made.

The articles follow:

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

TUPAMAROS "LOSING THEIR WAR"

(By Jeremiah O'Leary)

MONTEVIDEO, URUGUAY.—Roy Driggers, the U.S. public safety adviser to the Uruguayan police, is so big he could hold out both fists and ask you to guess which hand is holding his .45 caliber pistol.

The .45 goes with him everywhere because Driggers is brave but not foolish. His predecessor as AID's public safety adviser here was Dan Mitrione, who was kidnaped and then murdered by the Tupamaro terror organization.

Not yet 50, and a grandfather, the 6-foot 3-inch, 220-pound former New Mexico police official is a reassuring figure of strength and serenity in a place where terror has forced American Embassy personnel to cleave together like the early pioneers in Indian territory.

Driggers volunteered for the Montevideo job after the death of Mitrione. He and the other Americans here never refer to the tragedy as "the death": they date happenings by referring to before or after "Dan went away."

Driggers came here from Columbia and his job is just what Dan's was: to help the Uruguayan police become more professional.

'BETTER ALL THE TIME'

"The Uruguayan policemen are getting better all the time," Driggers said. "I take my hat off to them. They lay their lives on the line for less than $30 a month and let me tell you they are a different force than when the Tupamaros went on the warpath.

"Some of the police have told me that it was almost unknown here for anyone to be shot in the back until the Tupes turned to murder a couple of years ago. They just weren't trained for the carefully planned murders, kidnapings, robberies and all the rest of it.

"They didn't have radios, squad cars or any of the sophisticated techniques for combating crimes of this kind. Most of them were either walking their beats or riding bicycles when the Tupamaro thing hit them."

Driggers said AID's public safety program of counsel and equipment, plus availability of AID's International Police Academy in Georgetown, has had a lot to do with the improved professionalism of the Uruguayan police. "They have learned how to do things that were outside their experience before," he said "like using informers, identification and interrogation techniques and modern equipment for crime detection."

NO DICTATORSHIP

"We are not running schools on how to get confessions through rough stuff," Driggers said, "That is counter-productive and besides this is no dictatorship; Uruguay gives suspects a better break than they'd get in a lot of states back home."

The low point in police morale came late

last year when more than 100 Tupamaros tunneled to freedom from the Punta Carretas prison.

"A Uruguayan policeman heard about the jailbreak before the guards at the jail knew it," Driggers said. "One policeman went to the jail, looked at the cubic yards of dirt piled up in their cells and burst out crying. The poor man said he was thinking of all the policemen who had died in putting those Tupamaros into jail and now they had to do it all over again."

But Driggers said they have already gotten some of them back, maybe 10 or 15, and they have not lost heart.

The growing professionalism of the police has now been belatedly extended to the prison where for the first time there are body and cell searches at frequent intervals.

TRUCE DECLARED

Until the big jail break, the Tupamaro prisoners were probably the most pampered and protected in the Western Hemisphere.

The Tupes had declared a "tregua" (truce) before the Nov. 28 election here finally won by President Juan M. Bordaberry.

Since then, except for the big jail break, the Tupamaros have limited themselves to blowing up the Punta Carretas golf club and the murder of one prison security officer. It is difficult to say how much of the current quiet is due to increased police efficiency and how much to new divisions that have developed in the Tupamaro organization.

Driggers said one wing of the Tupamaros favors continuing the urban guerrilla war while another part wants to pursue a less violent political path through the Frentes Amplio leftist coalition which ran third in the election.

Whatever the reason, Driggers believes the Tupamaros are losing their war, especially in the countryside where Uruguayans resolutely turn them in on sight.

"This was a peaceful country until they got started and it wasn't prepared for their senseless violence," Driggers said. "Now the police are learning to outthink them and outsmart them. The Tupes are highly organized and they plan their operations in great detail. This is both a strength and a weakness because intricate plans can be upset by keeping them off balance."

URUGUAY TO ISSUE MITRIONE STAMP ON 2D ANNIVERSARY OF HIS MURDER

The Uruguayan Government will issue a 37 peso airmail stamp memorializing A.I.D. Chief Public Safety Officer Dan A. Mitrione August 10, 1972—the second anniversary of Mitrione's brutal murder at the hands of the Tupamaro band of urban terrorists. Announcement of the stamp issue was made by Dr. Raymondo Arbela, Director General of the Uruguayan Government's Office of Posts and Telegraph. Issuance of the stamp was directed some time ago by former Uruguayan President Pacheco Areco.

Dr. Arbela said that ceremonies will be held in Montevideo, the capital city of Uruguay, on the occasion of the stamp's issuance to commemorate the assistance to the Uruguayan police provided under the guidance of Mr. Mitrione, and to generate support for both Uruguayan and American police forces.

The Mitrone memorial stamp will be the first issued by the Uruguayan government honoring an American since February 1960 when it issued a stamp commemorating the visit to that country of President Dwight D. Eisenhower. Dr. Arbela said the first run of the Mitrione stamp will be 100,000.

A first-day of issue cover has been designed by the Philatelist Club of Uruguay and will show a likeness of Mitrione. First-day covers will be available for 30 pesos. In U.S. currency the stamp will cost 6¢ each, as will the first-day cover. Stamp and cover will cost 12¢. The stamps will be printed in the plant of the Uruguay official printer, Chromograph, under the direction of Postal Agent Ruben Copola, assigned by Dr. Arbela to insure that the Mitrione stamp issue date is met.

Stamps and covers may be obtained by sending U.S. postal money orders or U.S. bank money orders direct to Senor Elias Casal Gari, President, Club Filatelico del Uruguay, Casilla de Correo 518, Montevideo, Republic Oriental de Uruguay. Orders should be sent by June 10 to insure inclusion in the first run of the stamps, and should include 17¢ return postage.

FINANCING OF HIGHER EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, I am pleased to submit for the RECORD the remarks of the distinguished president of the National Scholarship Service and Fund for Negro Students, Hugh W. Lane. Mr. Lane's statement on Financing of Higher Education was presented at the recent National Policy Conference on Education for Blacks in Arlington, Va. on March 20 to April 1, 1972.

I urge my colleagues to read the following statement regarding the financing of American schools; especially higher educational institutions:

FINANCING OF HIGHER EDUCATION

I believe our purpose during this phase of the conference is to determine the level at which policy considerations should guide our actions as persons interesed in equality of access to higher education. Clearly it is impossible in the time allotted for us to come to grips with each single issue which affects this purpose. I wish, therefore, to use a few major issues to suggest the kinds of things about which we should reach understanding in order that we act separately and together guided by a common understanding and consequent purpose.

The area about which I am personally most knowledgeable is that of financial aid: scholarships, loans, work study for the students about whom we are most concerned; subsidy to higher educational institutions for the traditional student bodies of these institutions, that is, for all who can afford to pay.

First the issue of subsidy. By subsidy I refer to the sum total of all moneys from federal, state, and local government which go to the support of higher education. With the possible exception of those portions of research grants not related to instruction, this total can be seen as the direct subsidy of that portion of the student population now in college. If these monies were not currently being given to the colleges, each student and his parents would have to meet a higher cost. To the extent that this is true, every student at an institution partially supported by public funds is a scholarship student. The sum total of these funds thus benefits these students directly. This direct benefit is not participated in by the population of young persons denied admission to college.

It has been shown elsewhere that if this sum is shifted downward and added to the funding which would be required in the form of scholarships, loans and grants to enable those of lower income to attend college, it would be sufficient to cover the cost.[1] The continuance of this subsidy in its present form thus represents a public policy to support the children of those of middle income and higher prior to consideration of the needs of those who cannot meet the costs of higher education from their own resources.

Now it is quite possible that many of us here, indeed that most of us here, are comprised by our participation in this subsidy. We either are receiving or have received some benefit from public funds above and beyond that received by persons never on college campuses as students. This fact may well prevent our reaching the conclusion that the public subsidy of higher education should meet first the financial needs of those unable to pay and only later the needs of those presently subsidized in part who could afford to pay higher costs. And yet that choice is the policy issue.

We do, however, operate within an even prior constraint. This nation could as public policy decide that the total cost of higher education (for all) would be paid from public funds. It is not entirely clear that this would require an increase in taxation. Clearly a reordering of priorities within the present level of expenditure of public funds would go a long way toward filling the need. Are we here prepared to take such a position? Simply stated, such a policy would be that the costs of education have the first, the highest, the initial priority in expenditures from the tax dollar or, more broadly, that the needs of health, education and welfare for all are to be met without regard to cost as a right of citizenship and prior to expenditures for war, for highways, for farm subsidy, etc.

In higher education such a policy could be made manifest in many forms. Let me suggest only one: a universal G.I. bill type of scholarship fund open ended of which every student is assured upon completion of high school.

Consider it and consider it well. Cost it out. The costs may not be prohibitive. The costs of a year in college are after all less than the costs of a year in jail or of a year in the Job Corps for that matter. Which is our choice? What policy do we wish?

Consider now the possible costs. Were six million students to attend college at a cost of $5,000 per student per year paid from public funds, the total cost would be $30 billion dollars yearly. Can the nation afford it? How long can the nation afford not to pay it?

Consider some of the implications. If higher education is a right and not a privilege and if the cost of higher education is to be paid to the institutions through the student, then the student is empowered. Those institutions not responsive to the needs of students would change or go out of business. Curricular innovation, relevance, all of today's catch words would perhaps be tomorrow's reality.

If the costs of higher education are to be borne by the public and not assumed by the individual family, then even the offspring of the affluent will be freed to engage in free and open thinking unbound to the past by debt and gratitude.

Is it possible also that the poor, and the minority poor, assured that the costs of higher education would be met, would assume a different relation to primary schooling and secondary education? I think so. Then why don't we do it that way? Is it too simplistic simply to note that the higher learning emerged as the province of the affluent and that the financing of higher education simply still reflects its origins.

Note in contrast our present situation, the way we do it today.

We hold out to all students that promise that if they perform well in secondary education and are admitted to college, that the costs of college will be met from public funding, to the extent that their parents are unable to pay tuition and added costs. This support is made available through federal programs of financial assistance. This

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Footnotes at end of article.

assistance, in the forms of grants, loans and work, is administered through four federal programs, the Educational Opportunity Grants program, College Work Study, the National Defense Savings Loan program and the Guaranteed Loan program.

This year for the second consecutive year, the level of funding of the Educational Opportunity Grants program and of College Work Study is grossly below the level of demonstrated need for such funding.[2]

The regional panels convened by the United States Office of Education to consider institutional applications for funding under these programs approved as proper or needed some $340 million dollars in Educational Opportunity Grants.

The estimated available funding for the coming year is only $165 million dollars. Of this amount $125 million must first be used for renewals of EOG's for students already matriculated and using the program. This leaves $40 million dollars to meet the $215 million which would be needed for initial starts, students entering the program for the first time. This means that only 18.7% of the money needed for initial starts is presently available. That percentage is as low as 9.8% for the state of Mississippi.

What exactly does this mean? Well, each college, when informed of its alloted share, must either inform an average 81.3% of students who have applied for initial starts under the EOG program that there is insufficient financial aid for them to attend or the college must scale down each EOG award or the sum total of EOG awards by an average 81.3% of the dollar amount granted.

To many this will obviously mean an end to the dream of college. Some will join the military, others will get jobs, etc. All too many will leave the college going pool, never to return.

By fall, Congress in its wisdom may well appropriate some portion of the $175 million dollars required to meet the already demonstrated need. By the time that event materializes it will be all too late for many.

It is worth noting that the College Work Study program is also underfunded for 1972–73 by parallel criteria, with only 60.8% of the demonstrated need meetable under the present appropriation. I do not have the figures which would allot this proportion among renewals and initial starts, but suffice to say that 1972–73 will be a second consecutive hard year.

The picture is bleak. It hardly represents the President's seeming promise that no student should be unable to attend college because of lack of funds.

There is yet another level at which public policy as affects black youth and the black community is reflected in the shape of legislation concerning student financial aid. This issue is how and whether blacks shall be educated and trained and what roles shall they be equipped for in a society where power resides in the already affluent and secondarily in the managerial, the scientific, and the technological.

Clearly the four year college degree is presently the principal avenue to power and participation. It does not hurt. of course, to be born affluent. History suggests, however, that status is hierarchical, that is, there is no higher status unless there's a good deal of lower status. This raises the question of the value of the four year college degree—not if we lower standards—but if we enable everyone to attain it. No less a person than the Vice President of the United States has argued that college is not for everybody, that multiple other options must be kept available. He quotes Amitai Etzioni to the following effect: "If we can no longer keep the flood gates closed at the admissions office, it at least seems wise to channel the general flow away from four-year colleges and toward two-year extensions of high school in the junior and community college." [3]

Now I am sorely afraid that these extended high school options are designed for our black children and the children of other minorities and other poor.

Note as evidence the proliferation of junior and community colleges with their present attendant high attrition before the four year degree.

Note the provocative Newman Report on Higher Education which suggests innovation and cost effectiveness and Mr. Marland's selection of career education as that aspect of it most deserving of his support.

Note the philosophy of the administration which substitutes the term, post-secondary education, for the term, access to college.

Note the per student financial aid package in the House or Mrs. Green's bill and its differences from the basic grant proposal in the Senate or Mr. Pell's effort. Listen to the arguments advanced for each as the legislation moves through the House-Senate conference. The level of individual funding in the House Bill seems designed to channel the less affluent toward the less desirable post-secondary options.

It seems to me that the less affluent are once again being channeled toward less desirable jobs, lower social status, less technical and scientific skill, a generally lower level and position in any hierarchy you wish to describe.

Those enabled to enter programs leading to four year degrees have been tapped for access at least to posts involving decisionmaking and planning. Those entering the two year and community colleges with their higher overall attrition rate are being channeled toward lesser positions in the work world and in social status.

Note statistics reported elsewhere.[4]

"Of 60,000 freshmen to be admitted to the state University of New York, an estimated 42,000 will be admitted to two-year campuses and the remaining 18,000 to the university's senior campuses."

The National Association of State University and Land Grant Colleges . . . reporting that the rejection rate of in-state resident students is running 80.7% above a year ago—not because of standards for qualification—but "because of general financial constraints and classroom shortages," both of which indicate public policy.

(Note in this connection, the recently reported study from Educational Testing Service [5] indicating that black students receive on the average a higher amount of financial aid than white students, a study released while the Senate and House Committees are in conference. A total of 171 black students are represented in that study. Of these a total of 76 comprise the population of those reporting awards of financial aid. What statistician in his right mind would generalize from 76 students to the population of black students, let alone those rejected for admission because of inadequate available financial aid.)

The predominantly Negro College has been traditionally underfunded. It does not matter whether one looks at the private black institutions or the public black Land Grant Colleges. The bleak level of support has been thoroughly documented elsewhere.[6] These colleges have, however, created black leadership. They have formed that nucleus of trained talent which has brought the black community this far. Of this there is no question.

Recently published statistics suggest a major increase in both the number of black students attending college and the proportion of black students in predominantly white colleges. In the recent published BLS Report #394, "The Social and Economic Status of Negroes in the United States" it is indicated that by 1970 some 72.4% of black college students were enrolled in colleges . . . not predominantly Negro. 144,000 were indicated as enrolled in predominantly Negro Colleges or 27.6%. That suggests that some 378,000 were enrolled in predominantly white colleges for a grand total of 522,000. just over a half million. The same study indicated 234,000 or just under a quarter of a million as the number of black students in college in 1964 with 51.3% of that number in the predominantly black colleges.[7]

The 1970 figures for black college attendance may well be inflated to an unknown degree by the inclusion of non-degree credit students. This is true certainly of the two year institutions and I am led to understand it is also reflected in the counts for predominantly white 4 year institutions.

Yet these figures do represent a shift in attendance patterns for black youth. The major source of growth in black enrollment has been in other than the predominantly black colleges and most of this growth began with the Civil Rights sanctions written into the Higher Education Act of 1964.

What does this suggest as to a public policy to be designed in the best interests of our black youth?

Certainly, the predominantly black college needs increased money support as it continues to play its historic role. To the extent that it no longer has the same national captive audience or student body it once held as its exclusive domain, it must adapt and change, becoming perhaps more regional, certainly sharpening its ability to do things compensatory and supportive. Our need is for more explicit formulation of those attributes and techniques which have served the black community so well through the years as models to be emulated elsewhere.

Could the predominantly black college be encouraged through funding to relate more directly to the problems of the black community *through public service outreach* to the urban poor and to the rural and agricultural communities of the south? Could black colleges be helped so efforts like *Shaw-in-Detroit* to stake a claim in Watts, in Hough, in the Bottom in San Diego? Might either Knoxville College or Southern University open a branch campus in St. Louis? These are not far fetched schemes. They simply need adequate development and funding. If the majority of our black students can no longer get to the black colleges, can we provide funding to enable the black college to move to them?

While remembering and honoring the role of the black institution, we must still remember that the majority of black students at the college level are now elsewhere. It is not helpful when some speak of these students and of black professors who are also elsewhere as traitors. I am clear in my mind that the white university or college is in many and varied ways hostile to black students, indeed to any student not middle class and white. Yet our students *are there*. We must assert our claim to our black students by asserting also our claim to the predominantly white colleges. The black community, it seems to me, must assert its claim to every institution and structure participated in by our black kids. We must insist on full participation in any institution supported in any way by the tax dollar.

I have earlier suggested the efficacy of a Universal G.I. Bill type of funding meeting student costs for higher education. That idea is no more and no less radical than the idea of the free public school.

I would now urge the funding of all four year institutions for community involvement. If this is a good idea for the community colleges, it should be just as good an idea for our four year institutions. The resources of these institutions should be made more freely available to the general public. Students and faculty should not be the sole beneficiaries of the books, labora-

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Footnotes at end of article.

tories, lectures, ideas, meeting places, athletic facilities which comprise these institutions.

The idea of an educational park for primary and secondary education is, after all, adapted from the idea of campus. These—all of these—campuses should be available to the black community—*also*.

It should be a commonplace for black community organizations to assemble and meet in the halls and conference rooms of our colleges and universities. City planners, social scientists, other scholars should be encouraged to use their disciplines, interacting with the community in the design and delivery of needed knowledge and service.

The crucial point is that legislative authority for this opera via now must be used in such a way as to provide leverage for change. I do not believe we should favor general and direct institutional support for higher education because and only because it provides no such leverage for change.

Thus:

The public support of higher education should be in grants through students to the institution rather than through the institution for the student because it would then provide leverage for change.

The public support of institutions should be through programs designed to produce change rather than to institutions per se.

Those institutions most directly involved in tackling problems related to our public policy directives should be rewarded and those merely serving present affluence and power should not be beneficiary to the tax dollar.

Let me raise briefly other questions or issues deserving discussion and dissection at length.

There are by now a variety of special programs for the disadvantaged through higher education. These would seem to be concentrated in the predominantly white colleges. Among these I number Upward Bound, Special Services, Educational Opportunity Programs, Higher Educational Opportunity Programs, etc. One feature of many of these programs is that they are *not* integrated into the regular programs of the institution in terms of permanent funding, permanent tenured faculty or administration. Thus they exist in a position to be excised or dropped when and if special and public funding is no longer available. They serve as an accommodation of the institution to the needs of special populations and are able to exert very little leverage for real and permanent change in the institutions' modus operandi.

The predominantly black institutions may well be dealing with students of similar background and parallel disadvantage. They do it, however, without the benefit of special funding. This, of course, raises the question of whether these institutions deserve additional public funding as a function of their task which may now be to deal with total or near total populations of students of some disadvantage or faulty previous preparation.

Another issue centers around the development of reasonable student budgets to enable attendance at college. In this area we are concerned with all the cost of attending college, not just . . . tuition, the cost of instruction, and other student fees.

In a remarkable study surveying actual student cost at Kennedy-King College, Kermith Owens, Director of Financial Aid,[8] developed fifteen representative student budgets showing the actual cost to the student as a function of his situation. These budgets ranged from a total 12 months cost of $3,431.50 for a dependent student living at home to $5,316.50 for an independent single student with one child.

Costed out in each such budget were rent, utilities, fees, tuition, books, supplies, transportation, meals, clothing, recreation, cleaning-laundry, personal grooming, toilet articles, medical expenses, child care, and other miscellaneous costs including the cost of family debt.

How different this approach is from the consideration of only costs to be recovered by the institution. How strange that our present public policy is to support undergraduate students at—*and not one penny beyond*—the level of bare subsistence?

A friend raises the issue of public funding for research—an area which includes anything from the establishment of research institutes to the education of students for research careers. Present practice makes research in the main the exclusive preserve of the large university. How many black students are thus never aware of the various research careers as viable options, simply because they attend initially the small colleges and the predominantly black colleges? Should our public policy position favor shifting research funds toward smaller colleges either through establishment of research consortia in which various black colleges participate or through increased funding for research at the undergraduate level?

In discussing financial aid—I have tried to demonstrate some of the complexity of at least one issue relating to education as it concerns the growth and development of the black community. I mean to imply the need for continual study groups with experts rotated in and out at need as a functioning adjunct to the Congressional Black Caucus. There is too much in any single one of these issues for one legislator to be an instant expert. There is too much variety in the black community for any one expert to delineate its needs.

In assembling a study group in just the area of financing higher education with special reference to the needs of blacks, I would include experts from at least the following categories:

1. The black college presidents
2. Business managers at black colleges
3. Development officers at black colleges
4. Financial aid officers—black
5. Admissions officers—black
6. Legislators and legislative aides
7. Representatives of organizations UNCF, NSSFNS, SEF, NAACP
8. Black students
9. Black executives in foundations
10. Black parents
11. Representative Black community organizations

At least this much expertise should be made available to the Black Caucus on a regular basis if a sound public policy position is to be reached which will guide their individual and group effort. If this is to be done it must be done at the initiative of the Black Caucus. Many of the persons I cite cannot lobby yet each could and would participate if invited. Coordination must and should come from within the staff of the Caucus and not from the outside.

It is indeed late for the black community to commence such an effort. It is not, however, too late.

FOOTNOTES

[1] Mundel, David; Position paper prepared for the Minority Panel on Financial Aid, College Scholarship Service.

[2] Analysis prepared by Washington, D.C., Office of the College Entrance Examination Board.

[3] College Board Review, Spring 1970, No. 75, p. 12ff.

[4] Higher Education and National Affairs, Volume XXI, Number 11; American Council on Education, March 17, 1972.

[5] Haven, Elizabeth W. & Horch, Dwight H., How College Students Finance Their Education, College Scholarship Service of the College Entrance Examination Board, January 1972.

[6] Payne, William, The Negro Land-Grant Colleges, Civil Rights Digest, Vol. 3, No. 2, Spring 1970.

[7] BLS #394, The Social And Economic Status of Negroes in the United States, 1970.

[8] Private communication from Kermith K. Owens, Director Financial Aid, Kennedy-King College, Chicago, Illinois. Copies available by request to HWL.

PROPOSED STANDARDS FOR PLANNING WATER RESOURCE PROJECTS FAILING TO REFLECT TRUE NATURE OF THE NATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. JOHNSON of California. Mr. Speaker, at the present time the National Water Resources Council is considering proposed standards and procedures for planning for the use of water and related land resources. The actions which this Council will take in the days and weeks ahead could very well determine the future of a water resource development for generations to come.

As originally developed by the Water Resources Council Task Force the proposed standards and principles expressed a need for analytical procedures and project reporting to reflect more nearly the real inputs that have actually controlled decisionmaking through the years. By this I mean—that Members of Congress who have consistently supported water and related land resource programs have done so out of a deep awareness that they contributed clearly to the four objectives set out by the task force:

The traditional objective of national efficiency that dollar benefits must exceed the dollar costs.

The objective of improving our environmental quality.

The objective of a favorable impact upon a regional basis.

The objective of benefits to the social well being of Americans.

This being the case, the multiple objective planning system held promise of furnishing more definitive date, in the form of quantitative and qualitative evaluations, for use by the Congress and the executive alike in processing water resource development plans toward implementation on the basis of sound and logical priorities.

Also the discount rate philosophy expressed in the task force report was acceptable to most reasonable people in that it bore some relationship to the actual cost of transacting public business, and was comprehensible to professionals and laymen alike. Moreover the task force report did not seek to intrude on the prerogatives of the Congress, in that it showed an affirmative appreciation for the authorizing laws which have heretofore been enacted.

While the purposes of multiple objective planning are generally supportable, the task force report did fall short of a realistic, meaningful guide for future action because it attempts to accomplish too much, too quickly. For instance there appears to be a lack of appreciation of the many areas of the analytical proc-

ess for which it fails to establish guidelines for detailed application.

Nevertheless, the task force report is more acceptable and supportable than is the version of the standards and principles published in the Federal Register on December 21, 1971. The changes which were made by the Water Resources Council prior to publication failed to rectify the shortcomings of the multiple objective planning system, which, as pointed out above, is indescribably complex despite its lack of detail and guidance in many substantive areas.

There are, in the hearing record of the Water Resources Council, many thoughtful and enlightened statements which point out the weakness of the proposed standards and principles. It is nevertheless appropriate, at this point, to recapitulate a few of these and thereby add one more voice to those who seek to preserve our capability for economic growth and stability, particularly in rural America.

I would refer first to the Council action in eliminating from the list of objectives the "well-being of people" and the derogation of "regional developments" to the status of being applicable only where specifically authorized. The Council does not see fit to establish by whom "regional development" must be authorized. This must be clarified because I do not believe that anyone in the legislative branch of government, in which the authorizing power must vest, would accept an administrative action or declaration which would grant the executive broader discretion to dispense or withhold project benefits in accordance with the executive's view of where such action would do it the most good.

Concerning the "well-being of people" objective, it is difficult to comprehend the denial of an objective with such a valid role in public decisionmaking in our representative form of government. Representatives of the public know, full well, that the two paramount objectives sought to be served by all public investment are "well-being of people" and "regional development." National goals are relevant, but they are not predominant in the minds of most people for the reason that they are not readily perceived by the average man or woman. Surely the executive could not feel that it cannot trust the Congress to participate in the decisions affecting the lives and well-being of its constituents—but only in matters of national scope.

Turning now to the question of discount rates—I feel the existing formula, that set out in the Federal Register of December 23, 1968, yielding 5⅜ percent at this time—is too severe. It does, however, have the virtue of bearing some relationship to the cost of transacting public business. In this sense, it is tenable. The so-called opportunity cost of money, on the other hand, has no place in public investment decisionmaking. Its impropriety has been amply documented. The Federal Government should under no circumstances undertake to engage in investments returning anything like the so-called opportunity cost of money. Such an hypothesis is so totally alien to the fundamental philosophy of the free enterprise system, that one cannot avoid wondering if it has its origin in a calculated decision to terminate forthwith all water resource development.

The Water Resources Council amended the task force recommendations to involve authorized projects. This, of course, implies that the executive branch can—by administrative fiat—"deauthorize" a project or nullify an act of Congress. While the executive branch may request funds with which to initiate authorized projects or withhold such requests at its discretion, it has no authority to require ex post facto justification of the acts of Congress simply because it has seen fit to change its own rules for decisionmaking. It may well be that the Congress will see fit to appropriate funds to start all future authorized water resource projects much as it has been obliged to do in recent years. Needless to say, I oppose the spirit and the letter of the 5-year rule and feel that it has no place in the administration of Federal programs.

These thoughts express my principal concern with the Water Resources Council's proposal as published on December 21, 1971.

I also have a general unease with the system of multiple objective planning set out in both the task force report and the Federal Register proposal. My problem in this area is more one of abruptness of timing than of substance. I agree that it would be ideal to have a planning and reporting system where every parameter of desirability is expressed in equivalent quantitative terms. Given enough staff and time, the task force might well have approached this ideal. Instead, however, we propose to install an imperfect, untried system in one stroke; bringing all studies in progress under its terms. This cannot fail to have the effect of slowing down the flow of proposals to the Congress by several years. During this time frame nothing of any consequence in the action context will likely take place. No new water supply will be delivered to the ultimate user. No new flood control facilities will be initiated and our unfulfilled water resources needs will become progressively greater.

For the good of the Nation and for the benefit of generations to come we cannot permit such a disruption in the conservation and wise utilization of one of the most precious of nature's resources—water.

NEWSPAPER, BUSINESSMEN LAUNCH WAR ON DRUGS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. FORSYTHE. Mr. Speaker, it is often said that the problem of drug use among our Nation's young is a problem that must be tackled at home, by all of us.

I believe this is true. While I support stiff penalties for the unscrupulous dealer in narcotics, these laws will be only as good as the efforts to enforce them.

A community newspaper in my district, the Burlington County Times, and the Willingboro, N.J., Chamber of Commerce, are demonstrating the importance of local, community cooperation, and action in the fight against narcotics abuse.

The newspaper recently announced a new program in cooperation with the chamber—a program to provide a $100 reward to persons who provide information leading to the arrest and conviction of dope pushers.

I am including at this point the Times article announcing this project:

WE WILL PAY $100 FOR TIP LEADING TO PUSHER CONVICTION

A new program aimed at halting—or at least slowing—dope traffic in Burlington County begins today with the start of Operation T.I.P. (Turn In Pushers).

Sponsored jointly by the Burlington County Times and the Willingboro Chamber of Commerce, TIP provides a reward of $100 to anyone who provides information leading to the arrest and conviction of any person selling hard drugs.

The $100 reward is made with a guarantee of complete anonymity for the person who provides the necessary information.

The project is a sincere effort to stop drug abuse among youth and to involve the public in this effort. And while it is recognized that the user of illegal narcotics is a sick person in need of help, it is also obvious that the path to addiction is paved by the pusher.

Drug users, under pressure to get money to finance their habits, will steal, commit assaults and even kill. Why? So that the supplier, the pusher, the seller—the big man—can get his money. No matter what street term you apply to a pusher, he is nothing more than a merchant of death.

That is why Operation T.I.P. has been initiated and is fully supported by State, County and local police officials.

At a recent meeting held at the Burlington County Times Building, "full cooperation and help" was promised by State Police officials, Burlington County Detectives and municipal police chiefs for the success of T.I.P. The project is also supported by the Burlington County Police Chiefs Association.

This is how Operation T.I.P. will work. Just write the information you have regarding a hard-drug pusher's activities, but do not sign the letter with your name. Instead, of signing your name, write any six-digit figure you choose. Write this same "code" figure twice on the letter, once on each corner of the lower part of your letter. Then tear off one of those numbers and save it. Send the remaining portion of the letter with all of your information to: Operation T.I.P. Burlington County Times, Route 130, Willingboro, New Jersey 08046.

The information will be turned over to the proper authorities for investigation.

If the person you report is convicted, call the Editor of the Times and when we match your number (the portion of your letter you tore off and kept) with the number in our T.I.P. files, confidential arrangements for payment of the reward will be made. All payments will be made in cash.

There are two important points to remember. When sending information, include as many details as possible about the pusher.

Official information such as name (if known) and nicknames, a physical description, where he is likely to be at various times; and if he has a vehicle, include all known information about it, such as license, model, etc.

The second point to remember is the probability that several months or even a year may elapse from the time you send in your T.I.P. to the time of a conviction. Investigations take time and, unfortunately, the current heavy court schedules delay trials.

Although unlikely, should more than one person claim the reward following a conviction, the editors of the Burlington County Times will have final say as to who has claim to the reward.

And both the Times and the Willingboro Chamber of Commerce are urging other organizations and groups to become involved in T.I.P. As the program gets under way, more money will be needed to pay T.I.P. rewards.

Remember, public involvement and cooperation is vital to the success of Operation T.I.P., so don't wait until tomorrow. If you suspect someone of pushing hard drugs, sit down right now and write that letter.

PLANNING YOUR FUTURE: A NEW KIND OF SCHOOL EXERCISE FOR WOMEN

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the RECORD an article, which appeared in the Detroit Free Press, written by staff writer John Askins. The article describes a recent exercise conducted by Lamphere High School in Madison Heights, Mich., for its women students, regarding their role, future, and responsibilities following graduation. It would be well if every Member of Congress would read this message. This is the most realistic exercise, directing students to think about their future, about which I ever have heard in any school.

The article follows:

"MARRIAGE IS NOT THE ONLY CHOICE"—HIGH SCHOOL ASSEMBLY WITH WOMEN'S LIB MESSAGE

(By John Askins)

One speaker wept. "I don't know how to tell you that it just isn't easy," she said. "I'm happy, but there's so many things I want.

"Don't just go out and get married. Think about what you're going to do before you do it."

Another speaker, a man, got a laugh from the audience of 600 Lamphere High School girls when he described a two-year stint of doing all the household chores because his wife was working while he got a graduate degree and he had more free time.

"I cooked, I washed the dishes, I made the bed, I vacuumed and I went bananas," he said. "I just about climbed the walls."

Perhaps for the first time anywhere, a high school was saying to its students what Women's Lib advocates have been saying for years: Marriage is not the only choice a young woman has when she's planning her future, and for some it may not even be the best choice.

But officials at the Madison Heights school were careful to say that they were not pushing Women's Lib on the students, only presenting them with information about "alternative choices."

"Our idea was to provide you with some things to think about," moderator William Haycock told the audience. "What you do with them is entirely up to you."

The girls, who mostly come from working class families, are not as strongly encouraged to go on to college as their more affluent counterparts in places like Birmingham and Grosse Pointe, said counselor Joan Walker.

There was no room in the school auditorium for boy students, so only girls were allowed in.

The first speaker, attorney Julia Giller, 27, told the girls some economic facts of life:

If they get married to a young man just out of high school, they're going to have to work if they want any kind of life, because he'll be doing well if he brings home $100 a week.

If they decide to get divorced, the husband is not required to pay alimony in Michigan; only child support.

If the husband deserts them, and they have to go on welfare, the payments are about $25 per child per month plus housing.

If they had never worked before marriage and never had a charge account, they will have to pay large deposits for utilities after they are divorced.

Many of the same problems arise if they are widowed, Mrs. Gillis added, urging them to equip themselves to get a good job.

That means training of some sort beyond the high school diploma, though not necessarily four years of college.

"I wouldn't knock being a wife and mother," she added. "I have an 11-month-old daughter. But I know if I'm happy then I'm a better wife and mother."

Vera Cassise, 47 , a custodial worker at the school, told the girls she had never worked a day in her life until she came to Lamphere after the death of her husband from a heart attack five years ago.

"Why didn't I go to work earlier?" she said. "Maybe I was being a little selfish. Maybe he wouldn't have died if the burden wasn't so much on his shoulders.

"Well, that's all in the past now. But I wish you kids would stop and think when you get out of school. It isn't going to be a bed of roses."

Dr. John Walker, 36, a psychologist and marriage counselor, said that marriage "is to share and enhance a happiness, not create it." If you want to be happy, he told the girls, you have to spend at least some of your day doing productive work; routine housework is not included in that category.

Speaking from his own experience in housekeeping, he said: "How many ways can you creatively vacuum a rug? And when you make a bed, somebody sleeps in it and you have to make it again the next day."

"Thank God we didn't have any children. If I'd had to wash dirty diapers I probably never would have gotten my Ph.D."

Often women try to tell themselves they should enjoy housework, he said, and feel guilty when they don't. Others rebel and don't do the work, then feel equally guilty.

"Sometimes women repress * * *, and they wind up repressing all feelings. Many of the women who come to see me feel a dull sense of anxiety and little else."

Dr. Walker said women could get involved in productive work without going to college or having a career; he suggested gourmet cooking, sewing projects, interior decorating, art and volunteer work.

But, he said, housework alone destroys self-confidence and happiness.

Then two young women who graduated from Lamphere in 1969 and one from 1966 talked about their own lives since then. Michelle Urban, 21, who is married and working full time to supplement her husband's income, said she would like to work only part time in a few years and further her training in art or interior decorating.

"But right now I know that will be the time when we'll be wanting to start a family," she said ruefully. "Well, that's life."

Marlene Koreck, 20, the young woman who cried, stays home to take care of her 15-month-old daughter, and says she doesn't know if she'll ever go back to work again. Her husband doesn't want her to, she says, and the baby cries every time she goes out the door.

The first year, we really had it hard," she added. "We fought. He felt tied down, especially with the baby. I'd sit there and say, 'Don't go,' whenever he wanted to go out. I depended on him."

As if to illustrate that there are no surefire formulas for success, the last speaker, Marlene Siebenhaar, 24, said she has done "absolutely nothing for myself" although she remained single and finished college. She works as a clerk typist-secretary at a local bank.

School officials said they hope the students will sign up for discussion groups to consider further the issues raised at the assembly.

THE POLICY IMPLICATIONS OF COMMUNITY CONTROL OF BLACK AMERICAN SCHOOLS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, I am pleased to insert in the RECORD a viewpoint statement presented at the recent National Policy Conference on Education for Blacks by Preston Wilcox, President of AFRAM Associates, Inc. His challenging views were in sharp conflict with others presented and deserve careful consideration as we seek to make American education more viable and relevant.

The statement follows:

THE POLICY IMPLICATIONS OF COMMUNITY CONTROL OF BLACK AMERICAN SCHOOLS

(By Preston Wilcox)

The internal problem of Black people as a group is our slave mentality brought about by our acceptance of the values, goals and ideology of the oppressor. This manifests itself in the way we treat each other and in the way we strive to emulate the oppressing group in all its ways. The internal problem of Black people as individuals is that we are totally corrupt and need to be purged from our own incorrect desires, motives, thinking and action.—John Churchville, Director, Freedom Library Day School, Philadelphia, Pa.

PREFACE

In order to understand this presentation, my listeners/readers will have to begin with the following assumptions:

(a) All Black students are human and educable.

(b) Black students exist as members of families and communities.

(c) Black students should study as members of Black families/communities first and as members of college communities second.

(d) Black students must be educated to build a Black nation in concert with their brothers and sisters.

(e) All Black students must be educated to acquire the capability/desire/knowledge to participate with others in building/creating relevant Black institutions.

(f) The only institutions which one can change or reform are those institutions of which one is a part.

There is no alternative to self-investment in the consequences of change. One observer notes:

In a celebrated essay, "The Yogi and the Commissar" written more than a quarter of a century ago by scholar and novelist Arthur Koestler, he described society as caught in continuing tension—between those believing

in "change from within" the individual, and others believing in "change from without", imposed by some human authority. (1)

As Brother Chuck Stone notes:

Institutions are people and they are an operating entity with an independent and surviving life force beyond the collectivity of people. (2)

(g) Black men have but one role within white-controlled institutions; i.e. to subvert them or convert them to Black institutions. To try to "succeed" within a white institution or to reform it is to strengthen it.

(h) Black men can never make it as Black men within a white system. Hence, they can never become a part of the system or become the system itself. Black men in white-America are Black first, last and always.

(i) Black people must love themselves *first* before they can begin to love other Black people. The alternative is to give up their love of Black people and their love of themselves.

(j) The lives of Black people are inextricably tied to one another whether they acknowledge that truth or not.

(k) Black people have an instinctual natural "undying love" for each other. No Black man feels good when another Black man withholds love from him—or otherwise deny it to him.

(l) Values of cooperativeness—socially, politically, culturally, creatively and the like—are a part of the actual survival/history of Black people. Black people have survived as a group—not as individuals.

(m) Black men can never, never treat each other as terribly as Black people have been treated as a group by white America.

This presentation is an attempt to put in one place the author's notions about the right of Black people to control their own destinies—beginning with the Little Red School house. It will discuss how education has been utilized in this country to "divide and conquer" Black people as a group. A discussion of the concept of community involvement as differentially perceived/utilized by white-controlled systems and Black controlled systems follows. The wrap up section will attempt to identify and elucidate the policy implications from a Black perspective.

Never lose touch with your own soul.

PRESTON WILCOX.

March 23, 1972.

I. EDUCATING TO "DIVIDE AND CONQUER"

Black Americans have been consistently educated in two types of settings: one predominantly Black, the other overwhelmingly white; both characterized by the necessity to resist white dominance or to comply with white rules, values, goals and ideology. Hence, the field nigger/house nigger syndrome has been perpetuated within the Black community through the patterns of public education to which Black people have been exposed. The house niggers have tended to be educated to become *the system;* the field niggers were educated to fit into it by the "educated" house niggers and their white counterparts. The former group—the house niggers—were educated to believe in white domination, "the talented tenth" mentality. The latter group utilized white-dominated education to seek opportunities for quality education. The notion that quality education can be located under Black control and sponsorship within the Black community as a tool to build "operational unity" among Blacks remains a foreign idea to many Blacks. It is a threat to foreigners to the Black community.

It is clear from the above analogy that white Americans have never had any interest in educating Black people to *respect themselves,* to *define themselves,* to *nurture their own cultural heritage* and to participate on a collective basis in the joint resolution of the problems which Black Americans suffer on white American soil. Far too many Blacks have been educated to defer to white people, to accept oppressive definitions of themselves, to reject their own culture and to compete with each other for individual rewards dispensed by the Man. One-by-one entry into the mainstream has been a seeming goal.

The house nigger/field nigger syndrome has persisted because Blacks have not experienced the opportunities out of which one develops the *capabilities* to define himself—or the requisite opportunities to define the *internal fabric* of the Black community. The destinies of field niggers and house niggers are inextricably intertwined whether or not they acknowledge it. Field niggers and house niggers deserve the right to control their own collective destinies. They have a *natural* ability, right and responsibility to do so.

The opportunity for building "operational unity" between field niggers/house niggers does not exist as long as Blacks are educated within white-controlled institutions. The opportunity for enabling field and house niggers to respect each other cannot be provided within white-controlled institutions. The opportunity for Blacks to develop the capability to define themselves is not available within white-controlled institutions. The opportunities for developing collective thought/action/capabilities among Blacks and restoring a sense of one's own cultural identity do not exist within white-controlled institutions.

Within white-controlled institutions, it is illegal to be Black, to rebel, to love oneself as a Black, to care about a brother or a sister, to nurture one's sense of cultural identity or to educate for collective actions and nation-building. Blacks educated by whites are characterized by their need to *sneak* to freedom, to *seek permission* to be free, or to submit one's self-determination to the control of whites.

Discussion by Blacks, then, of any educational strategy short of *Black control of that education* is, in fact, the promulgation of a policy by Blacks to participate in dividing and conquering themselves. Open Enrollment, School Integration, Busing, Pairing, Princeton Plans, suburban/urban integration efforts and the like are designed to:

(a) destroy the concept of psychological and physical nationhood within the minds of Blacks.

(b) ensure that quality education for Blacks *never* takes place within the Black community and under Black control.

(c) educate Blacks to advocate on behalf of whites within the Black community.

It is no accident that Black nationalists expend their energies attempting to build "operational unity" among all Blacks while Black integrationists expend their energies turning Blacks against themselves and each other. (3) The former view their destinies as being tied to the destiny of Blackamericans and Blackafricans. The latter perceive their destinies as being tied to the destiny of whiteamericans and whiteafricans. The truth: Black Nationalists and Black Integrationists must come together or neither will survive. This theme was expressed by the Education Council, Congress of African People as follows: (4)

All Black educators (teachers, students, parents, administrators and community residents) should be held accountable to the Black community.

The education of Black people should be controlled by Black people whether it takes place within a white setting or a Black setting.

Education is a political act—its goals are people-building, community-building and nation-building. It should be directed toward the transmission of skills, knowledge, culture and values designed to produce the new African man.

There is a need to define what we mean by Black-controlled institutions, how to create Black educational institutions, how to subvert white institutions, how to convert white institutions to Black institutions, how Black people can learn to look out for each other, how to communicate with each other and to determine how education can be applied as a tool in the nation-building process outside of the formal educational institutions. (5)

For those brothers and sisters who feel that building quality educational institutions within the Black community under Black control is lending support to Governor Wallace and Albert Shanker, permit me to point out:

(a) Governor Wallace and Albert Shanker are incapable of respecting/believing/participating in ensuring quality education to Blacks where ever it takes place. Both would tend to favor the continued miseducation of Blacks, where ever it takes place.

(b) Black community control efforts are designed to remove racists from control over Black education.

(c) Black community control efforts are designed to establish Black sovereignty over Black education.(6)

If the education of Blacks does not, in fact, reinforce the *natural* "undying love" of Blacks for one another, if it does not enable the learner to *want* to contribute to nation-building, if it does not result in "operational unity"—Gary, Indiana-style—then, it serves but one function—to honkify Black folks! (7)

II. COMMUNITY INVOLVEMENT: NEW DEFINITIONS

Community involvement by Blacks in white-controlled institutions has ultimately meant the strengthening of the white institution. A second result is the inculcation within Blacks of the desire to be equal to whites—rather than the development of a desire for collective Black control over such institutions. It has required that parents and community leaders reinforce and support the goals of the existing institution: i.e., that they operate as "outsiders" to institutions in which their own children are being educated. Community involvement has been another game of name changing without any modification of the basic structure of the relationships. "Outsiders" are called upon to hold the "insiders" accountable when, in fact, the "insiders" are accountable to the larger school system and not to the local community.

White-controlled schools within Black communities have tended to approach the children as individuals or as members of pathological families and communities. The students were, then, educated to become refugees *from* the Black community. They were to become "naturalized citizens" within white america rather than to have their citizenship within Black america deepened and enhanced Local parents/community leaders were utilized as "company agents" for the school.

(a) to propagandize the "good works" of the school.

(b) to anesthetize any opposition.

(c) to legitimize the school within the community and

(d) to minimize any potential for change.

Community involvement within Black-controlled integrated programs is characterized as follows:

(1) *Children are perceived as being members of families and as individuals.*

Examples

(a) The classroom format is frequently modified into a family group concept wherein the transmission of love/security/consciousness/culture is given equal importance to the three R's. Importantly, the fourth R—

Footnotes at end of article.

racism—is dealt with as an integral part of the educational process.(8)

(b) Children are listed on school rosters as members of families, not as individual students.(9)

(c) Children are expected to teach each other and to teach the teacher about their own needs and interests.

(d) Parents and their families are perceived as having a *natural, non-negotiable* right to be involved in shaping the education of their own children. Parental rights are natural and God-given. If parental rights have to be legislated they have already been usurped. "You can't be free if someone lets you be free," (10)

The point: parental participation is not merely encouraged. The right to it is guarded/respected.

(2) *Black children are automatically perceived as being human and educable.*

Examples

(a) It's not illegal to be hungry or on welfare. It's viewed as being a crime of the society—a need to be met.

(b) The child is viewed as being a Black person *first*, and a student second.

(c) The assumption that the Black child *can* learn is taken for granted. The institution of which the student is a part guards/guarantees the opportunity to do so.

(3) *Children are perceived as being members of a community, not as refugees from it.*

(a) Non-Black teachers/administrators are expected to give up their tendencies to become generals within the Black community. They are urged to become "naturalized citizens" within the Black communities, i.e., turncoats against the system. (11)

(b) Black teachers/administrators perceive themselves as being *Black first* and as professionals *second*; as being members of the local community *first* and of the school system, *secondly*.

(c) The school—whether public or private—becomes an instrument of the local parent body with local community support *first*; and a member of a larger system *secondly*.

(d) The school and its program becomes an instrument for *preventing* the local community from being "divided and conquered". It becomes an instrument for building "operational unity". (12)

(e) Students are educated as members of the local community *first*: i.e., to acquire the interests/skills/desire to work on the problems imposed on the Black community by white America: sickle cell anemia, drug abuse, etc. Importantly they are educated to believe in their guts that Black people must acquire the skills to liberate themselves. White folks ain't going to/can't do it.

(f) Parents/families are treated as "insiders" as they really are. They are expected to help solve problems, not just identify them. They are encouraged to become articulate spokesmen, and not just to remain as aggrieved complainants. (13)

My point: community involvement is a term developed by some "outsiders" in the Black community who wanted to keep Black people disengaged from their own legitimate affairs. The term "accountability" was also developed by some outsiders who were controlling institutions which Black people should have been controlling themselves. The Black terms are *community control and mutual accountability*, i.e. self-determination/self government or collective/cooperative economic development.

III. IMPLICATIONS FOR BLACK PUBLIC POLICY

We have tried to state with a sense of affirmation that the major responsibility for *constructing* quality education programs for Black people rests with Black people. The obligation is absolute; it is inescapable.

The essential dialogue in education in this country prior to the controversy at Harlem's Intermediate School 201 dealt with whether or not it was more desirable to educate Black students to become white in racially mixed settings or within all Black settings. The issue of who was to control the educational processes seldom came up for discussion. It was presumed that Blacks would continue to submit to white-controlled education. DuBois noted this tendency in 1918 when he reacted to a study done on education in the down south. He wrote:

There is not in the whole report a single word about *taxation without representation.* There is not a single protest about a public school system in which the public which it serves has absolutely no voice, vote, or influence. There is no defense of those colored people of vision who see the public schools being used as training schools for cheap labor and menial servants instead of for education, who are protesting against this by submitting to double taxation in support of private schools; who cannot see that these schools should (not) be turned over to the people who by their actions prove themselves to be enemies of the negro race and its advancement.*

Since that confrontation at Harlem's I.S. 201, however, a major shift has taken place in the thought and actions within the Black community.

(a) Black/Afro-American/African Studies Programs have developed on white college campuses. Efforts are now underway to absorb them into African Studies programs designated to turn Blackamerican warriors into "foreign" diplomats in Africa—or into missionaries.(14)

(b) Black Colleges in the down south have begun to recognize their own collective worth and to value their own historic contribution. They are now moving to prevent forced integration (domination) by their white controlled counterparts.(15) (There was a tendency here to refer to the counterpartners as "sister organizations" but Miss Ann and Mr. Charlie would be far too pleased with that.)

(c) Independent Black Educational Institutions are proliferating at a steady pace.(16) At last count, AFRAM's Action Library had a roster of 100 such organizations, not including a roster of nine (9) Black School Systems.(17)

(d) The number of Black School Superintendents (state, city and those in deputy positions) numbered 38 at last count.(18)

(e) The number of Black School Board members, Black Mayors and Black Elected Officials is also increasing.(19)

(f) Both locally and nationally, the Black Urban Alliances and National Black organizations are providing alternative vehicles for Black participation: an alternative to interracial councils and white controlled national organizations.

Structurally, the effort at Harlem's I.S. 201 was designed to involve a segment of the Black community—parents/families—in guiding a community development process in which parents were to be engaged in staff selection, the setting of policy and evaluating the educational programs in which their children were involved. In socio-political terms it was an effort to substitute their own control for that of the central system: to perceive the Black community as a part of the Black nation and not as a branch of the central city. It was an effort to increase the number of opportunities for local leaders to develop the *capabilities* to build their own institutions.

It was an attempt to develop a laboratory for the nurturing/conditioning of Black relevant leadership: a setting in which Black students could learn to participate in building collective Black leadership. It was a vehicle for returning to Black control the right/opportunity to define its own *internal relationships*, a place where field niggers and house niggers could begin anew to experience their common destinies.

The events taking place within the Black community since I.S. 201—the first introduction of incipient Black nationalism into the public school arena—began to transform the concept of Black education—and to penetrate other areas of Black thought.(20) Rather than desiring to achieve within white institutions, there is a growing desire to create Black institutions. Rather than desiring any longer to learn how to become white, there is an increasing desire to learn from whites how to subvert them. Rather than reacting to whiteness there is a growing desire to enact Blackness. Rather than learning how to dream of better days to come, there is a growing intent to translate those dreams into a reality.

The economic impact of parent control is where it really is however. I.S. 201 and Ocean-Hill Brownsville were undermined by the white union movement in New York City not because the community groups wanted control over the hiring and firing of teachers. They also wanted control over the procedures/processes by which schools were constructed. One way to involve parents in the education of their children is to locate employment for the parents, themselves. History will show that the Black professionals were willing to settle for an educational definition of the problems.(21) They were willing to settle for the right to hire and fire teachers. The parent leaders at least at I.S. 201 saw the educational problem as also being an *economic problem*. They chose to gain control over school instruction.

During the two years in which I.S. 201 Governing Board operated a Community Education Center, approximately 45% of their employees were ex-political prisoners who were the parents of children attending school in the complex. Over 90% of the the staff were local residents. A review of their contacts with the N.Y.C. school system as a bureaucracy reveals that they spent a disproportionate amount of their time dealing with and fighting with three departments: the Division of Personnel (staff certification), the Business Affairs office (payroll consideration) and the Bureau of Purchase (the purchase of equipment and supplies). (22) They had little or no contact with curriculum-oriented staff from central office. There was no need for such contact for two reasons a) the local community was involved in developing their own curriculum b) the problem is economic, not educational.

The retreat of the Congressional Black Caucus, since Gary, on the busing issues raises some fundamental questions as to whether Black people are prepared to act as a collective. It raises some fundamental question as to whether Black public policy on educational issues is achievable. Our experience with Black parents in seven cities over the past two years suggests that at the street level there is a developing capacity to want to be free within Blackamerica. AFRAM staff learned that if they behaved toward parents as though they could act on their own behalf; they began to do so. We also learned that Black parents cared about children other than their own:

One stated: If 50% of the parents are not interested in the education of their children, then, the other 50% must do for all of the children not just their own.

Another was quoted as follows: You have to be concerned with all of the children as though they were your own children. (23)

We learned that parents could begin to behave toward the schools as though they, in fact, belonged to them: they moved from the status of a psychological tenant to that of responsible landlord within the school setting.

What we have attempted to identify are the strengths and capabilities which are be-

ing nurtured within the Black community. These strengths and capabilities should be taken into consideration when one begins to consider policy issues. If Black public policy is to flow from a Black perspective it must draw heavily upon Black self-definitions. We have attempted to raise for discussion the possibility that the struggle for quality education is an issue of who controls the educational process, and not one of whether one integrates into it or is bused to it.

Were I asked about the busing issue I would ask who owns the busses?

Were I asked about building alternative educational systems, I would raise the question of building alternative political systems.

Were I asked whether to integrate or segregate, I would ask on whose team would I be expected to play?

Were I asked how to build "operational unity" among Black people, I would say it has to start in the home and continue throughout the educational process.

Were I asked whether the fight for quality education should be engaged within the framework of the public school system or outside of it, I would ask how we could take over the public schools that serve our children?

Were I asked if I wanted to be free, I would ask whether or not it was to be bestowed upon me—or whether I would have to struggle for it?

Struggle is educational.

There is nothing between freedom and slavery.

Be in charge of your own collective self-determination.

Gary on!

Attica no more!

Never regret that you were born.

There is no such thing as the abolition of slavery. You can only talk about the destruction of Masterhood.**

Never, never lose touch with your own soul,

Don't be what you isn't
Just be what you is
Cause if you is what you isn't
You isn't what you is.***

FOOTNOTES

(1) *U.S. News and World,* March 20, 1972. p. 64.

(2) Stone, Chuck. *Memo to Brother Preston.* Princeton: Educational Testing Service, March 15, 1972. p. 1.

(3) Wilcox, Preston. "From "Complainant" to "Spokesman" Changing Conceptions of Community" in *Educational Leadership,* May, 1972.

(4) *Workshop on Education and Black Students, Congress of African People.* Harlem: AFRAM Associates, Inc., Sept. 13, 1972. pp. 17–18.

(5) See Satterwhite, Frank J. *Planning an Independent Black Educational Institution.* Harlem: AFRAM Associates, Inc. January, 1972. 29 pp. + Appendix.

(6) *Preferences in School Organization Patterns.* Harlem: AFRAM Associates, Inc., January, 1972. pp. 2 and 9 (mimeo) See also Wilcox, Preston. "Integration or Segregation: K–12" in *Integrated Education: Race and Schools,* Issue No. 43, VIII: 1, Jan.–Feb., 1970. (reprints available via AFRAM Assoc., Inc.)

(7) This was written before the Congressional Black Caucus proceeded to disclaim any political/historical relationship to the National Black Political Convention which took place in Gary between March 10–12, 1972. After the convention, Senator Brooke, who is not a member of the CBC, came out against the convention's anti-busing position (see Lucas, Peter, "Brooke Hits Black Parley on Anti-Busing Stand" in *Boston Herald Traveler,* March 14, 1972. p. 3. *and* Sullivan, Mary X, "Good Scout Winmer Brooke Discusses Busing" in *Boston Record-American,* March 14, 1972. pp. 5 and 49). Mayor Richard Gordon Hatcher of Gary was also reported as having taken a softer position on busing. ("Hatcher Reviews Parley of Blacks: Seeks Softer Busing Stand—Deplores Vote on Israel" in *New York Times,* March 10, 1972, p. 34.)

The *New York Times* reported on March 14, 1972 ("Rights Leaders Ask Nixon To See Them on Busing Decision") that leaders of seven (7) National Black organizations requested an appointment with President Nixon to discuss the busing question. The CBC released a story on March 18, 1972 indicating their support of busing; the opposite position of that taken at the convention. (DuBois, W.F.B., "Negro Education" (1918) in *W.E.B. DuBois: A Reader,* edited by Meyer Weinberg. New York: Harper and Company, 1971, p. 169.) Finally, the CBC came out against the anti-Israeli views expressed by the convention—("Black Caucus Hits Anti-Israeli Views" in *New York Times,* March 23, 1972, p. 31.)

(8) *An Idea: A Family Assignment.* Harlem: AFRAM Associates, Inc., October 21, 1971. 2 pp. (mimeo)

(9) *Patent Directory: Follow Through Teams, Morgan Community School.* Washington, D.C.: Morgan Community School, April 3, 1971. 20 pp.

(10) *What is Parent Implementation: Toward a Definition, The AFRAM Interpretation.* Harlem: AFRAM Associates, Inc., September 12, 1971. 12 pp. (mimeo)

(11) "Technology or Tricknology: White Teachers in the Black Community" in *Social Policy,* November/December, 1970, p. 67.

(12) *How to Achieve "Operational Unity" Among Blacks: A Preface and a Bibliography.* Harlem: AFRAM Associates, Inc., August 21, 1970. 3 pp. (mimeo)

(13) Wilcox, Preston. op. cit. (Educational Leadership)

(14) *African Studies in America: The Extended Family, a Tribal Analysis of U.S. Africans, Who Are They, Why to Forget Them.* Cambridge: Africa Research Group, October, 1969. pp. 29, 31.

See also, Wilcox, Preston. "Liberal Arts and Teacher Training: A Pan-African Perspective" in *The Liberal Arts and Teacher Education: A Confrontation,* edited by Donald N. Bigelow. Lincoln: University of Nebraska Press, 1971. pp. 164–182.

(15) *Support For Black Land-Grant Schools.* Washington, D.C.: Washington, D.C. Delegation, Black National Political Convention, 1972.

(16) "The Rise of Independent Black Educational Institutions" in *Imani,* August/September, 1971. (entire edition)

(17) *Available Mailing Lists.* Harlem: AFRAM Associates, Inc., December 17, 1971.

(18) *Black School Superintendents: A Directory.* Harlem: AFRAM Associates, Inc., December 14, 1971. 3 pp. + Index.

(19) See *National Roster of Black Elected Officials.* Washington, D.C.: Joint Center for Political Studies, March, 1917. 125 pp. and *National Directory of Black School Board Members: Elected and Appointed.* New York: Scholarship, Education and Defense Fund for Racial Equality, Inc., November, 1971. 41 pp.

Roster of Black Educational Organizations. Harlem: National Association of African American Education Clearing House, October 26, 1971. 5 pp.

(20) Carmichael, Stokley and Hamilton, Charles V. *Black Power: The 1 Politics of Liberation in America.* New York: A Vintage Book, October, 1967. 185 pp.

(21) McCoy, Rhody A. "Educational Issues Swamped by Politics", in *New York Amsterdam News,* December 11, 1971. P. A–7. Wilson, Charles. "School Problems Show We're in Deep Trouble" in *New York Amsterdam News,* December 11, 1971. A–7. Evans, Ronald, "Lessors Gained In the Struggle", in *New York Amsterdam News,* December 11, 1971. p. A–7. Edwards, Babette and Wilcox, Preston. "Community Control for whites only", in *New York Amsterdam News,* December 11, 1971. p. A–7.

(22) Taitt, Lenora. *Statement of Evaluation: Community Education Center of the Arthur A. Schomburg I.S. 201 Educational Complex.* Harlem: AFRAM Associates, Inc. August 31, 1971, p. 6.

(23) *Parental Proverbs.* Harlem: AFRAM Associates Inc., December 5, 1971. p. 1 (mimeo.)

**Congressional Black Caucus Reaffirms Caucus Position on Busing.* Washington, D.C.: Congressional Black Caucus, March 15, 1972. 1 p.

**Obi Egbuna, *Destroy This Temple: The Voice of Black Power in Britain.*

***Found on the walls of the Men's Toilet, Queensborough Public Library, Jamaica, New York.

BIBLIOGRAPHY

Action Stimulator #172: Black Restoration Processes. Harlem AFRAM Associates, Inc., March 4, 1972.

Antevil, Jeffrey. "Nixon's Busing Bill Climbs Capitol Hill" in *New York Daily News,* March 18, 1972. pp. 4C–8.

Baraka, Imamu Ameer. "A Black Value System" in *The Black Scholar,* 1:1, November, 1969. pp. 54–60.

Boggs, James. *Curriculum Suggestions for Black Studies Institutes. Harlem:* AFRAM Associates, Inc., February 12, 1969. 3 pp. (mimeo).

Churchville, John E., *Black Education: Three Statements.* Harlem: AFRAM Associates, Inc., August, 1969. 7pp.

"Eight Articles on Accountability" in *PM Delta Kappan,* L11:4, December, 1970 (entire edition).

Fort, Edward B. "Desegregation and the Belgian Congo Syndrome" in *Teachers College Record,* 69:6, March, 1968. pp. 555–560.

Hare, Nathan; Lynch, Ackly and Wilcox, Preston. *Black Power and Black Education.* Harlem: AFRAM Associates, Inc., 1970. 13pp.

Haskins, Kenneth W. *Resistance to Community Control Is!* Harlem: AFRAM Associates, Inc., December 18, 1970. 4pp. (mimeo).

Haskins, Kenneth W. "The Case for Local Control" in *Saturday Review,* January 11, 1969. (reprints available via AFRAM—mimeo).

"Hatcher Reviews Parley of Blacks: Seeks Softer Busing Stand—Deplores Vote on Israel" in *New York Times,* March 16, 1972. p. 34.

Hearing Before the Select Committee on Equal Educational Opportunity of the U.S. Senate, Part 13—Quality and Control of Urban Schools. Washington, D.C.: Supt. of Documents, U.S. Government Printing Office, July 25, 29, 1971. 33 pp. "Alternative Forms of Schooling" in *Educational Leadership,* 29:5, February, 1972. (entire edition).

Hobson, Julius. *The Damned Children.* Washington, D.C.: Washington Institute for Quality Education, August, 1970. 39pp.

Hobson, Julius. *The Damned Information.* Washington, D.C.: Washington Institute for Quality Education, June, 1971. 67pp.

Hunter, Marjorie. "Confusion Stirred by Nixon Stand" in *New York Times,* March 19, 1972. p. 54.

Major Resolutions: Congress of African People, September 3–7, 1970. Harlem: AFRAM Associates, Inc., March, 1971. 15pp. (mimeo).

Mamis, Nancy and Wilcox, Preston. *The Track System, Malperformance and Teacher Expectations: A Bibliography.* Harlem: AFRAM Associates, Inc., May 4, 1968. 3pp. (mimeo).

Maxwell, Neil. "Anger in Alabama: To Some Southerners the Issue of Busing Is Purely A Racial One" in *Wall Street Journal,* CL XXIX:55, March 20, 1972. pp. 1 and 17.

Montgomery, M. Lee. *Black Administrators and Black Faculty at Work in White Institutions.* Harlem: AFRAM Associates, Inc., January 20, 1971. 7pp.

Problem-Solving in the Black Experience. Harlem: AFRAM Associates, Inc., September 20, 1971, 2 pp.

Semple, Robert B., Jr. "Busing and The President: The Evolution of a Policy" in *New York Times,* March 19, 1972. pp. 1 and 55.

Shipler, David K. *Busing in New York: Ambivalence, Not Outrage,* March 20, 1972. pp. 39 and 74.

"Technology or Tricknology: White Teachers in the Black Community" in *Social Policy,* November/December, 1970. pp. 67–68.

The Follow Through Concept: An AFRAM Perspective. Harlem: AFRAM Associates, Inc., February 15, 1972. 3 pp. (mimeo).

"The Imperatives of Ethnic Education" in *PM Delta Kappan,* L11:5, January 1972. (entire edition).

Thomas, Arthur E. and Burgin, Ruth W. *An Evaluation of the Dayton Experience: An Experiment in Community School Control.* Wilberforce, Ohio: Institute on Research and Development in Urban Areas, Central State University, 1971, 139 pp.

Thomas, Arthur E. and Burgin, Ruth W. *Community School Council: Philosophy and Framework for Urban Educational Change.* Wilberforce, Ohio: Institute for Research and Development in Urban Areas, Central State University, 1971. 36 pp.

Thought Stimulator #6: Differential Ethnic Group Reactions to Dual Caucus Experiences. Harlem: AFRAM Associates, Inc., September 22, 1971. 2 pp.

Thought Stimulator #70: Re-entering the Pan African Community: From Black to Soul Bourgeois. Harlem: AFRAM Associates, Inc., May 20, 1970. 3 pp.

Wilcox, Preston. *Criteria for a Black Educational Methodology: A Think Piece.* Harlem: AFRAM Associates, Inc., December, 1971. 5pp. (mimeo)

Wilcox, Preston. *How to Achieve "Operational Unity" Among Blacks: A Preface and a Bibliography.* Harlem: AFRAM Associates, Inc., August 21, 1970. 3pp.

Wilcox, Preston. "Integration or Segregation: K–12" in *Integrated Education: Race and Schools,* Issue # 43, VIII:1, January–February, 1970, pp. 23–24.

Wilcox, Preston. *On the Way to School—Community Control: Some Observations.* Harlem: AFRAM Associates, Inc., February 20, 1970. 4pp.

Wilcox, Preston. *Preferences in School Organization Patterns.* Harlem: AFRAM Associates, Inc., January 1, 1972. 9pp + Footnotes. (mimeo)

Wilcox, Preston. "Social Policy and White Racism" in *Social Policy,* May/June, 1970. pp. 41–46.

Wilcox, Preston. *The Crisis Over Who Shall Control the Schools: A Bibliography.* Harlem: AFRAM Associates, Inc., December 27, 1968. 10 pp.

Wilcox, Preston. *The Meaning of Community Control.* Harlem: AFRAM Associates, Inc., December 2, 1968. 6 pp.

Workshop on Education and Black Students, Congress of African People. Harlem: AFRAM Associates, Inc., September 13, 1970. 25pp. (mimeo)

Wyatt, Hugh and Moore, Keith. "Black and White Leaders Assail President's Speech" in *New York Times,* March 18, 1972. p. Cr8.

FATHER JOHN S. SMITH

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHWENGEL. Mr. Speaker, while I was home recently, I met with an impressive group of people who are interested in the United Nations and one of the most intelligent and perceptive statements was offered by Father John S. Smith of St. Ambrose College in Davenport.

I am inserting this statement in the RECORD with the hope that all my colleagues will read it and will benefit from it as I have:

STATEMENT BY FATHER JOHN S. SMITH

Vietnam has become the issue of saving American society and, perhaps, the world itself, for Vietnam is far more than the tragic military adventure it is now clearly recognized to be.

Vietnam has exposed the bankruptcy of an American foreign policy which disregards human life in favor of an outmoded, aggressive nationalism. Vietnam has revealed to us an American economy determined by iron laws of gross national product; exploitive, and insensitive to primary human needs, at home and abroad. And Vietnam is tearing American society apart as it relentlessly prompts the Federal Government, once the champion of human rights and social justice, to evade, to simulate, and to repress political dissent.

Immediately we must—if we seriously propose to turn American society around—end American involvement in Indochina, unconditionally; grant unconditional amnesty to all young men who have refused to cooperate in this war as a matter of conscience; establish a new set of domestic priorities which will restore human needs and human rights to the first position, be it a matter of guaranteed annual income, guaranteed employment, respected and protected political dissent, assistance to development countries, integrated education, adequate housing, security for the aged.

But what Vietnam has taught us, most of all, is that peace can never again be just the absence of war. Peace is the positive condition of things which must be the first objective of all our thinking, believing, deciding, acting, living and loving. Peace is the absolute condition for life, prosperity, goodness, justice.

JESS TAYLOR HANGS UP HIS SPURS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SHRIVER. Mr. Speaker, a distinguished and valuable member of the Kansas State House of Representatives, Jess Taylor, has announced his retirement from the State legislature after 24 years of valuable service to his constituents and the State. It was my privilege and honor to serve with Mr. Taylor in the Kansas Legislature prior to coming to Congress. I value his friendship and respect him for his legislative abilities. He will truly be missed on the Kansas legislative scene.

His legislative accomplishments have been many. His influence and popularity won him the top offices in the Kansas House. He was the first representative to serve two consecutive terms as speaker of the house. He was elected speaker pro tempore in 1969 and still holds that position.

A native of Tribune, Kans., he is a loyal Republican; and he is known as a man who gets things done.

I include the following editorials from the Hutchinson, Kans., News and the Wichita, Kans., Eagle and the Beacon which accord deserving tribute to Representative Taylor in the RECORD.

The material follows:

[From the Hutchinson, Kans. News]

HANGING UP THE SPURS

Rep. Jess Taylor, R-Tribune, won't have urbanites in the Kansas House of Representatives to kick around any more.

Jess is stepping aside this year after 24 continuous years in the House. He is 75.

He was the first man in the state's history to serve two terms as speaker, 1957–1960. After that, he walked softly in his high-topped shoes, but he carried a big stick—grained with experience, position and a tough-minded approach to getting a job done.

Jess was known to run a mean committee. Firm but fair was his motto, and to his State and Federal Affairs unit some of the most controversial issues of the past decade were funneled.

Jess often thought urban Kansans were "barking up the tall branches of the tree" in their ideas. He was a worthy opponent and a worthy advocate for many of the changes that have been wrought in the state.

One of Jess' darkest hours in the Legislature came on reapportionment of congressional districts. A group of "the boys" from Sedgwick County stood up to him when they thought there was gerrymandering going on.

"I'll have to go get me a new pair of spurs," Jess told the House the day his committee was overruled. He promptly went upstairs, and drew up a reapportionment map that cut Sedgwick County in two. The urbanites caved in, and the congressional districts of today are his.

For the past two years, Jess, who has a western string tie for every day of the week, has served as speaker pro tem. There hasn't been enough action in the job to suit him.

He announced the last day of the session his plans to retire "with much regret and a deep sense of duty. . ."

He's hanging up his spurs.

And, like his views or not, the House will never be the same.

[From the Wichita, Kans., Eagle and the Beacon]

A REALIST LEAVES THE LEGISLATURE

Rep. Jess Taylor, the Tribune Republican, said the other day he will not seek re-election from the west Kansas district he has served the past 24 years.

His leaving Topeka was not unexpected—he's 75—but it was a shock nevertheless.

Jess with his lined face, his string tie, his high-top shoes, and his wry sense of humor has symbolized the rural domination of the legislature which only in recent years has begun to decline.

Though he served two consecutive terms as speaker and wielded considerable power as chairman of the House State and Federal Affairs Committee, he got things done, not through sheer power, but rather through quiet persuasion and an intimate knowledge of how things worked.

Jess was a realist. He is no drinker, but he recognized that by 1969, prohibition was a dead issue in Kansas. He persuaded the committee to kill a bone-dry amendment proposal, and though he personally disapproved of liquor by the drink, he recognized it as the real issue and allowed his committee to pass the proposal out.

Taylor, who represents one of the state's most sparsely populated areas, was named chairman of the House Legislative Apportionment Committee in 1966. And, though a Kansas governor once said Taylor represented more cows than people, he did such a good job that the bill his committee devised breezed through the House.

Characteristically, he didn't vote for it himself because he said the bill cut representation in his area.

Over the years, Jess didn't always have his way, but as he once said, "I haven't lost any sleep over things I didn't get."

Some of his major accomplishments, as he

recalls them, include the repeal of prohibition, reorganization of the Department of Administration and the opening up of the legislature so that people could get a better look at state government.

Taylor said of his retirement: "This place was running before I got here and it'll run after I'm gone."

Maybe so, but it won't be quite the same.

SOVIET JEWS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. LEGGETT. Mr. Speaker, in general I am skeptical of statements by one country which urge another country to improve its morality. Such statements are frequently little more than talking to hear the sound of your own voice; this is particularly true when the nations in question are on the opposite sides of the cold war fence.

However, I believe that House Concurrent Resolution 471 is one of the exceptions to this rule; I believe it may do some good, and for these reasons I shall support it.

There is no doubt that the Soviet Union is persecuting its Jews, as well as many of its finest writers, musicians, and scientists.

The latter is easier to understand—it is to be expected that outstandingly able people are going to think more than the average, and therefore reject and criticize an authoritarian society more than the average person will. The persecution and restriction of the Jews is harder to understand, unless the Soviets merely are afraid of the loss of face that would follow a mass Jewish exodus if they allowed it. It seems to me they would be better off removing the reasons for the potential exodus, but of course it is their problem.

For whatever reasons, the persecution and restrictions remain, and are inexcusable. The Soviet Union is anxious about China, and needs to keep good relations with us. Through this resolution, we will express the sense of Congress that the Russian behavior is unacceptable, and perhaps we can induce significant liberalization.

BUDGET SCOREKEEPING REPORT—NO. 1

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MAHON. Mr. Speaker, I am inserting, for the information of Members, their staff, and others who may be interested, a few excerpts from the first "budget scorekeeping" report of the staff of the Joint Committee on Reduction of Federal Expenditures for the current session. The report itself, which was rendered as of March 30, has been sent to all Members; it contains considerable information for those who have a need for details.

This is the fifth year these scorekeeping reports have been issued. They are the most comprehensive current source of information on what is happening legislatively to the President's budgetary recommendations. They are authoritative, being carefully prepared by an experienced staff dedicated to complete objectivity, reporting the facts as best as they can ascertain those facts. Some estimating is necessary, especially is respect to legislative actions affecting outlays (expenditures).

In terms of legislative actions, virtually all of the fiscal year 1973 budget recommendations are still pending. One supplemental bill with respect to the current fiscal year 1972 has been enacted and another will soon be acted upon. Floor processing of the major fiscal year 1973 appropriations bill is scheduled to take place in May and June.

SUMMARY OF BUDGET TOTALS

As a backdrop for the budgetary totals now confronting the Congress, the following tabulation, taken from the scorekeeping report, shows the budget authority and outlay estimates for fiscal years 1973 and 1972, as presented by the President in his budget message of January 24, 1972. It is designed to show, in brief format, the major areas requiring congressional action, the amounts not requiring congressional action, and the budget totals—first in the gross form in which the Congress acts, and then in the more publicized net form:

SUMMARY OF BUDGET AUTHORITY AND OUTLAYS, FISCAL YEARS 1973 AND 1972

[In thousands of dollars]

	Fiscal year 1972			Fiscal year 1973		
		Outlays			Outlays	
	Budget authority	From current authority	Total	Budget authority	From current authority	Tota
Requiring current action by Congress:						
Appropriation bill items [1] (table 3)	5,810,527	5,172,612	5,172,612	172,306,197	118,014,991	167,268,279
Basic legislation				1,889,000	(2)	(2)
Total, transmitted to date	5,810,527	5,172,612	5,172,612	174,195,197	118,014,991	167,268,279
Proposed for later transmittal (not transmitted to date):						
Proposed legislation:						
Proposals to reduce budget authority and outlays (table 4)	−163,094			−1,285,723	−889,720	−1,483,589
Proposals for new and expanded programs (table 5)	3,699,111	2,457,248	2,546,248	10,456,878	8,284,695	11,777,062
Subtotal, proposed legislation	3,536,017	2,457,248	2,546,248	9,171,155	7,394,975	10,293,473
Supplementals and allowances (balance not transmitted to date)	1,117,938	685,858	741,738	1,692,563	1,431,944	1,743,069
Total, proposed for later transmittal	4,653,955	3,143,106	3,287,986	10,863,718	8,826,919	12,036,542
Total, requiring current action by Congress	10,464,482	8,315,718	8,460,598	[3] 185,058,915	126,841,910	179,304,821
Not requiring current action by Congress:						
Previously enacted	158,879,842	111,086,230	161,848,728			
Permanent:						
Appropriations and other authorizations	25,663,863	24,096,832	23,918,043	26,737,661	25,586,742	25,895,372
Trust funds	75,423,149	18,100,493	64,264,173	83,016,042	19,417,683	66,487,431
Subtotal, permanent	101,087,012	42,197,325	88,182,216	109,753,703	45,004,425	92,382,803
Other: expenditures from revolving funds, expiring accounts, etc			−1,477,433			−1,516,238
Total, not requiring current action by Congress	259,966,854	153,283,555	248,553,511	109,753,703	45,004,425	90,866,565
Grand total, gross	270,431,336	161,599,273	257,014,109	294,812,618	171,846,335	270,171,386
Deduct, offsetting receipts:						
Interfund and intragovernmental transactions	−14,981,434	(4)	−14,981,434	−15,142,280	(4)	−15,142,280
Proprietary receipts from the public	−5,422,964	(4)	−5,422,964	−8,772,366	(4)	−8,772,366
Subtotal, offsetting receipts	−20,404,398		−20,404,398	−23,914,646		−23,914,646
Grand total, net	[5] 250,026,938		236,609,711	270,897,972		246,256,740

[1] Adjusted to budget basis; and including supplementals and budget amendments transmitted to date.
[2] Outlays reflected with appropriation bill items above.
[3] Reflects net adjustments of $249,000,000 due to mechanical errors in the budget and to conform to appropriation bills.
[4] Not available.
[5] Revised.

The following is taken from the report:

HIGHLIGHTS—SCOREKEEPING REPORT NO. 1

THE PRESIDENT'S BUDGET ESTIMATES

The President's fiscal year 1973 budget submitted to the Congress January 24, 1972, included net budget estimates of $270.9 billion in new budget authority, $246.3 billion in estimated budget outlays, $220.8 billion in estimated receipts, and a projected unified budget deficit of $25.5 billion. (The unified budget deficit reflects a deficit of $36.2 billion in Federal funds offset in part by a surplus of $10.7 billion in trust funds.)

SCOREKEEPING TO DATE—FISCAL 1973

Budget scorekeeping to date, March 30, 1972, reflects completed action for only one item—final enactment of the 1972 foreign assistance appropriations, which is estimated to decrease 1973 outlays by about $105 million.

One 1973 appropriation bill has been considered—the legislative branch bill in which both the House and Senate made reductions and which is now pending conference.

There is incomplete action on several legislative bills containing "backdoor" or mandatory spending authorizations. Most significant is the contract authority for facilities construction added to the pending Water Pollution Control Act above the $2 billion in direct appropriations requested in the budget. The House version has a total of $18 billion in contract authority, with $11 billion available in fiscal 1973 (consisting of $5 billion provided for fiscal 1973 and advance availability of $6 billion provided for fiscal 1974); and the Senate version has a total of $12 billion in contract authority, with $3 billion available in 1973. This and other actions are shown in the scorekeeping table (table No. 1, p. 6).

REVENUE ESTIMATES

No significant congressional action affecting fiscal 1973 revenues has occurred to date. However, the staff of the Joint Committee on Internal Revenue Taxation has estimated fiscal 1973 revenues at $5.2 billion less than the budget estimate. For fiscal 1972 the Joint Committee on Internal Revenue Taxation staff has estimated revenue at $1.1 billion less than the budget estimate. The committee staff advises that its estimates are on essentially the same basis as the President's budget estimates, at a somewhat lower level of economic activity, but without regard to current developments with respect to overwithholding for individual income taxes.

BUDGET DEFICIT

Completed congressional action to date on budgeted outlays and receipts, as shown in this report for scorekeeping purposes, has little significant effect on the projected deficits for fiscal years 1972 and 1973.

CONGRESSIONAL ACTIONS TO MARCH 30 ON BUDGET AUTHORITY AND OUTLAYS

Table No. 1 of the scorekeeping report following, shows the impact on budget authority and outlays, in terms of increases or decreases from the official estimates submitted by the President. In addition to action on individual appropriation bills, this tabulation includes action involving so-called "backdoor" contract and debt authority in substantive legislation, and it includes any other legislative actions by Congress of a mandatory nature—such as Federal pay raises and veterans benefits—where spending begins upon enactment:

TABLE 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 2D SESSION OF THE 92D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF MAR. 30, 1972)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House	Senate	Enacted	House	Senate	Enacted
	(1)	(2)	(3)	(4)	(5)	(6)
Fiscal year 1973:						
Appropriation bills (changes from the 1973 budget):						
1972 Foreign assistance and related agencies (Public Law 92-242)				[1] −105,000	[1] −105,000	−105,000
Legislative Branch (H.R. 13955)	−6,022	−4,625	[2]	−5,500	−4,300	[2]
Subtotal, appropriation bills	−6,022	−4,625		−110,500	−109,300	−105,000
Legislative bills with "backdoor" spending authorizations (changes from the 1973 budget):						
Higher education—student loans (borrowing authority) (S. 659)	(Indefinite)	(Indefinite)	[2]	(NA)	NA	[2]
Housing Act of 1972 (contract authority) (S. 3248)		+300,000			NA	
Water pollution control (contract authority) (S. 2770, H.R. 11896)	[3] +11,000,000	+3,000,000	[2]	NA	NA	[2]
Subtotal, "backdoor"	+11,000,000	+3,300,000				
Legislative bills with mandatory spending authorizations (changes from the 1973 budget):						
Wage board pay (H.R. 9092)	(+76,800)			(+76,800)		
Full District of Columbia Congressional representation (H.J. Res. 253)	[4] +960			[4] +960		
Federal employee health insurance (H.R. 12202)	[4] +267,900			[4] +267,900		
Grain reserves and price support (H.R. 1163)				(+2,276,000)		
Black lung benefits—orphans (H.R. 9212)	(+31,500)			(+31,500)		
Air traffic controller retirement (H.R. 8083)	(+25,000)			(+25,000)		
Early retirement—customs inspectors (H.R. 440)	[4] +3,200			[4] +3,200		
Veterans advance educational allowance (H.R. 12828)	+128,700			+128,700		
Veterans medical care (H.R. 10880)	(+29,813)			(+29,813)		
Veterans nursing home care (H.R. 460)	(+6,900)			(+6,900)		
Veterans paraplegic housing (S. 3343)		[4] +5,000			[4] +5,000	
Civil Service retirement—firemen (H.R. 7060)	[4] +6,700			[4] +6,700		
Subtotal, "mandatory"	+407,460	+5,000		+407,460	+5,000	
Subtotal, legislative bills [5]	+11,407,460	+3,305,000		+407,460	+5,000	
Total, fiscal year 1973	+11,401,438	+3,300,375		+296,960	−104,300	−105,000
Fiscal year 1972:						
Appropriation bills (changes from the revised 1972 budget):						
Foreign assistance and related agencies, 1972 (Public Law 92-242)	[1] −353,230	[1] −353,230	−353,230	[1] −50,000	[1] −50,000	−50,000

[1] Enacted figure used for comparability.
[2] Subject to or in conference.
[3] Consists of $5 billion provided for fiscal 1973 and advance availability of $6 billion provided for fiscal 1974.
[4] Committee action.
[5] Excludes actions taken in 1st Session of 92d Congress, shown in parentheses above.
NA—Not available.

V.A.'S EDWARD P. ONSTOT RETIRES

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. FULTON. Mr. Speaker, on April 23 one of the Federal Government's ablest and most dedicated Civil Service Employees will retire after 27 years of service.

He is Mr. Edward P. Onstot, who, for 7 years, has served as regional director of the Veterans' Administration at Nashville, Tenn. He leaves the Federal service at the mandatory age of 65.

Prior to assuming the regional directorship at Nashville, Mr. Onstot served as manager of the Regional Offices at Dallas, Tex., and Lincoln, Nebr.

While in my community Mr. Onstot has been an active and valuable citizen and leader. He has served as president of the Middle Tennessee Federal Executive Council; chairman of the 1966 Federal Employee of the Year program; and a member of the Interagency Board of U.S. Civil Service Examiners for Tennessee. He also is an active church member and teaches a Sunday school for young businessmen and women.

Mr. Onstot also served as a member of the Board of Directors of the Nashville-Davidson County Chapter of the American Red Cross.

During his many years with the Veterans' Administration Mr. Onstot has seen it grow and change. During his 27 years he has noted two major changes within the agency: a reduction in the staff necessary to serve the increasing number of veterans, and what he terms an "about face" in VA policy to seek out the veteran and explain benefits to him rather than wait for the veteran to ask.

As Mr. Onstot retires he leaves a host of veterans well served and a large number of friends and fellow workers who wish him well and many, many years of pleasant retirement.

EXTENSION OF THE MANPOWER DEVELOPMENT AND TRAINING ACT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ESCH. Mr. Speaker, I am gratified that the House has seen fit to extend the operation of the Manpower Development and Training Act. It has been 10 years since the enactment of MDTA. During that time thousands of Americans have been assisted by training so that they might obtain steady and gainful employment.

When enacted in 1962, MDTA represented a new venture for the Federal Government. Valuable experience has resulted from the administration of MDTA in a variety of situations and work needs. Congress, for its part, has added new training programs to supplement MDTA. The Economic Opportunity Act has been a major vehicle for building on these programs. The Neighborhood Youth Corps and Operation Mainstream are illustrative examples.

At the same time, however, the growth of Federal manpower programs has exhibited some duplication in program design and administration. Often the rigidity of training categories has prevented communities from fully utilizing programs that might be of value to their residents.

In his 1972 manpower report to Congress, President Nixon underscored the fact that even though manpower programs have grown in number the need for manpower training has outpaced the capacity of the older programs to provide services as needed.

To meet new needs the President has proposed enactment of the Manpower Revenue Sharing Act. On the President's proposals, as well as several others offered by Members of the House, the Select Labor Subcommittee, on which I serve, has now completed hearings. Extension of MDTA will give us the time necessary to shape a comprehensive manpower reform bill that will bring under one umbrella most of the Federal training programs created during the 1960's.

I believe it behooves the Education and Labor Subcommittee to report during this session a new manpower bill, one which will permit greater flexibility to State and local governments to design and administer programs leading to enhanced opportunities for Americans so that they might secure quality training and move into steady jobs matched to their new skills.

RURAL ELECTRIFICATION FUNDS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HUNGATE. Mr. Speaker, I am joining more than 35 of my colleagues in a resolution urging that the full amount appropriated for the rural electrification program for fiscal year 1972 be made available by the administration to carry out that program.

Congress appropriated $545 million for electric loans in fiscal year 1972, which was $216 million more than requested by the President. Of this total, $438 million has been allocated for use by the Office of Budget and Management—OMB—leaving $107 million impounded. We are concerned that the OMB contemplates carrying these impounded funds over and applying them to the fiscal year 1973 budget request of $331 million.

REA has estimated that there is a capital need of more than $800 million for the current fiscal year. The electric energy supplied through the REA program is absolutely necessary to the continued development of towns and rural areas in Missouri and throughout the Nation.

I would like to call to the attention of my colleagues an editorial from Rural Electrification magazine, April, 1972:

NOW, ABOUT THAT MONEY

Rural electric people across the country were highly pleased when the Nixon Administration's Office of Management and Budget released $109-million of funds appropriated for REA electric loans which had been impounded by OMB. Many people in Congress, state governors and others played a big part in getting that sum released.

But on the other hand, OMB continues to sit on $107-million of badly needed loan funds which the Congress appropriated for use in this fiscal year. The Administration says it will release the $107-million in July.

But that is next fiscal year. The loan fund money is needed now, this year. As this is written, there is no indication the Administration will relent and make the $107-million available this year.

Senator Sam Ervin, Jr., takes a dim view of the impounding of funds appropriated by Congress and an even dimmer view of fiscal finagling which makes it appear to be something other than impounding. He had this to say in mid-March:

"A total of $1.7-billion impounded seems small when compared to the $12.7-billion reported a year ago. However, OMB also has released a list of funds which it says have been placed in budgetary reserve 'for routine financial administration.' This 'routine' list totals more than $10.5-billion. When added to the $1.7-billion that OMB admits it has impounded, the aggregate or funds being withheld for one reason or another amounts to $12.3-billion, or nearly the amount reported to have been impounded at this point last year."

From Senator Ervin's figures, it would seem that the OMB is making haste very slowly where the release from impoundment of funds appropriated by the Congress is concerned.

Some members of the Congress seem to be getting a bit testy over the impoundment of funds. And well they might, for the ramifications of such withholding of appropriated funds lead in many directions.

First, the Congress has the Constitutional responsibility for appropriating funds from the public treasury.

Second, though the Executive branch is responsible for disbursing those appropriated funds, there is grave doubt that the Executive branch can—within the bounds of Constitutional authority—opt to NOT spend funds appropriated by the Congress.

Third, the decision to impound appropriated funds must be the decision of the President within the Executive branch, for he is the head of the Administration and the one member of the Executive branch who must answer to the people by the way of the elective process.

Fourth is a possible Presidential prerogative to delegate the impounding authority to an agency such as the Office of Management and Budget. Can the President delegate to OMB the power to thwart the will of Congress as expressed through appropriations? This would mean that an appointive officer responsible only to the President would have veto power over an action of Congress . . . and Congress gains its authority by way of the ballot box.

A clash of Constitutional authorities has developed, the Legislative as against the Executive: the Congress expressing its will by way of appropriations; the President selecting from those appropriations those items he wishes to implement, while exercising what amounts to a pocket veto over portions of others.

This may eventually lead to a Constitutional confrontation between those two branches of the government, with the Judicial making the final determination.

I should hope that with strong support of this resolution the administration will start a policy of releasing all funds appropriated by Congress and work to avert the possible confrontation discussed in the editorial.

LEGISLATION TO ASSIST TAX-EXEMPT GROUPS IN LOBBYING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. WALDIE. Mr. Speaker, I am pleased to introduce legislation today which will assist a number of tax-exempt organizations in their efforts to work for the passage, or defeat, of legislation vital to the interests of those groups.

This bill will broaden the legislative activities of tax-exempt organizations by allowing them "to appear before, submit statements to, or send communications to, the committees, or individual Members of Congress, or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization."

Mr. Speaker, the participation by such tax-exempt groups is of incalculable

benefit to Members of Congress and other legislators. The expertise and resource material which comes from these organizations is valuable and important.

To widen the legislative activities of such groups will be a just and logical step. I am hopeful that this bill will be favorably acted upon by the Congress.

One outstanding group which would be directly affected by adoption of this legislation is the student lobby of the University of California.

The student lobby has been very active and has gained wide support of its legislative efforts in Sacramento.

Adoption of this bill would enable the student lobby to continue its activities and not jeopardize the university or any of its organizations from the benefits of section 501(c)(3) of the Internal Revenue Code.

SOME THOUGHTS ON SECRETARY ROGERS' APRIL 17 TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, WHICH INCLUDED THE COMMENT, "THIS IS AN ENTIRELY NEW KIND OF WAR"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. JACOBS. Mr. Speaker, my honorable and learned friend has truly said that the present is a new era in the war. The Honorable Secretary of State feels the justice of the remark; for by traveling back to the commencement of the war, and referring to all the topics and arguments which he has so often and so successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a 7-year conflict we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere.

All the topics which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war.

What, at the end of 7 years of the most burdensome and the most calamitous struggle that this country was ever engaged in, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy as a ground of confidence and of hope?

Gracious God. Were we not told 5 years ago that North Vietnam was not only on the brink, but that she was actually in the gulf of bankruptcy?

Were we not told, as an unanswerable argument, that she could not hold out another campaign—that nothing but peace could save her—that she wanted only time to recoup her exhausted finances—that to grant her repose was to grant her the means of again molesting—and that we had nothing to do but persevere for a short time in order to save ourselves forever from the consequences of her ambition and her communism?

After having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be seriously told that we have the same prospect of success on the same identical grounds?

And without any other argument or security, are we invited, at this new era in the war, to carry it on upon principles which, if adopted, may make it eternal?

The above is in esssence an address to Parliament on February 3, 1800, by Charles James Fox in his reply to Pitt concerning the war between England and France. Only a few words have been changed to reflect the situation of the United States on April 17, 1972.

MEAT PRICE INVESTIGATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. PRICE of Texas. Mr. Speaker, I am including into the RECORD at this point the text of a letter I am sending to Mrs. Esther Peterson, consumer adviser to Giant Food Stores, Inc.

The letter reads as follows:

HOUSE OF REPRESENTATIVES,
Washington D.C., April 14, 1792.

Mrs. ESTHER PETERSON,
Consumer Advisor to Giant Food Stores, Inc., Washington, D.C.

DEAR MRS. PETERSON: As Consumer Advisor to Giant Food Stores, Inc., you have used the slogan "you deserve to be informed." On April 13, 1972, you appeared in a full page Giant Food advertisement proclaiming that "no matter where you shop, you will find beef prices are down!" While that may be true at other stores, it is apparently not true at Giant Food. Your advertisement appears to be misleading and the consumer deserves to be informed.

Giant's advertised "special" prices on choice chuck steak and choice brisket are the same in this recent ad as they were two weeks previous. These prices are 10 cents and 20 cents more per pound than they were in August, 1971, before President Nixon announced his wage-price freeze. The price Giant Food pays for choice beef is as low or lower than it was at the beginning of the price freeze. The price for choice beef carcasses at the farm-gate this past week was in Iowa $51.75 per one-hundred weight. On August 13th it was $54.00.

Giant Food should withdraw and publicly apologize for its misleading and deceptive advertisements. In the meantime, I am writing to the Chairman of the Federal Trade Commission and the Price Commission asking that they investigate what, in my opinion, are deceptive advertising practices by your company.

Sincerely,

BOB PRICE,
Member of Congress.

INTEGRATION IN THE IUE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HARRINGTON. Mr. Speaker, the International Union of Electrical Workers, under the leadership of President Paul Jennings, has been a leader on several major issues of great social importance in recent months. The IUE is a union which not only does a first-rate job of vindicating the rights of its own members, it has never shirked from fighting for the basic economic and social rights of all Americans. Recently, the IUE led the fight against the outrageous decision of the Cost of Living Council to set the low-wage exemption for the Wage Board at the absurdly low figure of $1.90 per hour, a decision which flouted the will of Congress, and made a mockery of the administration's professed concern for economic justice. While many people criticized that action, the IUE and Mr. Jennings acted, by filing suit in Federal court to force the Council to accept the $3.30 figure that Congress had in mind when we wrote this provision.

Now Mr. Jennings is once again exercising moral leadership on a critical issue. He has spoken out courageously and rationally on the subject of busing, vigorously opposing the President's shocking effort to make political capital out of this sensitive matter. The IUE statement on this question admirably puts it into proper perspective, making clear that the President has grossly distorted the facts of this situation, and reaffirming the IUE's commitment to an integrated America.

Local 201 of the IUE is located in my district. Its leadership evinces the same kind of commitment to a better America evident in Mr. Jennings' statement. I am proud to represent men and women like this, and proud also to have the opportunity to work with the IUE in its fight to solve our domestic ills.

At this point, Mr. Speaker, I wish to insert Mr. Jennings' letter and the IUE statement:

INTERNATIONAL UNION OF
ELECTRICAL, RADIO AND
MACHINE WORKERS,
Washington, D.C., April 13, 1972.

To Members of Congress:

As President of IUE and as a citizen, I oppose any Constitutional amendment to prohibit school busing. I oppose the President's two anti-busing proposals. I support all measures and expenditures to achieve equality and integration in the schools and in society. Where busing is needed for those objectives, I support busing.

A more detailed statement on the issue is enclosed. Your consideration of these views is requested. Your opposition to pending legislative proposals, including the constitutional amendment, against school busing is urged.

Sincerely.

PAUL JENNINGS, *President.*

IUE AND THE SCHOOL BUSING ISSUE

By its Constitution, Convention resolutions and membership actions, IUE has a firm commitment to full citizenship for all.

Our Constitution states "that the preservation of our freedom and the advancement of our economic well being require that our democratic institutions and our civil rights and liberties be preserved, strengthened and extended . . ."

In 1954, the year the Supreme Court outlawed school segregation, the IUE Convention pointed out: "We will never be able to protect and improve our standards as workers unless we eliminate those artificial barriers that divide us."

Both because of its basic commitment and because a divided society can only hurt working people, IUE through the years has supported full implementation of the 1954 decision and opposed such anti-civil rights tactics as "massive resistance" and "freedom of choice."

We have also fought for equality and integration in other areas of American life, and we have recognized that the achievement of these ends—even within our Union—is not easy. IUE's 1969 Social Action Conference on "The Impact of the Civil Rights Revolution on the White Union Member" was an attempt to deal candidly with negative as well as positive feelings on racial matters.

This year, the fight for equality and integration has moved to a new level throughout the nation. The effort to achieve equal educational opportunity through integration has been clouded by the questions of whether and to what degree school busing shall be permitted.

Because busing is generally unpopular compared to alternative ways of getting children to school, it has served as a rallying point for opponents of busing and for opponents of integration. In response to their outcries, President Nixon has offered a program he describes as an answer to the question: "How can we end segregation in a way that does not result in more busing?" The program consists of:

(1) An Equal Educational Opportunities Act that would "require" equal educational opportunity—as is already required by the Constitution—while imposing severe limits on busing to achieve it. This proposal also would shift around $1.3 billion in funds to give more money to ghetto schools. Taken in toto, the measure would move the nation backward toward Jim Crow. It would revive the "separate but equal" concept of the outlawed and discredited Plessy-Ferguson decision.

(2) A Student Transportation Moratorium Act to provide a temporary—and unconstitutional—ban on new busing orders that would expire either when the above law was passed or on July 1, 1973, whichever came first.

The President also has tacitly endorsed the idea of a constitutional amendment to ban busing. He has said the amendment idea "deserves a thorough consideration by the Congress." The only thing he has said against an amendment is that "it takes too long." His proposals would buy time for such an amendment.

Mr. Nixon, an advocate of law and order, is resorting to lawlessness for political expediency. To be sure, he has not proposed to prevent busing already in operation. On his instructions, however, the Justice Department is seeking to delay pending busing orders, and the President would ban future orders even though these, like all such steps, are in response to suits brought by parents whose children have been denied their constitutional rights.

Governor Bob Scott of North Carolina said, "I think the President is exercising poor leadership . . ."

That is an understatement.

By failing to assert leadership, the President has helped make busing a major controversy.

In March 1970, he issued a statement pledging to abide by Supreme Court rulings on school desegregation and promising a $1.5 billion proposal to Congress "for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation." When he submitted his bill, it was in a form that permitted the use of these funds for busing.

In the years since, while the bill has twice been in differing versions (busing and anti-busing) by the Senate and House, Mr. Nixon has steadily moved to an anti-busing position. It has seemed popular to do so. On March 17, with the issue really heated up, the President sent his latest proposals to Congress. These proposals are more anti-integration and anti-busing than anything passed by either house or anything he has proposed before.

The shame is that the President could have asserted the leadership to keep the nation firmly on the path to equality and integration. It might have involved political risk, but so too did civil rights actions of his three predecessors, including the lukewarm Eisenhower.

With no leadership from the White House, with the ebbing of courage among some liberals in Congress, it is vital that word come from the grass roots. Congress must hear from IUE members that as citizens and as trade unionists we consider equality and integration primary and do not want the nation diverted from those goals on less vital grounds.

There are several points especially worth making.

—The courts generally have not imposed busing where it is not necessary to fulfill the Constitution. The Supreme Court has set reasonable guidelines which prohibit busing where other solutions are available. If lower courts do not follow those guidelines, the right of appeal is open.

—Busing is working where there is recognition of the need for it and where it is put into effect with leadership and good will.

—Senator Walter Mondale sums up the reality of busing today: "Twenty million elementary and secondary schoolchildren are bused. They rode 256,000 yellow buses 2.2 billion miles last year. The annual cost of busing last year was $2.5 billion. And 40% of our schoolchildren—65% when those riding public transportation are included—ride to school every day for reasons that have nothing at all to do with desegregation."

—No one offered a Constitutional amendment of special legislation in all the years that black children were bused *to maintain segregated schools*. No one now proposes to ban all busing, only busing that will integrate the schools!

—School segregation results in large part from segregated housing patterns. Isn't it time our nation attacked that situation? Subsidies for the purchase of homes in integrated neighborhoods are a possible answer. Vigorous enforcement of laws on the books requiring integration as a condition of receiving federal funds for housing construction is another. Perhaps we should have a congressional study of why Americans live where they do, and what will induce them to pick housing in cross section neighborhoods more frequently.

There are integrated urban neighborhoods today in which housing is less expensive, convenience is greater, schools are comparable, services are just as good and crime is no worse than in all-white suburbs. In these neighborhoods, there is little busing or prospect of busing. Yet few white families choose to live in them. Something positive needs to be done.

—We have a mixed society. If it is a separatist society, it will be unequal, as it has been for 100 years . . . as South Africa's is.

IUE as a union has a commitment. That commitment is to equality and integration.

Letters to Congress are needed.

The best persuasion is example. Before asking IUE brothers and sisters to write such a letter, let each officer and social action committee member who receives this write his two U.S. Senators and his Congressman. Then ask another member to write and to ask a third person to write. And so on.

I will start by sending this message to each member of Congress: "As President of IUE and as a citizen, I oppose any Constitutional amendment to prohibit school busing. I oppose the President's two busing proposals. I support all measures and expenditures to achieve equality and integration in the schools and in society. Where busing is needed for those objectives, I support busing."

I commend to all IUEers these words of the Reverend Jesse Jackson:

"This country today needs jobs or income. That's what it needs. It needs health care. It needs medicine. It needs peace and nonracism. Jim Crow is not a substitute . . . The issue ain't no more to save the Democrats, the issue is not to save the Republicans, but the democracy and the republic are at stake and unless someone rises with the power to reconcile black and white, young and old, he is not qualified to save a nation. The issue in 1972 is not to save your party, not even your pride, but to save the Union."

PAUL JENNINGS.

A TAX LOOPHOLE FOR THE CIGAR INDUSTRY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. LUJAN. Mr. Speaker, I rise in strong personal protest against H.R. 3544 which has been brought to the floor under an extraordinary suspension of the rules in order to grant a tax loophole for the cigar industry.

In past years, Mr. Speaker, it has been the custom to bring no bill to the floor on the suspension calendar which would cost the Treasury more than $10 million. This bill would give the cigar industry a $120 million handout by 1979 and a $21 million annual gift from the taxpayers every year thereafter.

The main argument advanced by the Ways and Means Committee in favor of this bill is that cigar industry profits have declined over the past 6 years from 12.6 percent to 9 percent, and the assumption is that the taxpayers, smoking and nonsmoking alike, should subsidize a profit increase through tax exemptions.

Because I disagree with that assumption, I would vote against the bill on its merits alone, but there is an even greater and more commanding reason why we should reject this measure. This Nation's finances are in a deficit position today, due to overspending by the House of Representatives. We are spending more than we are taking in, and just last month this House voted to raise the debt limit to permit us to borrow more. It is just such bills as this that have placed us in this position, and I say again that we must stop such practices before we bankrupt the country we are here to rep-

resent. The cigar industry has my sympathy, but the taxpayers have a prior claim on that sympathy. I urge my colleagues to join me in defeating this inflationary giveaway.

MERC MARAN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. GUBSER. Mr. Speaker, on Saturday, April 22, a testimonial dinner will be held in San Jose, Calif., in honor of Mr. Merc Maran, who is the department commander, Department of California, Disabled American Veterans. He is also executive secretary of the Veterans Coalition League of California, Inc., Santa Clara County chapter.

Throughout the past 15 years, Merc has given unselfishly of his personal time, effort, and talents in behalf of veterans. In addition, he has played an outstanding role in the community, working successfully with disadvantaged, and unskilled individuals in a variety of training and rehabilitation programs. You will see from the following biographical sketch that Merc is employed as the supervisor of vocational services division in Santa Clara County. You also will see that his professional career is intertwined with his private and philanthropic endeavors to such an extent that they are close to inseparable.

As you read through the following biography you will realize the tremendous and unusual service Merc Maran has rendered to his fellow man, his community, and his country. I am sure you will all agree that this gentleman has earned hearty congratulations and an expression of appreciation on this occasion:

MERC MARAN, DEPARTMENT COMMANDER, DEPARTMENT OF CALIFORNIA DISABLED AMERICAN VETERANS

Department Commander, 1971–1972. Occupation, Supervisor Vocational Services Division, County of Santa Clara, Supervises a Division of 71 employees in five offices, has been in his present position 14 years. Responsible for setting up training programs for disadvantaged and unskilled approximately 1,200 persons in a variety of training programs. Is considered an authority in his field of Vocational Services. Many of the methods and programs developed have been implemented State-wide and Nationally. Developed the first programs in California.

JOB RELATED ACTIVITIES

A. Vice Chairman, of County Welfare Director's Association Rehabilitation and Training Committee.

B. Organizer and first State President of Vocational Counselors of California; presently serving as State Representative for Northern California and Vice President.

C. Board of Directors of Retirement Jobs, Inc.

D. Board of Directors of Ex-Squared Foundation (formerly 7 Steps Foundation).

E. Trade Advisory Council; Soledad Correctional Facility.

MILITARY SERVICE

Army WW II and Air Force during Korean War. Served as 1st Sgt. and Personnel Sgt. Major.

Went into Real Estate; Insurance and Construction (a partner) in 1945; in New Jersey. Sold out in 1950 to enlist during the Korean War. Following his return from overseas, he was stationed at Parks Air Force Base in California and decided to stay in California upon his discharge in 1954.

VETERANS ORGANIZATION ACTIVITIES

A. Disabled American Veterans:

1. Department Employment Director for two years; then Department Junior Vice Commander, Senior Vice Commander and Department Commander (served as S.E.C. one year).

2. Chapter Adjutant and Commander (149 and 114) total of 9 years (5 yrs. Commander and four years Adjutant of 149).

3. Past 5th District Commander.

4. District Adjutant 16 years.

B. Other activities (veteran organizations):

1. Member of American Legion, past Post Commander and Adjutant; member of Veterans of Foreign Wars and AMVETS.

2. Secretary, Treasurer and Parade Director, United Veterans Council of Santa Clara County 14 years.

3. Present Executive Secretary of Veterans Coalition League.

CIVIC ACTIVITIES

1. Appointed by Santa Clara County Board of Supervisors as a member of County Hospital Commission served four years.

2. Appointed by San Jose City Council as a member of National Guard Advisory Board; served four years as secretary, three years as Chairman; present office as Advisor to the Advisory Board.

3. Served as a member of the Personnel Board for Town of Los Gatos.

4. Member of and former Board of Directors of Santa Clara Valley Personnel Association.

5. Italian-American Club of Los Gatos, three years as President, three years as Secretary.

6. Santa Clara County Employees Association (3000 members representing 6000 County employees) five years on Board of Directors, as Chairman of Salary Committee, Public Relations Committee, Membership Committee and Grievance Committee and three terms as President.

EDUCATION

Attended John Marshall College; San Francisco Law School and Graduated University of Santa Clara 1958 (evening Division) with a major in Business Administration. Completed a Certificate Course in 1960 in Social Services at University of California in Berkeley. Since then has taken graduate Courses at University of Santa Clara.

OTHER ORGANIZATIONS

Member of Masons, Scottish Rite, Shriners; Past Director of Shrine Club and Director of Zouaves San Jose Shrine Club. San Jose Elks, present Chairman of San Jose Elks Veterans Committee.

MISCELLANEOUS

Has received many citations and awards for Community Service including the San Jose KXRX Gold Mike Award and was honored by California State Senate and Assembly Resolutions for outstanding Community Service.

Served on many local Committees with legal agencies. These included various Bond election Committees; Red Cross and represented Social Services Department on many local Committees.

HOBBIES

Writes for Spotlite, Veterans Newspaper and Golf (member of Oak Ridge Golf Club), member of Northern California Golf Association.

WOMEN'S CANCER, EXAMPLE OF HOPE AND FRUSTRATION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ROGERS. Mr. Speaker, under the provisions of the National Cancer Act of 1971, this Nation embarked on a major campaign to eliminate cancer as a major killer in the shortest possible time. Although heart disease is the number one killer in the United States, no disease is more feared by Americans than cancer. It strikes simultaneously at young and old, rich and poor, male and female, and all too often it leaves its victims helpless to do anything about the finality of their prognosis.

I recently read an article by Margo Harakas from the March 16, 1972, edition of the Fort Lauderdale, Fla., Sun-Sentinel. This article, entitled "Women's Cancer, Example of Hope and Frustration," emphasizes the curability rates for some predominantly female forms of cancer and the importance of periodic checkups. This is an excellent article and I am inserting it in the RECORD at this point for the benefit of my colleagues.

The article follows:

WOMEN'S CANCER, EXAMPLE OF HOPE AND FRUSTRATION

(By Margo Harakas)

Earlier this month a 15-year-old Broward County girl died of breast cancer. It's an unusual case. The disease, a major killer of women, doesn't usually strike until later in life.

But that's the thing about cancer. Everytime researchers think they're edging in on a piece of generalized information, they're slipped a curve.

There are just too many variables, too many elements involved. It's like an extreme game of blindman's bluff—where one bumps around in the dark trying to identify not the familiar but things never before seen.

"We are still at a primitive stage of understanding," a local radiologist admits.

Primitive though we may be, there is now cause for cautious optimism. The cures or controls are still hidden around a maze of corners. But never has the prospect been so encouraging.

"The outlook today is 50 times better for a cancer cure than it was a decade ago," said Dr. Roy Glass, president-elect of the Broward County Unit of the American Cancer Society and member of the state ACS board of directors and executive committee.

The reason of course is research. It may well be that more scientific minds have been deployed on cancer than on any other health problem in the history of medicine.

The climate is ripe and the funds are there. In 1971 the public contributed over $69 million to the education and research programs of ACS.

Last December Congress authorized $1.6 billion to be spent on cancer research over the next three years. Among other things, the funds provide for 15 new cancer research and treatment centers.

The cancers most prevalent in women illustrate both the hope and frustration of the crazy cell disease.

The bright side is seen in the successful attacks on uterine cancer. The death rate today is one-third of what it was 35 years ago.

"Cancer of the uterus is essentially pre-

ventable," a radiologist at Broward General Medical Center said. "The only women who die today are those who fail to get their periodic pap smears."

The test is so simple, laboratories are marketing do-it-yourself kits and it's so effective doctors can detect the possibility of uterine cancer up to 15 years in advance.

Changes that take place in the cells of the uterus clue doctors to high-risk patients.

Though uterine cancer is highly cureable, the American Cancer Society estimates 12,000 women will still die this year of the disease. And another 43,000 new cases will be diagnosed.

The reason women are still dying is because of their fear and ignorance.

"Less than 50 per cent of all women have the pap smear," Don Sweeney, noted. He's executive director of the Broward County ACS.

Success with uterine cancer is the bright side of the picture. Less promising is the current state of breast cancer.

It is the leading cause of death among women between 30 and 54. This year breast cancer will show up in 71,000 new patients and will be linked to 32,000 deaths.

Seven per cent of the female population will at one time another develop the disease.

Even men sometimes fall victim to this form of cancer, though it is unusual.

Locally one case of male breast cancer was reported in 1971, and one already this year.

In the past few decades, researchers have come up with a variety of new detection and treatment techniques. But none have proven to be a perfect weapon and that's the discouraging part.

"All of the detection has not significantly changed the outlook on cancer of the breast," the radiologist contends.

"The women treated early we hope will survive longer, but sufficient time has not elapsed to really tell."

Breast cancer is a particularly cruel and insidious disease. "It usually sneaks up on a woman and it hits at the worst time in her life when her children are grown and her husband is retired and she should be doing the things she's always wanted to do," the radiologist said.

As with most cancers, early detection is the key to successful treatment. If caught before it spreads to the lymphatic glands, a patient has an 85 per cent chance of survival.

Among the diagnostic tools developed within the past 15 years are mammography, a form of X-ray, and thermography, which measures heat given off by the breast.

X-RAY TESTS DETECT CANCER

Mammography is the more reliable of the two. While it cannot detect all breast cancers, it does point up some too small or embedded too deeply in the breast to be felt by the physician.

If 1,000 supposedly cancer free women over age 40 were to undergo mammographs, five would be found to have malignant growths in the breast.

Two of those cases would not have been detected during a physical exam.

Medical men and scientists, battling cancer with radiology, surgery and chemotherapy, are content at this point to talk about controls rather than cures.

"We know there are a certain number of women who have a localized collection of malignant cells that grow very slowly or don't grow at all," Dr. Joel Warren said. He is a cancer researcher and director of the Life Sciences Center at Nova University.

"This makes us think that nature is keeping it under control."

And that's the key. Why is it that three out of four people never develop clinical cancer?

"It must be some of us have a natural immunity," Dr. Roy Glass reasons, "Otherwise, everyone who smokes cigarettes would have lung cancer."

If we track down a natural check system in the healthy body, maybe we'd have the disease licked. We could chemically duplicate whatever it is that accounts for this immunity and administer it as a vaccine.

DISEASE CELL ISN'T NORMAL

But now all we know about cancer is that it does not resemble a normal cell. It appears to start out normally. But somewhere along the line it goes berserk. The cancer cell enlarges, multiplies, and most often develops into a tumor.

The diseased cells take over normal cells, invade and destroy healthy tissues. Beginning at a single site, they can make their way into the blood or lymph systems and travel throughout the body.

Blurring the picture is the probability of multiple causes for cancer. Radiation and chemicals for instance, are known to produce some types of cancer. Perhaps other things in the environment are equally guilty.

Many researchers are probing a viral link. Their theory is that a virus enters the cell and changes its make up. The newly arranged cell then duplicates itself like a Xerox gone mad.

It's feasible, Dr. Warren said, to come up with an artificial immunity if it is found for instance, that a virus or limited group of viruses causes cancer of the breast.

BREAKTHROUGH LIES AHEAD

When talking of controls, researchers think of something similar to the diabetes treatment. Insulin shots do not cure diabetes. They only control it. In the same way, perhaps in the future, cancer will be something we could live with painlessly.

The most immediate promise is not to hit upon the first cause, so to speak. But rather to more successfully identify those people most susceptable to cancer and to catch it in the pre-malignant stage.

"We know practically nothing about cancer. There have been a lot of discoveries in the past 25 years but all they've done is prove how wrong we were before," the radiologist said.

But the thing about science is you never know when the break will come. And many researchers feel today we are on the brink of a breakthrough.

As Dr. Warren explained, "In any kind of research there is a period when an influx of money isn't going to do much good. There simply aren't enough leads.

"But there also comes a time when there are really good leads that can be exploited. And that's where we are today."

SOLIDARITY DAY FOR SOVIET JEWRY ON APRIL 30

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DU PONT. Mr. Speaker, the President is about to embark on a trip to the Soviet Union. I ask the people of Delaware and the Nation to join me in urging the President to communicate to the Soviet leaders our concern for the plight of Soviet Jewry.

People throughout this country and the world are dismayed at the refusal of the Soviet Union to permit Jews to practice their religion or emigrate to Israel. It is imperative that Jews be granted the rights that all other national minorities enjoy. President Nixon must make it clear to the Soviet leaders that their actions have not gone unnoticed and their policies cannot continue if meaningful international cooperation is to be achieved.

I was happy to join with my colleagues in the Congress yesterday in approving a resolution seeking relief from restriction on Soviet Jews. It is with this in mind that I call on all Americans to support Solidarity Day for Soviet Jewry on April 30. In this way we can indicate the widespread support and need for action on the part of the President.

"THE RIGHT TO BE SOMEBODY"

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAWKINS. Mr. Speaker, I include the following research paper entitled "The Right To Be Somebody" presented at the recent National Policy Conference on Education for Blacks by Dr. Arthur E. Thomas, director of the Center for the Study of Student Citizenship, Rights, and Responsibilities.

I am pleased to share with my colleagues the opinions expressed by Dr. Thomas:

THE RIGHT TO BE SOMEBODY

(By Dr. Arthur E. Thomas [1])

He is Black, and perhaps he isn't too bright—but no one can say what potential he once had. He came to our office because he had been suspended from his predominantly white high school for fighting.

His friends said he had been trying to break up a fight. The suspension, they said, was based on an unfair charge. But they agreed that the student had fought in school before.

The student's mother had accompanied him to a Board of Education meeting to appeal the suspension. Mother and son had not been answered by the Board. Instead, the Board president had referred them to an appointed administrator. (It was close to election time.)

This particular November day, the young man sat in a corner of the office of the Center for the Study of Student Citizenship, Rights, and Responsibilities, not really convinced that it was worth the trouble to fight any suspension. He played with his knit cap as he talked with one of the staff members.

"What I really want to do," he said, "is to get out of school and get me a good job, and then I won't have to be around people anymore. . . . Maybe I'll get a job driving a truck for a funeral home," he said after thinking it over. "I kind of like dead people."

They were literally desperate when they came to the director of the Student Rights Center. Some of them had spent 22 weeks in a course at a local junior college preparing for the Graduate Equivalency Diploma (GED) Test. They had failed it. Twenty adults—ranging in age from 25 to 50, all of them Black—had learned firsthand the debilitating aspects of failure.

They told the Center director that they needed to get high school diplomas to keep their jobs, even though they performed their jobs adequately. There was another reason they were desperate, however. They needed to succeed in the eyes of the diplomated society which purports to grade achievement.

They didn't think much of themselves. One

Footnotes at end of article.

woman felt she hadn't accomplished much in her life. She had beautiful children who did well in school, but she didn't feel she had contributed to her children's success.

"Didn't you at least give them some direction?" the Center director asked the woman, trying to make her think better of herself.

"No," she said, "I just tell them what to do and they do it." (After all, she seemed to be saying, how could an "uneducated" mother contribute to the success of her children?)

The Center is presently conducting GED classes for the adults. In preparation for these classes, Center staff members took tests similar to the GED test. The staff member with a bachelor's degree in English found the "correctness of expression" test confusing and not related to skill in writing. The attorney found the social studies test loaded with political values. The staff member with a master's degree in economics found the science tests ridiculous, and the staff member with a bachelor's degree in accounting found the mathematics test irrelevant to actual use of numbers.

He is Black and he is in the seventh grade, and he missed an entire year of school not long ago because he couldn't sit still in class. When he was younger, his mother said, the teachers from his school called her and told her her son had "psychological problems."

"That means," she said, "they thought he was crazy."

"Now I'm not saying that he's good all the time," the mother said, "because he's not good all the time at home. But he's not crazy." Psychological tests confirmed the mother's beliefs.

Although he is in the seventh grade, the student reads at what is considered the second grade level. He doesn't think much of himself. One day he told his mother that he felt like walking in front of a truck.

It has been said that to be young and Black in this country is to be angry all the time. To be a Black educator in this country is to be furious at the indignities Black children must endure daily.

School systems around the country are responsible for destroying children and their parents by twisting and crippling self-image. Schools have established criteria for judging people that are racist and not even related to intelligence. Acting as a tool of a racist society, schools are undermining attempts to instill pride and motivation in a people hampered by a history of slavery, poverty, and white-directed oppression.

If Black people are to make schools relevant to their own needs, they must redefine the word "violence," and prosecute violence when it occurs.

Teachers and administrators in local school systems are destroying the life chances of children with words like "dumb" and "bad." Words that can make a child believe that he is, in fact, "dumb" and "bad" are violent.

A teacher whose way of looking at a child transmits to the child a negative judgment which the child accepts is violent. A teacher who shies away from touching a child, leading the child to think he is not worthy of being touched, is hurting that child more than fist fights, tire irons, or wooden paddles ever could.

Adults, educated adults, indulge in these criminal practices daily and are not held accountable. They participate in and draw their livelihood from school systems which support such violence. Schools use violence as their contribution to maintaining racist institutions. The violence is directed toward Black, minority group, and poor white children to keep them in their place—to keep them as the unemployed, the shoeshine boys, and the dishwashers of this world.

The entire concept of school is used by society to make poor people feel inferior. Educator Ivan Illich writes:

"School instructs (the poor) in their own inferiority through the tax collector who makes them pay for it, or through the demagogues who raise their expectations of it, or through their children, once the latter are hooked on it. So the poor are robbed of their self-respect by subscribing to a creed that grants salvation only through the school. At least the Church gave them a chance to repent at the hour of death. School leaves them with the expectation (a counterfeit hope) that their grandchildren will make it." [2]

. . . And, while subduing the poor with the false hope that their grandchildren will succeed, schools make sure that the grandchildren will never make it. Not only will they never make it, but they will blame themselves for not succeeding. Schools do this by destroying positive self-image in Black children.

STUDENT RIGHTS—ANOTHER WORD FOR SELF-IMAGE

Most of the issues ordinarily grouped under the title "student rights" can be summarized in one sentence: Student rights is a process by which education, court action, and a variety of other activities protect a student's right to a positive self-image.

All other sub-issues, be they due process, corporal punishment, verbal abuse, educational accountability, or relevant curiculum, are part of that basic need of students.

To be a child enrolled in a public education system anywhere in this country is to be caught in a web of double think. Children must memorize the tenets of the Constitution and the Bill of Rights while being deprived of the basic rights these documents guarantee. Children in school are casually denied rights to due process, freedom of expression, and fair trial. They are denied the right to be who they are, to think they are worthwhile as human beings. They are deprived of the right to like themselves.

The experiences mentioned at the outset of this paper are not unique. The feeling of failure is so much a part of the school system that it could be listed as a part of the curriculum. If the abstract word "failure" had color, shape, and depth, it would be the picture of the blank face of a young Black man standing outside a local high school at third period. He's the young man who sits impassively through hours of meaningless instruction, ducking out occasionally for a smoke in the washroom or popping some pills that are readily available. He may not be able to articulate it, but he has absorbed the condition of failure. There is nothing to look forward to, nothing waiting outside. And so he sits, waiting for a future that will never come.

A mother expresses that feeling beautifully:

"I don't know how to keep my kids from getting stained and ruined by everything outside. They are alive and then they quit. I can tell it by their walk and how they look. They slow down and get so tired in their face, and they get all full of hate." [3]

Sometimes the hate boils over. A new kind of Black student is emerging. This student watched televised broadcasts of Selma. He knows the reality of the Black experience and has been able to analyze its meaning for himself. This student realizes the oppressed situation he is in. Frustration is a part of his life, and he feels compelled to prove his manhood by engaging in physical violence. (Both Frantz Fanon [4] and Paulo Freire [5] tell us that this is a typical response of oppressed people. They internalize the feelings of their oppressors. Oppressed people vent their feelings of frustration on their oppressed peers.)

Black students act out that frustration on other Black students or white students who are similarly oppressed. Because of this aspect of oppression, the frustration is rarely directed at the real culprit. Schools and the society which spawned them effectively (perhaps deliberately?) keep students fighting each other. Such waste of energy and commitment is a tool in the hands of the oppressors. It cements their control of these children, and effectively limits the children's ability to control anything—even their own lives.

Black students are rarely allowed to see that other students—Black, Chicano, Puerto Rican, or Appalachian white—face the same kinds of oppressive situations. Organization of students and parents is hampered as a result. Destruction of positive self-image reduces children to bullies.

Obviously, not all Black children fail. But the prospects of success are so drastically reduced by the lack of positive self-image prompted by the school system that the situation has assumed tragic proportions.

How does all this happen? There are two major reasons for the lack of self-image and self-love among Black children and children in general. One is old-fashioned white racism, which has permeated every institution of American life, most especially the schools. The other is a more sophisticated form of prejudice—a prejudice directed against children, regardless of status, color, or intellectual ability.

RACISM AND THE DESTRUCTION OF POSITIVE SELF-IMAGE

Read the words of Black Poet Margaret Burroughs:

What shall I tell my children who are black
Of what it means to be captive in this dark skin?
What shall I tell my dear one, fruit of my womb,
Of how beautiful they are when everywhere they turn
They are faced with abhorrence of everything that is black.
The night is black and so is the bogeyman.
Villains are black with black hearts.
A black cow gives no milk. A black hen lays no eggs.
Bad news comes bordered in black, mourning clothes black,
Storm clouds, black, black is evil
And evil is black and devils food is black.[6]

A racist society is reflected even in its language. Roget's Thesaurus of the English language contains 120 synonyms for the word black and most of them have negative connotations.[7] Black children have been denied the satisfaction of seeing members of their race written about in history books, or as characters in their childhood readers. Even with the advent of Black History courses, they find discussions of their race's contribution to history tacked on in a few paragraphs at the end of a discussion of White history. A more distressing fact is that Black History is often taught as a separate (and elective) subject. This allows school systems to avoid instituting a correct analysis of all history in their classes.

Even with the new boom in integrated readers Black children are slighted. As the New University Conference points out:

"These readers simply substitute some black faces for white ones. The black faces still manage to speak standard English and be 'just like' their little white friends. These phony images are as difficult for black kids to identify with as the white suburban images which preceded them. Occasionally an urban scene is included in the readers, but these too are attempts to transplant the scenery without any of the accompanying emotional or political life which ghetto kids understand so well." [8]

In addition to the racist learning materials foisted on them, Black children see the things that are not given them. They draw conclusions about themselves because of this. As one Black student at a Dayton high

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Footnotes at end of article.

school put it, "Our schools have the latest thing since Benjamin Franklin discovered the light and he was white with the best anyway."

Not only have Black children suffered the indignities of inferior school buildings and racist textbooks, they have learned a sense of inferiority from the lack of concern for their welfare frequently demonstrated by teachers and administrators.

The white principal of a majority Black junior high schol talked to one of the Center staff members about the discipline problems at her school. The children returned after Christmas vacation, she said, with firecrackers which they set off in the school. The principal treated it all as a joke. She mentioned that a few junior high school girls were found drinking liquor in the washroom. "They weren't drinking very much," she said. If the students setting off firecrackers and endangering their lives had been white, perhaps she would have been more concerned with their welfare. If the girls drinking liquor in the washroom had been white, perhaps the principal would have been more concerned with the health of those particular girls. Racism can be seen in the neglect of just and humane discipline—students are quick to realize when teachers and administrators do not care about their welfare.[9] The students think less of themselves because of it.

Along with neglect (benign or otherwise), Black students also must contend with overt teacher racism as well as the ingrained racial stereotypes held by white teachers.

How many Black children have had the experience of the late Malcolm X who dared to tell his seventh grade English teacher that he wanted to be a lawyer:

"Mr. Ostrowski looked surprised, I remember, and leaned back in his chair and clasped his hands behind his head. He kind of half-smiled and said: 'Malcolm, one of life's first needs is for us to be realistic. Don't misunderstand me, now. We all here like you, you know that. But you've got to be realistic about being a nigger. A lawyer—that's no realistic goal for a nigger. You need to think about something you *can* be. You're good with your hands—making things. Everybody admired your carpentry shopwork. Why don't you plan on carpentry? People like you as a person—you'd get all kinds of work.' "[10]

We know that such "realism" on the part of the white school system is of value to the white community, for it effectively keeps Black children from ever competing on an equal basis with whites for jobs. Not only is such "realism" valuable, but it is derived from other racist practices.

Black children are categorized by so-called intelligence or achievement tests, which are then used to prove their "inferiority." These tests are used to place Blacks in general courses or special education courses. The tests themselves are culturally-biased. William McDougall, supervisor of Special Education for the Dayton Public School system, estimated that if IQ tests alone were used to determine a student's placement, nearly 50 per cent of Dayton's inner city students would be classified as mentally retarded. Something, he concluded, must be wrong with IQ tests.[11]

Racist tests, loaded from the beginning, tell counselors Black children are inferior. The counselors, in turn, tell children, "You aren't smart enough to go to college." It isn't unusual for aware parents to have to fight to have their children be allowed to take the college preparatory course in high school, if the parents are informed at all about where their children are being placed. Counselors tell the children, "The general course is easier. All you have to do is sit there and be quiet and you can pass." The tragedy is that—because the children have already been told by the system that they are inferior—*they place themselves* in such a graveyard course.

Dr. Ray C. Rist proposes that:

"Given the treatment of low-income children from the beginning of their kindergarten experience, for what class strata are they being prepared for other than that of the lower class? It appears that the public school system not only mirrors the configurations of the larger society, but also significantly contributes to maintaining them. Thus, the system of public education in reality perpetuates what it is ideologically committed to eradicate—class barriers which result in inequality in the social and economic life of the citizenry.[12]

But a teacher doesn't have to be a screaming racist to prevent children from learning by destroying their positive self-image. He only has to be naive.[13]

For example, a white teacher in the Dayton school system, placed in an all-black school by an arbitrary 70–30 staff integration called a young Black "boy" because she couldn't remember the young man's name.[14] There are teachers who worry about disruptive children but never realize the cause of disruption. And there are those who try to understand, but are hampered by the racism they have lived most of their lives.

David Gottleib, in a study of attitudes of White and Black teachers toward Black pupils notes significant differences between the two groups.

A. Harry Passow's observation on Gottleib's study are revealing:

"When selecting from a list of 33 adjectives those which most accurately described their pupils in the inner city schools, Negro and white teachers differed in their choices. In order of importance, White teachers most frequently selected talkative, lazy, fun-loving, high strung, and rebellious. Negro teachers selected fund-loving, happy, cooperative, energetic, and ambitious. The white teachers tended to omit adjectives which are universial attributes of children and related to success.[15] "

Even such simple variables as the appearance or demeanor of a child affects the quality of education the child receives. When seen in the light of cultural and economic differences, this effect is tragic.

Donald H. Smith quotes Dr. Helen Redbird in a story that tells a great deal about teachers and appearances:

"Dr. Redbird, a professor at the Oregon College of Education, visited an elementary school to inquire about the progress of a little American Indian boy. She was told by the boy's teacher that he was doing poorly in class. The teacher explained that he appeared disinterested in learning, perhaps unwilling to learn. Dr. Redbird, who is an Indian, asked to remove the boy from the classroom for a few days to see if she couldn't get him "ready to learn." The teacher granted permission, and after a few days of motivating the student, Dr. Redbird returned him to his class.

"About a week later, Dr. Redbird inquired about the boy's progress. Not to her surprise, he was doing excellently and his teacher was amazed with the results. Unknown to the teacher, Dr. Redbird had taught the little boy two things. *To smile and nod his head in response to the teacher.* (emphasis his) When the boy had mastered these two acts of accommodation, his teacher was convinced of his willingness to learn.[16] "

Such naive attitudes on the part to teachers coupled with the racial stereotypes they already hold cement the self-fulfilling prophecy as a tenet of the public school system.

The self-fulfilling prophecy is seen in a study Robert Rosenthal made of teacher-attitudes. Teachers in a California school were told that 20 per cent of their students were "late bloomers" and were expected to spurt ahead. The students were randomly chosen, but they did in fact spurt ahead demonstrating that teacher expectations of children are an ingredient in their actual performance. A more serious effect was seen in the report, however. Although children who were not classified as "late bloomers" also improved, the teachers resented those particular children because they did not fulfill the teachers' expectations.[17]

Given these results, we see that a poor Black child is damned no matter what he does. Either he is not expected to do well and therefore fails, or—if he manages to overcome the poor effects of this economic condition and the lack of confidence in him displayed by teachers—he is resented by these teachers for not adhering to their racial or economic stereotypes.

Racist school systems are not content to make Black children submit to an inferior education. School systems go on to fix the blame for the failure of their own teaching methods on the shoulders of the victims—the children themselves.

A Black sophomore at a local all-Black high school considered the prospect of integration in a paper she wrote under the auspices of the Center. What she describes is a picture not only of a lack of direction by Black educators schooled in the ways of the system, but also the training the school system has given her to place blame on her own oppressed people:

"Well I think the ideal of busing us to a white school is giving us a chance to learn more not because of them being white but because it seems like they get a better Education and a better chance of learning than we do. They have more books, more useful subjects and better equipment to work with. The white teachers try to help you learn instead of telling you "I've got mine. You've got yours to get." White people want their kids to have an education. And there are Black people who don't care if their kids get one or not. Some Blacks don't care you learn all they want is their checks when pay day comes. And there are white teachers who encourage you to learn. And there are some students that feel like no one wants them to learn so therefore they don't come to school.[18]

The children who do not succeed blame themselves. The children who do manage to succeed are trained by the system to fix blame for failure on those who do not succeed.

Schools are taking our brightest children and molding them into an elite who see themselves as having more at stake in a racist society. Schools tell their "A" students that they are successful because they are great intellects. Children who are not doing so well (who are not conforming to some teacher's or administrator's view of "good citizenship" or good study habits) are inferior, they are told. By such methods, young Black students can be led to fear their own fellow students and to reject them out of hand. Not all students are taken in by such methods, obviously.

. . . Black and poor children are destroyed daily by what Daniel Fader calls "a conspiracy of teachers, methods, materials . . . (that) say clearly. 'You're dumb. You can't say it right so don't say it at all.' "[19]

When the masses are educated, Thomas Jefferson said, tyranny will disappear. I believe Jefferson was right. But instead of "educating" Black children, the public schools have hampered true education. They have programmed and trained our children into a a self-debasement that ends in blank faces and wasted lives. When the masses are educated, tyranny may well disappear. But perhaps schools as we know them will have to disappear before the masses can be truly educated.

Footnotes at end of article.

DISCRIMINATION AGAINST CHILDREN IN A DEMOCRATIC SOCIETY

The second cause of the destruction of positive self-image is a prejudice not related to any race or any social caste; it is a pervasive and continuing distrust of all children.

It is easy, when something bad happens in this country, for people to turn to their children as the problem. Their children are soft, people say, their children are lazy, they have been given too much, they haven't lived through enough "hard times." Earl C. Kelley points out that after the Russians were first to launch hardware into orbit around the earth, the American people decided that it was their *children* who were to blame—even though the scientists then working had been educated in the "good old days." [20]

"The conflict between age and youth is one of the saddest aspects of our culture," Kelley says, "And the saddest fact of all is that age always strikes the first blow." [21]

This discrimination against children could be the outgrowth of a system of public schooling which has grouped children into a particular category, a lesser category. This grouping has made them easy prey to practically every social tinkerer who decides he has "the answer" and proceeds to use our children as guinea pigs.

Ivan Illich points out:

"School groups people according to age. If there were no age-specific and obligatory learning institutions, "childhood" would go out of production. . . . If society were to outgrow its age of childhood, it would have to become livable to the young. The present disjunction between an adult society which pretends to be humane and a school environment which mocks reality could no longer be maintained. Only by segregating human beings into the category of childhood could we ever get them to submit to the authority of a school teacher." [22]

We have made our children less than human, at least less than normal citizens. We have denied them a sense of control over their environment, and then expected them to be motivated for change.

Black psychiatrist Alvin Poussaint has noted that ". . . an individual's success in satisfying his need for self-assertion is to some degree determined by his sense of control of his environment." [23] Our children do not even have a control over their needs to use the bathroom or to move around at will, let alone some control of their environment as a whole.

It's about time to change. It's about time that our children are allowed to try to build a democracy where all others have failed. They must teach us about justice and truth. We must use their sense of commitment to change this country.

Margaret Mead believes we are fast moving into what she calls a "prefigurative culture" in which the old learn from the young.[24] Unfortunately, the old continually resist that movement.

The Constitution doesn't apply, it seems, to children under 18 or those enrolled in an educational institution. Children are exhorted to become involved in the political process but suspended when they demand decision-making power in school.

One curriculum expert at the Student Board of Inquiry sponsored by the Center two weeks ago, made the statement that he is concerned only with the "right decision" not necessarily "who makes the decision." We must disagree with that. This society must allow children to make their own decisions in school—to have some kind of fate control—or we can expect them to leave school institutions just as their parents did: Ready and willing to accept any authority simply because it is authority, learning how to turn both ways and never take a stand.

Footnotes at end of article.

At the present time in Ohio, as well as other states, a student accused of breaking a school rule can be suspended from school and denied his basic right to an education without proof, without a hearing, without anything. The question in most suspension cases is not whether a student disobeyed the rules or not, but "why" he did it. He is placed in the unenviable position of having to prove his own innocence, rather than defend himself against accusations of guilt. Students marshal student witnesses to their own defense only to be met with the age-old truism: The teacher is always right; the student is always wrong.

The law of the state of Ohio (and other states) gives teachers the right to physically protect themselves against six year olds. It also gives them the right to attack children physically. It is almost impossible to legally question a particular teacher's right to strike a child. The law protects it, and the teachers' associations protect it, even in some instances urging their members to file assault charges against a child who may "attack" them.

Students are not allowed to express themselves in the most basic ways. Their newspapers are censored, their political activity is noted, and they must get prior approval to get a speaker to speak to them.

Although a student must be responsible for his own achievement regardless of the circumstances, a teacher can fail miserably to teach students and still be protected.

Postman and Weingartner point out that they often hear the statement, "I taught them that but they didn't learn it," which they compare to a salesman who says, "I sold them that but they didn't buy it." [25] Teachers are protected if they verbally abuse a child, tell him he is dumb, curse at him, and make him sit in a corner. They are a privileged class—they do not even have to do what they are hired to do to get paid.

"We have some teachers, however," says Kelley, "Who sneer at colleagues who try to introduce some democratic living in their classes. They block attempts to arrange any participation by students in the affairs of school. They proclaim that no little brat is going to tell them what to do. They say, 'I've tried democracy, but it doesn't work.'" [26]

As Ermon O. Hogan has written, "Although our schools have provided a quasi-common heritage, they have not provided a common experience out of which youth could learn to develop their responsibilities of freedom, to respect universal equality, and to acquire the skills necessary to guarantee prosperity through the years to come." [27]

The Supreme Court tells us that the American democracy is a society which must take risks in order to survive.[28] It says that fear of disruption or diversity is not enough to limit action.

Student rights is only that—democracy for everyone, including the young. The famous statement, "It can hardly be argued that either students or teachers shed their Constitutional rights to freedom of speech or expression at the schoolhouse gate" [29] was made by a government institution. But the rest of government institutions, including the schools, apparently haven't gotten the message.

A number of Black students, when asked to find a related word to "prison" on an achievement test, passed over the word "cell" and instead chose "school." Certainly this metaphor is closer to their own experience. A prison is a place in which rights are abridged, a prison is a place which keeps its inmates inside by the use of bars and locks. Schools are no less than prisons for many Black students, who are forced to attend by state law, and who are subjected to humiliation while they are there.

A prison is no place to learn about democracy.

"It seems to me . . ." Barbara Sizemore has said, "that if we do not get about the business of establishing these systems for participatory democracy in the institutions that socialize our youngsters for democracy, there will be little chance for having a true democracy." [30]

THE LAW AND EDUCATION [31]

One of the basic problems in protecting student rights by law is that school administrators and teachers—government employees—do not obey the laws already on the books. Law and order, it appears, is only acceptable when it is used to keep Blacks in their "place."

For example, the law has defined the right of all children to an education, yet government employees continue to abridge that right.

Most state constitutions contain a section similar to Ohio's guaranteeing a free public education or a system of common schools:

"The general assembly shall make such provisions, by taxation . . . as will secure a thorough and efficient system of common schools throughout the State . . ." [32]

The implementation of the constitutional mandate results in a bulky body of school laws having to do with compulsory attendance, powers of the board, school and teacher accreditation, etc. The codes of all states contain basically the same requirements.[33]

COURT CASES

The right to an education is often spoken of by judges in law suits in which a board of education is involved, both in federal [34] and state [35] courts. The strongest statement was made by the Supreme Court of the United States in *Brown* v. *Board of Education of Topeka:*

"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* (emphasis mine) which must be made available to all on equal terms." [36]

The right to an education seems firmly entrenched in the law. Institutional and individual racism is also firmly entrenched in the law, however, and has denied Black children the "right" to an education. The cases which follow are documented in the files of the Center for the study of Student Citizenship, Rights and Responsibilities:

DUE PROCESS OF LAW

If education is a right, no one should be able to take it away. At the least, the person to be deprived of the right is entitled to due process of law [37] before his right is taken away.

But the laws of most states allow children to be excluded from school by administrators without any prior due process hearing.[38] Ohio's law does not even set forth the reasons for which a child may be suspended or expelled.[39] The effect is that children are suspended or expelled from school at the whim of administrators, white or "Black."

Many of the cases for which Black children have been suspended or expelled without the due process involve the exercise of Constitutional rights. In the case pending [40] in Montgomery County, Ohio, in which the Student Rights Center attorney represents the plaintiff, a child was suspended from school for "talking about students' rights." [41] As with the "right" to an education, the law is full of rhetoric about the requirement of a due process hearing before excluding a child from education.[42] But the laws are not self-executing. And boards of education and school administrators will not voluntarily set up due process hearing procedures because to do so would be a lessening of their own power. To vindicate the right, the student and his parents have to sue the school board. If the student doesn't have the money to pay

a lawyer, or if he doesn't have access to Legal Services, he doesn't have the right.

CORPORAL PUNISHMENT

State laws in seven states make it perfectly legal for a teacher to assault a child.[43] Ohio's statute allows a school teacher, administrator, or even any school employee to "inflict reasonable corporal punishment upon a pupil" when it is "reasonably necessary to preserve discipline." [44] The common law of 42 states allows teachers to hit pupils by means of the concept of *in loco parentis*, meaning the teacher takes the place of the parent and possesses parental authority over the pupil. It matters little to the law if the child is Black and the teacher is a white racist. In fact, a study shows that school authorities administer discipline harshly and sometimes unfairly when dealing with poor children, but are lenient with children of wealthy parents.[45]

Paul Jones was a student at Westwood Elementary School in Dayton, Ohio. He had a bladder disease and his mother warned the principal on the first day of school that Paul was not to be paddled for fear of aggravating his condition. The principal "forgot" to tell the Physical Education teacher who hit Paul twice with a paddle for failure to wear gym clothes. (Parents must supply gym clothes at their own cost.) As a result, Paul had to spend a month in the hospital. He is now attending a private school in Dayton.

Mrs. Jones' experience in seeking redress from the law is typical in such cases. She could not get an attorney to file a suit for damages because, she was told, such suits against teachers and boards of education are "losers," especially when the state law protects the teacher.

A parent in a similar case sought to file a complaint against the teacher in the criminal court for assault and battery. She was told the judges always threw such cases out and that they were almost impossible to prove.[46] A case against a teacher doesn't make friends for the prosecutor, either.

Federal court cases brought against teachers and school boards have not been successful [47] with the notable exception of Boston. A suit against the Boston Board of Education was settled with the adoption of a board regulation forbidding corporal punishment.[48] Only New Jersey [49] and the District of Columbia forbid corporal punishment by statute as have some individual school boards.[50]

In Kettering, Ohio, a group of white middle class mothers petitioned their state legislator to introduce a bill in the legislature to abolish corporal punishment, except when necessary for a teacher to defend himself or another student. Months have gone by and the women are still waiting for an answer. The bill has not been introduced. . . . So much for change and parent power.

FREEDOM OF EXPRESSION

The case of *Tinker* v. *Des Moines School District* [51] decided by the U.S. Supreme Court in 1969, established the principle that students in secondary schools do possess constitutional rights, and may freely exercise them unless it can be shown that their conduct would materially and substantially interfere with the learning process. But, again, the laws are not self-executing, and this principal of constitutional law is violated every day in practically every school in the nation. The following are some examples:

A girl in Michigan complained in a letter to the Student Rights Center that her high school principal would not permit local members of the Vietnam Veterans against the War speak in the school, even though he received a petition from the students to do so.

However, pro-war speakers—returned local veterans and Army Public Relations people—spoke in the school's regularly scheduled classes.[52] The reason for forbidding the anti-war speakers to speak to students was that "then I will have to let the Black Panthers, the SDS, and the ACLU in."

In Dayton, a high school student sat on the front steps of Roosevelt High School and described in good Black language his views about racism in Americas society and the value of security police in school. The local security guard and two others escorted him into the school. The student, feeling threatened, took a swing at the security guard. The security guard cited the student to juvenile court for assault and disorderly conduct. The case is now being appealed by the student, who is represented by the Student Rights Center's staff attorney.[53] Freedom of expression and *Tinker v. Des Moines* don't mean much to students when it is necessary to go to the Court of Appeals to vindicate constitutional rights.

Attorneys Edgar and Jean Cahn describe the growth of public interest cases as the "Rights Explosion".[54] They estimate that, "In the criminal field, the newly-expanded right to counsel for those charged with a crime will require, conservatively estimated. a five-fold increase in the number of full-time public defenders. In the civil field, the crisis is even more acute . . . ." [55]

The situation in student rights is even more acute than the problem caused by lack of lawyers. Children and parents often do not realize their constitutional rights have been violated. Even if they do, and can find a lawyer to represent them, only their own situation is improved if they win the case.

Must lawsuits vindicating students rights be won in every community before they are extended to all children? And further, even if a case is won, will the change it promotes ever become a reality?

TITLE I AND THE RIGHT TO AN EDUCATION

Title I provides financial assistance "to local educational agencies service areas with concentrations of children from low-income families to expand and improve their educational programs by various means . . . which contribute particularly to meeting the special educational needs of educationally deprived children." [56] Title I funds are for compensatory education. They may not be used to replace local money which would otherwise be spent on education.

The failure of Title I to educate Black and poor children has been well documented.[57] The violations of federal law by local school officials in misappropriating Title I funds has been even better documented.[58]

Title I has failed. It has failed because money was given to racist, white-controlled education systems to educate Black children. Having failed to educate children in a regular program, how can the same racist bureaucrats expect children to learn in a "compensatory program"? We face a situation now where Title I, because of its failures, is being cited as proof by racists that Black children are "dumb" and can't learn.[59]

This is a perfect example of institutional and individual racism's success in education. Schools failed to educate children. The solution found for that failure was to give more money to teach these children. But it was given to the same people using the same methods which failed the first time around. When children still didn't know any more after six months, who was blamed? Who else? The system blamed the children, saying they were "culturally deprived", had an "unstable home situation" which was "not conducive to learning" created by parents who were "failure models". "See how dumb the niggers are?" the school system said. Eighty per cent of the Title I money goes to personnel. So the white education bureaucrat has a nice summer job. In Title I, a Black child's right is turned around and used to oppress him.

DESEGREGATION AND BLACK STUDENTS' RIGHTS

Brown v. The Board of Education of Topeka [60] has been the law for 18 years. Its mandate to desegregate the schools "with all deliberate speed" has been litigated ever since. *Swann v. Charlotte-Mecklenburg* [61] approved busing of children as a way to end racial segregation in schools. The national furor about busing which we now experience stems from the federal courts' attempts to implement *Brown II* and *Swann*.

I seriously doubt the utility of busing to improve the education of Black students. "Racial balance" and "desegregation" do not ensure that Black children learn; such goals do ensure that Black children will be in the minority in every school. These goals ensure that Black children will continue to be oppressed by the white-controlled racist school system.

Barbara Sizemore said in her testimony before the Mondale Committee that the first *Brown* decision was racist because it inferred that segregation does no harm to white children, segregated schools are seen as good schools for whites. "If an institution supports the folk who give the inference of authority to another folk, how can that institution help the so-called inferior folk?" [62]

Black children today are very different from the Black children of 1954. To tell a Black child today that he will profit by sitting next to a white child in a white-controlled school is to lie to him. And he knows it. The only thing that child will gain is more knowledge of white racism.[63] This is a learning experience for him but it does not help him learn how to read and write.

In light of this, and in light of the student's "rights" which have been shown to exist only in theory, three points can be made about busing children for "racial balance":

1. It appears that busing insures that Black children will always be in the minority, thus providing an ideal climate for the racist practices cited above to continue.

2. The terms "busing", "desegregation", and "racial balance", are used by the power elite in this country to keep poor whites and poor Blacks from joining together to demand a decent life and the right to survive. If the people who are paid to educate children don't do it, what better way to divert attention from their failures than by stirring up the folks, calling poor whites "racists" and forcing both white and Black to go to a school in which no one will ever learn anyway? [64]

3. "Racial balance" is used to curtail the authority of Black teachers and administrators. In Dayton, the community word is that, in balancing the staff of the schools to a 70–30 ratio, the good Black teachers went to the white schools and the incompetent white teachers came to the Black schools. Sizemore mentions the effect of "desegregation" on Black staff in her testimony before the Mondale Committee.[65]

Because of these effects of "desegregation", it is a denial of a Black student's right to an education to move him to a white school. We are putting the burden on children, both Black and white, to eradicate the mental illness of 400 years of American society. This "racial balance" is easy for the power elite to support because it puts the burden on the children, not on their own racist shoulders where it belongs. True integration, as Sizemore and Oscar Handlin say, would be an open society which demands solutions to eradicate segregated housing, eliminate economic racism on all levels, and eliminate unequal education and medical services.[66]

I believe in freedom of choice for Black people. If Black parents wish to send their children to white schools, the law should facilitate that wish. If, however, Black parents, having developed a sense of nationalism and racial pride, decide that Black-controlled schools would better educate their children, the law should protect that decision.

Footnotes at end of article.

THE EDUCATION MONOPOLY

The 50 States and the federal government have a stranglehold on education. Typically, state laws deal with the broad spectrum of education, from pupil control to finance. The following Ohio laws cited as examples illustrate how the state maintains its monopoly.

The legislature classifies school districts and sets election procedures for the local Board of Education, granting broad powers to the local board.[67] The state requires certain subjects taught.[68] The state law regulates the number of days and hours a child must spend in school, and even the length and frequency of recess.[69]

The state law requires that education be free [70] for residents of the school district, except that money may be charged for materials other than textbooks used in a course of instruction.[71] The state's stranglehold on education is most evident in the areas of compulsory attendance, regulations governing who may teach, and the power to set standards for and accredit schools. Compulsory attendance laws require that a child attend a school which meets minimum standards set by the state.[72, 73] If a parent fails to send a child to school, a complaint may be filed against him and he may be required to post bond to ensure the child's attendance.[74]

The state regulates who may teach in the schools by means of certification.[75] The state sets the standards and courses of study for the preparation of teachers.[76] If a local board of education wishes to terminate a teacher's contract, it may do so only after a due process hearing in which it is shown that the teacher is grossly inefficient or immoral.[77] It has become so hard to fire veteran teachers that the racists and the incompetents continue to victimize children in the classroom though everyone knows it is happening.

The power to set minimum standards for schools is held by the State Board of Education.[78] An elementary school will not be chartered by the State Superintendent unless these standards have been met. It would therefore be impossible for a group of poor private individuals to set up their own school to meet the state's standards and be accredited.[79] For example, an "equipped and well-maintained health clinic" is required.[80]

The ultimate stranglehold the states possess on education is the power to raise money through taxes [81] to support it. In almost every state, the money is raised by a local property tax. While the laws require the legislature to fund education,[82] it has never done so adequately, because there is little or no accountability to voters in the wasteland of the state legislatures. Hence, the federal government stepped in [83] with volumes of forms and a system of bureaucrats to process them.

The state laws dealing with compensatory education for children of poor families are as ineffective as federal laws, or more so. For example, money from the disadvantaged pupil fund in Ohio may be used to put armed guards in the Black schools.[84]

As a result of general discontent with the present method of school finance across the country lawsuits challenging it were filed. *Serrano v. Priest*,[85] the California case, was the first successful suit filed. As of January, 1972, some 28 suits in 18 states, all modeled on *Serrano* had been filed.[86] It is being discovered, however, that in state after state urban schools will receive less money per pupil in any equalization of expenditure per pupil plan proposed.[87]

The role of the education lobby, and its self-interest in any education expenditures, cannot be overlooked.

For instance, the Southwest Region of the Ohio Education Association gave an appreciation dinner for members of the state legislature who voted for the latest school appropriations bill in the state legislature. Had any other interest group done this for their legislative benefactors, there would have been a public outcry. Not so with the educators.

Also, the Ohio Education Association is the plaintiff in the Ohio suit [88] modeled on *Serrano*. Their legal fees, as in all these cases, are very high. So is the OEA's self-interest. . . . To equalize expenditure per pupil across the state would of necessity increase the teacher salaries across the state.

The effect of the states' monopoly in education is to deprive poor parents and children any choice in education. They are compelled to send their children to school. It must be a school accredited by the state. Costs prohibits the poor from setting up their own schools. Hence, poor Black children are condemned to spend their young lives in racist institutions which provide jobs for professionals but don't provide learning for them.

There is no way to hold the state or its agents accountable to the people. There are no poor parents' lobbies or children's lobbies to take legislators to dinner in gratitude for their vote. If a child can't read when he finishes high school, it is never the school's fault. The child is pronounced a "dumb nigger" who can't learn.

STRATEGIES FOR PROTECTING THE INMATES

Dealing with education for Black people necessitates compromises. Although the effects of public schooling are, for the most part, downright destructive, Black people are faced with the dilemma they have always faced—trying to make it as a Black in a white world.

The white world, tied to a complex system of credentialization, uses its own paralysis as a criterion for judging Black folks. The modern society has succeeded in cutting off whole areas of creativity because it demands diplomas and degrees before it will allow experimentation. There is an interesting commercial on television in which Abraham Lincoln applies for a job—an "executive position."

The job counselor interviews him only to find out that old Abe doesn't have a college diploma. No work for him. The commercial is supposed to promote a college credit test for people with experience—what it points up is the sorry state of an entire country which equates the number of hours spent in a classroom to learning.

Black educators faced with the corruption of school systems, yet realizing the emphasis currently placed on credentialization, are faced with a dilemma: Whose children must be sacrificed to achieve change? Therefore, Black educators must not only revolutionize the school system as an entity, but they must try to get Black children and poor white children through the present maze of violence and destruction if the children are to be allowed to participate in society.

The short term goal must be to protect children from the violence of the school system. The long term goal must be to make the institution less of an institution—to establish safeguards, checks and balances. In short, to achieve some sort of real control of schools. It is up to Black people to do this for the entire educational system. As Nathan Wright, Jr. has so aptly put it, the oppressed must save not only himself, but his oppressor as well.[89]

SHORT TERM

Short term goals in protecting Black children involve strategies to improve Black self-image, the introduction of real democracy in the public schools, education for rights, a recognition of the demands of the future and education for them, and institution of educational accountability through both civil and *criminal* sanctions.

SELF-IMAGE [90]

Black people should study educational models for Blacks already proposed by Imamu Baraka and Elijah Muhammed in beginning their quest for "quality education."

. . . A sense of self-worth is the most pressing need for Black children. *Programs must be developed to generate a positive self-image for children of oppressed people* if we are truly to educate them.

These programs need not be elaborate. All they need are a number of people who truly care, and a system of weeding out people who do not. There is a special kind of change that comes over children when they realize that they are loved. Black children must be told over and over again that they are the future of their people. Eight and nine years old is not too soon to teach children the pitfalls of a racist society, to inform them that the prospect of genocide is a reality, and that the most effective way to combat it is to learn all they can from schools as well as from the outside.[91]

Just and humane discipline—a discipline which generates self-discipline among students—can be instituted in classrooms where students know they are important and feel that the teachers and administrators want to help them. Such examples of the valuable effects of programs geared toward positive self-image can be seen in a journalistic study of a class at Irving School, Dayton, Ohio.[92] In this particular fourth-grade level class, students learned to police themselves, to protect the weaker students, and yet truly enjoyed their school. All this could be attributed to the love of a particular teacher and a program of positive self-image.

When I was assistant principal at MacFarlane School in Dayton, I found that if you show children that you love them, trust them, and respect them, they will respond with love, trust and respect. If you believe in them, they will learn to believe in both you and themselves. That general philosophy was the core of our entire experience at MacFarlane. Each morning I told 1,266 children over the public address system that they were good, they were beautiful, that knowledge was power and they should constantly strive to be the best of whatever they were. Unless a child is taught that he is somebody and unless he believes that you are honest and fair with him, you are wasting your time trying to teach reading and writing.

At MacFarlane, we invited many people to visit our school and talk to our teachers and observe our classrooms. We showed our teachers that their job was an important one and that we had confidence and trust in them also. Learning happened at MacFarlane. Across the board improvement was noted in terms of motivation on the part of students, staff morale, and a general improved behavior attributable to a humane, supportive discipline policy. The cornerstone upon which we constructed the entire program at MacFarlane school was that of self-image.

Parent participation is essential in developing programs of self-image. Ruth W. Burgin outlines the positive effects of Community School Councils in such projects in Dayton, Ohio in "An Evaluation of the Dayton Experience.[93]

Programs of self-image instituted in the lower grades of schools can provide some kind of psychological protection to students as they continue through the maze of public education. A woman who had attended an all-female school commented that her classmates were more ready to accept the basics of women's rights when they attended college and found jobs in the male-dominated society because, at that point in their lives, the women were allowed to be people. They did not have to conform to society-defined roles for women. They came to realize their own individuality because they were allowed to express it without feeling the social strictures against women being intelligent. This does not happen in all female schools, of course. But it points up the ef-

Footnotes at end of article.

fects of positive self-image programs for women. Such positive self-image programs for Black children in grade schools could protect students their whole lives, even when a racist society marshals its policies to degrade them.

Simple programs like the ones described above can go a long way toward preparing children for democracy. When children sense they have potential and that their successes or failures are impotrant to their people as a whole, they begin to realize that they have a responsibility to learn and to protect themselves and their parents from genocide.[94] Positive self-image programs can be the beginning of democracy and equality.

DEMOCRACY IN SCHOOLS

Since, in essence, the society expects children to solve age-old problems of racism and caste through busing and integration, why not give children the power in name as well as reality?

If some kind of democracy were established in the school systems, it would have to be more than a half-hearted attempt. What usually happens, unfortunately, is that adults try a certain program, give it half a chance, and then bemoan the lack of "responsibility" students show. Students are only human, after all. When offered a chance for real power, children react—with good reason—as if adults aren't serious about it. After teaching and programming children to accept authority unquestioningly, giving an inch won't make the children mature overnight.

Therefore, any attempt to establish student democracy must be an honest attempt. It must not be a temporary thing in which power may be extended and then retracted if the students start disagreeing with the adults. If a firm commitment to student democracy were made, a number of programs would be possible. The following are some suggestions:

Methods of allowing students to ask questions and find answers for them should be established. The Center for the Study of Student Citizenship, Rights, and Responsibilities has had some success with student fact-finding commissions. I believe that they should be adopted at a national level.

As part of the Center's Student Boards of Inquiry, students formed panels and publicly questioned a variety of expert witnesses on the subject they were studying. The first Student Board of Inquiry[95] looked into discipline and generated much public discussion of the methods of discipline presently utilized in area schools. The students questioned other students, state and local school officials, university personnel, and school teachers.

The recommendations formed by the Student Board of Inquiry into Discipline read like a bill of rights. Just as the general public was appalled at the simple humane rights the prisoners of Attica were requesting last fall, so the students' requests read like pleas for humanity from our own children:

The students requested a right to a fair trial. Students should be regarded innocent until proven guilty, they said. The student has a right to due process of law—the right to a hearing, right to counsel, right to face his accusers, right to call and cross examine witnesses.

The students requested that hearing boards be set up in each school that would consist of four or five teachers and students. Student judges, they said, should be elected by the student body.

The students asked that there be a written limit to the security guard power in school. Guards, they said, should be held personally and professionally accountable for any violation of their written powers.

All forms of corporal punishment should be abolished, the students said. They suggested replacing corporal punishment with contracts between the administrator and the offender.

The students agreed that the wearing of political buttons, armbands, and other forms of symbolic expression is a permissable activity for students. They also requested that Student Governments be given real, as opposed to symbolic power, to make the vital decisions that affect the lives of students in the school—curriculum, discipline, etc.

The second Student Board of Inquiry, held a few weeks ago, tackled a much more difficult, through no less important subject. Students looked into the area of curriculum and tried to find out what they were being taught and why. They questioned local teachers, school curriculum experts, university personnel, representatives of the state testing service and an expert on tracking in the schools.

The students are presently preparing their recommendations on curriculum.

The next Student Board of Inquiry, scheduled for May, will deal with busing for integration. The Center thinks it is valuable to give the children a chance to come to their own decisions on this important question.

Student fact-finding commissions could be integrated into any system of learning. Their recommendations should be implemented, and all students should, at some time in their school lives, have the opportunity to participate in them. We are duty-bound to listen to students and to try to follow their recommendations while trying to educate them to new ideas.

DECISION-MAKING

Beyond this, students must be a part of the decision-making process relative to any and all school community matters. The knowledge explosion has made the general populace, especially children, much more knowledgeable in all matters—from sex to finance—than they were 10 years ago.

Inside the schools, student courts should be instituted, allowing students to judge their peers and to take responsibility for the discipline in their schools—a discipline which will be more freely accepted by the students if it comes from their fellow students.[96]

Student Courts can work, if given real power by administrators. Recently a student court at Carlson school in Dayton was formed including fourth through eighth grades. The principal has followed all the court's recommendations, and the court itself is respected and serious.

Teachers who worry about student responsibility should check out what can be done—some of it is beautiful.

Reconsidering Poussaint's thesis that a person must feel he has some control over his environment to be motivated, it is essential that children be allowed to contribute to their own educations. Local school boards should be expanded to include students from the ages of seven to seventeen. These students should be voting members and should have real responsibility for deciding what should be taught in schools, how money should be spent, who should be hired and fired.

Perhaps this seems a bit wild. The adult response to such a suggestion usually brings claims that children would not be able to understand the complex methods of finance, state law and building maintenance that adults have to master while being school board members.

But perhaps the children might force school boards to rid themselves of ridiculous prattle and actually ask real questions: "Did the children at X school learn how to read?" "Why is the teacher allowed to hit students?" "Why don't the children get a chance to tell their side of the story?"

In her book, *Culture and Commitment: A Study of the Generation Gap,* Margaret Mead talks about something that is very important to me:

"The children, the young, must ask the questions that we would never think to ask, but enough trust must be re-established so that the elders will be permitted to work with them on the answers. As in a new country with makeshift shelter adopted from out-of-date models, the children must be able to proclaim that they are cold and where the drafts are coming from . . .[97]"

FEDERALLY FUNDED PROJECTS FOR CHILDREN

Frank Reissman, in a study of Title I programs, found that the only programs which seemed to have a positive effect were the programs where students or parents taught other students. Those that learned the most were the students who taught. Even the students who were taught learned more than other students taught by professionals. Peer group learning unleashes creativity and motivation that does not emerge from a teacher-student relationship. Strategies to allow students to learn from each other must be implemented.

Federal grants made directly to students could be a way to allow students to teach the old and the young. I cannot think of any area of American life—be it schools, welfare rights, housing, the problems of the old, the problems of the physically handicapped, etc. where students could not do as good or better job than adults. Think of Head Start-type programs completely staffed and run by students—older students teaching younger students, getting them ready for school or helping them read at the proper grade levels. Think of a federally-funded Student Board of Inquiry. Think of student-run recreation programs. Think of student-run VISTA or Peace Corps-type programs. Think of students helping the aged and the handicapped. Think of programs dealing with American Indian self-improvement. Thank of the same for Black students, Puerto Rican students, Mexican-American students. You can go down the list of federally-funded programs currently operating in the country and hardly find a one that responsible students are not capable of directing and running.[98]

Programs instituted to deal with democracy in schools can be instituted immediately. They will not have immediate effects. It is safe to say that adults will not be pleased with their immediate results, because students must be given an opportunity to realize the prospects of freedom. The first steps toward student self-government will be halting steps. But sincere adults must trust their children enough to let them make their own mistakes and learn from them.

EDUCATION FOR DEMOCRACY

The first basic essential to a true democracy is an aware populace. And so our students and their parents must be educated to what the law means for them. Only then will they be able to defend themselves against racial and cultural discrimination. Only with education to rights will they be able to protect themselves from the racist effects of school systems.

Knowledge is power. Access to information is the greatest determinant of discrimination. Kenneth Haskins emphasizes that education of Blacks has always been a concern of white people—for ulterior motives, of course. Whites, in their education of Blacks, have tried to keep them docile and conforming.[99]

Black people must break the monopoly of information that school and government hold over children. Schools, like other institutions, move quickly to rid themselves of advocates within their midst. Critics from the inside are disposed of quickly. It happened to me, and it has happened to others, making it virtually impossible to find those who have

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the financial status or true dedication to step out from the workings of the school system and say with certainty what is happening. They must be interviewed privately before they will talk.[100]

Additional sources of information for students and parents, then, must be established.

We know that some of our children have been damaged because they cannot read properly. They must be reached in other ways than simple pamphlets.

The Student Rights Center has just published a comic book dealing with juvenile rights in Ohio.[101] We've been told by students that they like the idea, and the process of reducing legal definitions to pictures has forced us to simplify our approach. Such comic books could be produced to explain information from consumer law to city government.

Since our children spend many of their waking hours listening to finger-popping music, we have to infiltrate that medium. We must find popular artists to record messages of student rights, ask them to write songs with subtle messages about self-image in school. We must press 45 rpm records and LP's and get them into the hands of children and their parents.

Attorneys Edgar and Jean Cahn, in their Yale Law Journal article, talk about the revolutionary use of cable television. They write that "a largely unexplored area for the creation of new 'legal' institutions is the potential provided by the mass media for informing people of their rights, bringing community disappoval to bear upon particular actions or particular officials, and generating support for norms eliminating the status of permissable behavior in a society where the 'legal norms' on paper may have little reality or authority in the community. Cable TV and community-owned and operated radio stations in particular have substantial potential for creating new legitimated forums for community debate. . . ." [102]

The new, awakening interest in Cable TV must be utilized. Students should be funded to produce television shows and radio programs that deal with their own problems. A proposal for a Cable TV program written last summer is an example of how this media approach can work:

"A seven year old comes into the Student Rights Center and says, "I'm tired of that teacher yelling at me. Next time she does it, I'm going to tear her up."

"A Center staff member instructs the child. "Listen. The next time that teacher is mean to you, be cool. Just sit there in the classroom and don't say anything for 20 minutes. Then, when you are completely calm and in control, raise your hand. When she calls on you, tell her cooly and calmly, "Mrs. X, what you did a few minutes ago, the way you talked to me, has psychologically dehumanized me, has made me feel like an animal, like a stupid animal. If that happens long enough, a child like me grows up thinking of himself as stupid and ugly and he can never function as a human being again. So unless you refrain from treating me in such a manner, I may have no alternative but to take you to the U.S District Court and explain all this to a judge. And let me remind you, Mrs. X, that there is a good possibility that I can win a $100,000 damage suit against you if I charge you with psychological tort." [103]

Programs on what a student can do about a counselor who won't help him prepare for college, who gets an unfair suspension, or who isn't learning what he wants to learn could be produced on Cable TV.

Inside the schools, education for democracy must be demanded. The fact that schools do not teach our children the basic essentials of reading, writing, and ciphering, while giving them diplomas that are meaningless, must be dealt with. Beyond this, schools must see that the world is changing so rapidly that any type of factual information they can give a child will be obsolete in a few years.

"To survive, to avert what we have termed future shock," says Alvin Toffler, "the individual must become infinitely more adaptable and capable than ever before . . . He must, in other words, understand transcience." [104]

Toffler tells us that at the rate at which knowledge is growing, by the time the child born today graduates from college, the amount of knowledge in the world will be four times as great. By the time that same child is 50 years old, it will be 32 times as great, and 97 per cent of everything known in the world will have been learned since he was born.[105]

"For education, the lesson is clear," says Toffler. "It's prime objective must be to increase the individual's 'cope-ability'—the speed and economy with which he can adapt to continual change." [106]

An oppressed people must educate its children to find ways to combat oppression. Black people at this point do not need experts in Shakespeare. Nor do they need experts in 17th Century British government. They need artists and technicians who can deal with the problems facing their people.

Right now we should be training children how to make their own worlds more livable. They should learn about the legal redress against slum landlords. They should learn about taxes and how they are levied. They should learn consumer law and credit and how to protect themselves in the marketplace. They should learn about due process so that they can protect themselves and their parents from a society that does not look kindly on them.

Besides this, our children must be schooled in the future. We must have architects who can plan low-cost housing. We must have children who can learn oceanography and assure our people a place in submarine communities. We have seen from experience that the white establishment will leave its decaying cities to Black people while fleeing into the suburbs. They will not automatically out of brotherhood indulge in integrated submarine communities. Our children must be taught about space flight—so that they will not be left on a pollution-clogged earth while whites hit the moon and beyond. Black children must learn the new medicine so that their children will not be used as spare parts when some white man needs a heart. Our children must learn genetics so that the race is not breeded out of existence when the era of test-tube babies becomes a reality. Our children must learn psychology so that they will not be manipulated back into slavery. They must learn about the new advances of media to protect themselves from a new kind of thought-police—a society in which privacy will not be so respected.

Most of all, our children must be protected against brainwashing, even to our own point of view. The talent for being brainwashed can turn against good people. Hitler became popular in a civilized, educated society. Our children must have the "cope-ability" to sort out the demagogues from the realists and make real, positive choices about their lives.

As Toffler says: "Today's facts become tomorrow's misinformation. . . . Schools must therefore teach not merely data, but ways to manipulate it. Students must learn how to discard old ideas, how and when to replace them. They must, in short, learn how to learn." [107]

EDUCATIONAL ACCOUNTABILITY

It has become fashionable to call for educational accountability.

The fashion makes the need no less great. A doctor must take an oath to preserve life, and it is possible to bring a case against him if, through criminal negligence, he fails to succeed in preserving life. An attorney can be prosecuted for breaking the law. But teachers are poorly trained in colleges and then let loose on children with few checks on their behavior—indeed, they are given privileges we would never afford doctors and lawyers.

I am not talking about the occasional teacher who is fired for misconduct or immorality with his students. I am talking about the teacher who receives the respect of fellow teachers and yet fails to teach.

A student should know more at 3 p.m. than he did at 8 a.m. that morning. A student should certainly know more in June than he knew the previous September. A student should definitely know more when he graduates from high school than when he started. There must be ways to hold teachers and administrators accountable for student performance.

Attorneys Edgar and Jean Cahn suggest that teachers and administrators—as well as other administrators of government programs—have achieved something that should be illegal in a democratic society—sovereign immunity:

"In the context of education . . . the question is whether effective legal advocacy combined with an independent grievance mechanism within the school system can shield a child from institutional practices which have long demonstrated their capacity to retard, discourage, and destroy a child's sense of confidence and his capacity to perform. Thus, one formulation of the role of the law in education might be to protect the presumption of educability of a child, just as in the criminal law, it protects the presumption of innocence. In short, the law might no longer permit the school system, like a prosecutor, to pronounce a verdict of of guilty and a sentence of failure, retardation or drop-out. Instead, the school system might be required to bear the burden of proof each step of the way, at each moment it sits in judgment of a child's attitude or performance or capacity. In many, many schools, the burden of proof now rests with the minority group or low income child. It rests there wrongly. Effective legal advocacy within the school system should have the purpose of shifting that presumption—of compelling accountability, of forcing the educator and the educational system to shoulder the burden of proof rather than make the child the scapegoat for an institutional record of failure." [108]

The Cahns go on to say that this "new sovereign immunity", the immunity of officials who administrate major government grant programs, must be dealt with by the addition of a third dimension to the rule of law. The legal system will have to be expanded and restructured. There are a few scattered beginnings in developing new legal and para-legal institutions, but much more investment in experimentation is needed. Programs to provide mediation and arbitration, lay advocates within the school system, special juvenile courts run by juveniles, citizens' advice bureaus modeled after those in England, ombudsmen offices where a public official serves as watchdog and investigator of legal conduct, are all possibilities which may serve a particular community's needs.[109]

CRIMINAL LAW

The traditional attitude holds the child accountable for his progress or failure. The school's contribution to that success or failure should be measured, and the administrators responsible for failure held accountable.

The following sections of the Ohio Revised Code have never been used in the way that I am proposing they be used. Most states have similar laws which have never been applied to educators and the education system:

Section 2919.05 of the Ohio Revised Code,

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concerning embezzlement by municipal and school officers says that no member of a board of education can "knowingly" divert, appropriate, or apply funds raised by taxation or otherwise, to any use or program other than that for which said funds were raised. . . . Violators receive one to twenty-one years in jail.

Boards of education receive public money to educate children. When children leave the school system after twelve years, unequipped to hold a job in our society, haven't the public monies been knowingly diverted "to any use or purpose other than that for which said funds were raised . . ."?

Section 2919.05, concerning usurpation of office, says that a person in office or place of authority "without being lawfully authorized to do so" cannot "willfully oppress another under pretense of acting in his official capacity."

A teacher who "under pretense of acting in his official capacity" forces a child to conform to the teacher's model or be punished is willfully oppressing that child. Violators of section 2919.05 can be fined up to $300 and imprisoned up to twenty days or both.

Section 2912.12 stipulates a fine of up to $200 for a "ministerial officer" who willfully injures, defrauds, or oppresses another person or attempts to do so. Do boards of education defraud parents when they say they are educating children, and when hundreds of clearly uneducated children receive diplomas that are meaningless?

Section 2911.41 provides a penalty of up to $200 and twenty days in jail, or both, for advertising "any assertion, representations, or statement which is untrue or fraudulent".

Are not boards of education and educators guilty of violations of this law? Is not every school tax levy campaign a violation? School people advertise quality education. If it can be shown that the education many children receive in the public schools is not what is advertised, then children and parents are being induced by false advertising.

Section 2907.21 covers larceny by trick, and provides a penalty of one to seven years in jail. "No person shall obtain possession of, or title to, anything of value without the consent of the person from whom he obtained it, provided he did not induce such consent by false, or fraudulent representation, pretense, token, or writing."

School boards and administrators take public money with public consent. The public consent is induced by representations made by administrators that children's education will improve, and the pretense that children learn in proportion to the dollars spent. These representations are false. The proof of their falsity is that high school diplomas are awarded to people who read and write at an eighth grade level or worse.

Section 2903.08 covers "Torturing or Neglecting Children", and stipulates that "no person having the control of . . . a child under the age of sixteen years shall willfully . . . torture, torment, or cruelly or unlawfully punish him . . ." Fines range from $10 to $200 and imprisonment up to six months.

Excessive use of corporal punishment, suspensions for ridiculous reasons, expulsion for ridiculous reasons, and the harassment of children who refuse to conform to the system's model of a perfect student is willful torture and torment. Also, keeping a child in school seven hours a day, and forcing him to listen to a teacher who has nothing relevant to teach him is cruel punishment.

School counselors are among the greatest violators of the equal protection granted to all people under the U.S. Constitution. They can deprive children of this protection with one statement: "You are not smart enough to go to college." When a counselor shoves a child into the general course, he often deprives that student of a good job, good housing, good medical treatment, and a happy and healthy life in general because the child isn't prepared to do the work that could earn him these things.

The use of these laws, and others like them, may be a few years away. But citizens may have to resort to the criminal law and use it in the way proposed here, to force constructive change in the education of our children.

LONG TERM GOALS

We must take a critical look at the entire school system in this country. Long term strategies may involve breaking the educational monopoly, instituting voucher systerms, and changing state minimum standards.

It has been suggested that the state's monopoly on education effectively prevents parents and students from starting their own schools. The problems of negative self-image, "rights" that are illusory, and white-controlled racist school systems could be easily dealt with a private school where the goal would be to educate children, not to incarcerate them until they reach the ages of sixteen or eighteen. The goal of "accountability" becomes simple when a committee of parents and students hires and fires teachers and administrators. If all the money already spent or to be spent on desegregation lawsuits, all the money the school boards pay for buses and transportation, all the money the federal government spends for compensatory education and desegregation workshops were given directly to parents and/or communities to set up such schools, the problems Black children have in getting an education would be lessened. Such a school need not be for Blacks only. It could be open for white parents and students who want to get a humanistic, realistic, useful education.

COMMUNITY CONTROL VS. DECENTRALIZATION

Two Black educators, Barbara Sizemore and Kenneth Haskins, testified before the Mondale committee last summer about community control of schools. Their statements emphasize many of the problems in attaining community control. Mrs. Sizemore, affiliated with the Woodlawn Community Experimental Schools District Project, stated that the project operated under a tripartite arrangement with three institutions, the Woodlawn Organization, the University of Chicago and the Chicago Board of Education.

"Under community control," Mrs. Sizemore states, "the Woodlawn Community Board would have made policy for the District, controlled finance and teacher hiring and firing and would have been completely composed and representative of the entire community. However, under Title II Program and its Memorandum of Agreement with the Chicago Board of Education, the Woodlawn Community Board was only a recommending body, for the former held approval veto powers. The WCB was a decentralized body, not one of community control." [110]

She goes on to state that, "Although the Chicago Board of Education never exercised its veto powers, middle management and the city civil service commission managed to veto often. Line staff ambiguities provided the school principals with avoidance routes for the delivery of their services and complicated the model also." [111]

Kenneth Haskins, formerly affiliated with the Morgan School in Washington, D.C., stated that in the establishment of so-called "community control" certain powers were almost always held in the hands of the white power structure.[112]

He noted that community boards were given few funds to develop staffs and consultants, ". . . In no instance was power given directly to the community," he states. In the case of Morgan School, Haskins says, Antioch College was given virtual control of the school in terms of staffing, curriculum, fiscal responsibility, outside resources, and physical plant. Although he states that the treatment given under the auspices of the college may have been better, the situation wasn't strict community control.

Both Sizemore and Haskins went on to show that, through the work of parent groups and continual pressure, both accomplished gains in community control. The Woodlawn Experimental School Project and the Morgan School managed to change in the direction that parents wished it to change—and as such community control was increased.

But both Sizemore and Haskins seem to be making the point that white-dominated education is not going to automatically let Black people control their schools in the areas that desperately need community control—curriculum, staffing, finance.

It would seem, then, that a kind of voucher system for education could go a long way to pushing the balance of power back into the community where it belongs. Although middle class white communities have always controlled their schools, a conspiracy of finances, state minimum standards and the necessity of credentialization has kept Black communities from organizing schools under their own control.

If the government were to make per pupil grants directly to parents in the form of vouchers which could be converted into payments to schools of the parents' choice, community control would be assured.

Communities under this system could band together and fund their own schools, hire their own teachers, administrators and consultants. Since the communities would control the schools, parents would have a hand in selecting and reviewing teachers, and educational accountability would be assured.

In the use of a voucher system, the monopoly of setting minimum standards that the state holds would have to be lessened. The state at this point can stipulate how many days a child has to go to school, how many hours he must sit in class to be educated. There must be a shift, as Paul Diamond, staff attorney for the Harvard Center on Law and Education puts it, from minimum standards which measure input to minimum standards which measure output.[113] Schools, to be accredited should be studied on the basis of their results, not their attempts.

If a beautiful school plant, expensive materials, and highly paid teachers do not have the effect of teaching children how to read and write properly, they should lose their accreditation. The dominant factor in rating schools should be student performance—adding another check to the powers of teachers and administrators.

Other favorable side effects to a voucher system of education would be the establishment of competition in the present school system. If a system of vouchers for education were to be instituted, many parents might still elect to send their children to the public education system. But the opportunity to set up alternative schools which would require only the amount of money guaranteed by the vouchers could effectively pressure the public schools to upgrade their standards, serving as a check on the monopoly of education that now exists.

Unfavorable side effects to a voucher system for education could be the formation of exclusive groups to educate their own children and exclude other children. Such a side effect could be overcome if the schools formed by integrated communities were effective. At present in Dayton, Ohio, a school which has a waiting list is Patterson Cooperative High School, which is situated downtown and is integrated. The reason that parents are willing to have their children bused into an integrated setting is that Patterson is a good school.

Catholic parents have had their children take public transportation to high schools situated in rundown neighborhoods because

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the schools provided what they wanted their children to have—religious-oriented education. Too often, reaction against busing has arbitrarily been termed racist. Yet the real reason, though it may have racist overtones, may not be overt racism. We find that through years of white-domination of ghetto schools, these schools traditionally had poorer materials, more dangerous physical plants, poorer teachers. A white parent, or middle class Black parent for that matter, does not want his child bused to an inferior school. He may be reflecting the racism that has dominated the school system for so long, but he may not really be averse to having his children sit next to poor Black children. He just does not want them to go to inferior schools, inferior schools caused, of course, by white racism.

Innovative educators see another adverse effect of the voucher system. They believe that, given true community control, parents would take a reactionary course and that drug education, sex education, and certain political ideas would be banned. They fear the masses controlling education. Some of their fears may be well-founded. But it must be pointed out that given the many innovations of public schools in recent times, the schools are still failing to educate children. The superintendent of Dayton Public Schools admitted at a staff meeting last May that twenty per cent of Dayton School Children could not read up to grade level.

Parents may, in fact, revert to teaching the Three R's exclusively if given the power. But it is up to sincere educators and others concerned with real community control to be ready to accept the will of the people.

Paulo Freire writes:

"The man who proclaims devotion to the cause of liberation yet is unable to enter into communion with the people whom he continues to regard as totally ignorant, is grievously self-deceived." [114]

CONCLUSION

Methods of change for the public school system and in education for Blacks may be debated frequently. The only facts that cannot be debated are that schools must change, that student rights must be protected, and that education for Blacks must be completely overhauled, not merely tinkered with.

In the long and difficult road ahead, Black people trying to effect change must not lose sight of the fact that they must listen to the people when trying to decide a course of action.

No program for change and liberation can be successful, truly successful, in making equality and democracy a reality unless the people are involved from the beginning. As Freire puts it, a revolutionary movement cannot be started from the top by those in power and then presented to the people for their approval. It must come from them and they must be part of it all the way.[115]

Freire goes on to say, "A real humanist can be identified more by his trust of the people, which engages him in their struggle, than by a thousand actions in their favor without that trust." [116]

We must trust each other. In the end, the oppressed will save themselves and their oppressors. The children will lead the way.

FOOTNOTES

[1] The author thanks Student Rights Center Staff Attorney Peter M. Rebold for legal research included in this paper, and Center Staff Researcher Carol Towarnicky for assistance in the preparation of this paper.

[2] Ivan Illich, *DeSchooling Society*, (New York: Harper and Row, 1971), pp. 29–30.

[3] "Breaking the American Stereotypes," a study of the work of Psychologist Robert Coles, *Time*, (February 14, 1972), p. 38.

[4] Frantz Fanon, *The Wretched of the Earth*, (New York: Grove Press, Inc., 1968), p. 78.

[5] Paolo Freire, *Pedagogy of the Oppressed*, (New York: Herder and Herder, 1970), p. 48.

[6] Lines from the poem, "What Shall I Tell My Children Who Are Black," by Margaret Burroughs, quoted from *Black Self-Concept*, edit. by James A. Banks and Jean Dresdan Grambs, (New York: McGraw-Hill, 1972), p. 4. *Black Self-Concept* is an excellent collection of articles dealing with self-image.

[7] Nancy L. Arnez, "Enhancing the Back Self-Concept through Literature", *Black Self-Concept*, p. 97.

[8] Richard Rothstein for the Teachers Organization Project, New University Conference, *Down the Up Staircase: Tracking in Schools*, 1971, p. 9. This entire pamphlet is an excellent study of the methods used by school systems to maintain rigid class stratification.

[9] Arthur E. Thomas, "Of Scapegoats and Other Healthy Animals", a special section in *Rap Magazine* (Dayton, Ohio, November, 1971).

[10] Malcolm X, *Autobiography* (New York: Grove Press, Inc., 1966), p. 36.

[11] Remarks at the Student Board of Inquiry into High School Curriculum, sponsored by the Center for the Study of Student Citizenship, Rights, and Responsibilities, March 1, 1972.

[12] Ray C. Rist, "Student Social Class and Teacher Expectation: The Self-fulfilling prophecy in Ghetto Education," *Harvard Educational Review* (August, 1970) pp. 448–449.

[13] Donald H. Smith, "The Black Revolution and Education," *Black Self-Concept*, p. 47.

[14] Thomas, *op. cit.*

[15] A. Harry Passow, "Diminishing Teacher Prejudice", *Columbia University Teacher's Pamphlet*, quoted from *Let's Work Together* by Nathan Wright, Jr., (New York: Hawthorne Books, Inc., 1968), pp. 57–61.

[16] Donald H. Smith, *op. cit.*, p. 47.

[17] Robert Rosenthal, "Pygmalion in the Classroom" quoted in *Blaming the Victim* by William B. Ryan (New York: Pantheon Books, Random House), pp. 57–59.

[18] "Integration" a paper written as part of an enrichment program sponsored by the Center for the Study of Student Citizenship, Rights and Responsibilities, in cooperation with Project Emerge.

[19] Daniel Fader, *The Naked Children*, (New York: The MacMillan Company, 1971), p. 13.

[20] Earl C. Kelley, *In Defense of Youth*, (New York: Prentice-Hall, Inc., 1962), p. 11.

[21] *Ibid.*, p. 7.

[22] Ivan Illich, *op. cit.*, p. 27.

[23] Alvin Poussaint-Carolyn Atkinson, "Black Youth and Motivation," *Black Self-Concept*, p. 61.

[24] Margaret Mead, *Culture and Commitment: A Study of the Generation Gap*, (New York Natural History Press, Doubleday and Co., Inc., 1970), p. 1.

[25] Neil Postman, Charles Weingartner, *Teaching as a Subversive Activity*, (New York: Delacorte Press, 1969).

[26] Earl C. Kelley, *op. cit.*, p. 48.

[27] Ermon O. Hogan, "Racism in Educators," A Barrier to Quality Education," *Racial Crisis in American Education*, edit. by Robert L. Green (Follett Education Corporation, 1969), p. 149.

[28] *Tinker v. Des Moines School District*, 393 U.S. 503 (1969).

[29] *Supra.*

[30] See Barbara Sizemore's testimony before the U.S. Senate Select Committee on Equal Educational Opportunity, Part 13, "Quality and Control of Urban Schools," (U.S. Government Printing Office, 1971). This particular statement appears on p. 5848. However, the entire record of the hearing with testimony from Sizemore, Kenneth Haskins and Bernard Watson is excellent.

[31] The author thanks the Harvard Center for Law and Education and particularly Ms. Marian Wright Edelman, Director. The citations to cases in this section of the paper were gathered from publications and legal briefs of the Center.

[32] Ohio *Constitution*, Article VI, Sec. 2.

[33] *Supra*, Article VI, Sec. 3.

[34] For example, see Chapter 33, Ohio *Revised Code*.

[35] *Hoosier vs. Evans*, 314 T. Supp. 316, 319 (D. St. Croix, 1970); *Ordway v. Hargraves*, 323 F. Supp. 1155, 1158 (D. Mass. 1971); *Hobson I*, 269 F. Supp. 401, 507 (D. D.C. 1967); *Hatfield v. Van Dusartz*, 40 U.S.L.W. 2228 (D. Minn. 1971); *Rodriguez v. San Antonio Independent School District*, 40 U.S.L.W. 2398 (W. D. Tex. 1971); *Zavilla et. al. v. Masses*, (Colo. Sup.) 147 P 2d 823 (1944); *Woody v. Burns*, Fla. 188 So. 2d 56 (1966); *Manjares v. Newton*, (Cal. Sup.) 411 P 2d 901 (1966); *State v. Ganss*, 168 Ohio St. 174 (1958); *Serrano v. Priest*, 5 Cal. 3d 584 (1971).

[36] 347 U.S. 483, 490, 74 S. Ct. 686, 691 (1954).

[37] Procedural due process generally includes the following elements: notice of charges in time to prepare a defense; the right to call witnesses, friendly and unfriendly, and to cross-examine them; and the right to have the case heard by an impartial tribunal. Criminal due process requires more; here we are concerned with administrative due process.

[38] For example, see Section 3313.66, Ohio *Revised Code*.

[39] *Supra.*

[40] *Owensby v. Board of Education, et. al.*, No. 72–228, Court of Common Pleas, Montgomery County, Ohio.

[41] Complaint in *Owensby, supra.*

[42] *Dixon v. Alabama State Board of Education*, 294 F 2d 150 (5th Cir. 1961); *Woods v. Wright*, 334 F. 2d 369 (5th cer. 1964); *Esteban v. Central Missouri State College*, 277 F. Supp. 649 (W.D. Mo. 1967); *Vought v. Van Buren Public Schools*, 306 F. Supp. 1383 (E. D. Mich. 1969); *Sullivan v. Houston Independent School District*, 307 F. Supp. 1328 (S.D. Tex. 1969); *Tibbs v. Board of Education*, 276 A. 2d 165 (Sup. Ct. App. Div. N.J. 1971).

[43] Nat Hentoff, *ACLU* News, November, 1971.

[44] Sec. 3319.41, Ohio *Revised Code*.

[45] Hollingshead, *Elmstown's Youth*.

[46] *State v. Lutz*, 113 N.E. 2d 757 (C.P. Ohio 1955) sets forth what must be proven to find a teacher guilty of assault and battery on a student. (1) There is a presumption of a good faith and correctness of action on the teacher's side. (2) A teacher is not liable for an error in judgment. (3) Mere excessive punishment by the teacher is not a crime unless it produces or threatens lasting injury, or unless the State shows that it was administered with malice, express or implied, beyond a reasonable doubt. (4) A teacher has all the protection of the presumption of innocence.

[47] *Sims v. Board of Education*, 329 F. Supp. 678 (D.C. N.M. 1971).

[48] *Murphy* v. *Kerrigan*, Civil No. 69–1174–W (D. Mass. 1969).

[49] *N.J. Stat. Annot* 18A:6–1.

[50] Baechle, Thos. J., "Corporal Punishment in the Schools: An Infringement on Constitutional Freedoms," 20 *Cleve. St. L. R.* 560, 570 (1971). The four cities are Philadelphia, Baltimore, Pittsburgh, and Chicago.

[51] 393 U.S. 503 (1969).

[52] Student Rights Center files "Reaction to Phil Donahue Show Appearance."

[53] In re *Dunn*, No. 3918, Court of Appeals, Second Appellate District of Ohio, Montgomery County, Ohio.

[54] Edgar S. and Jean Camper Cahn, "Power to the People or the Profession?—The Public Interest in Public Interst Law," *The Yale Law Journal*, (May, 1970), p. 1008.

[55] *Ibid.*, p. 1008–9.

[56] Title I of the Elementary and Secondary Education Act of 1965, P.L. 89–10, now 30 U.S.C. 241(9) et seq.

[57] 20 U.S.C. 241a.

[58] Murphy, Jerome T., "Bureaucratic Politics and Poverty Politics," *Inequality in Education*, Number Six, Center for Law and Education, Cambridge, 1970.

[59] "U.S.O.E. Seeks Recovery of Misspent Title I Funds," *Inequality in Education*, Number 10, Center for Law and Education,

Cambridge, 1971; Julius Hobson, *The Damned Children*, August, 1970, *Parent Power and Title I NSEA*, National Urban League, New York, N.Y., 1971; *Title I of ESEA, Is it Helping Poor Children?* NAACP Legal Defense and Education Fund, Inc., New York, N.Y., 1970; *Making Title I Work for Your Children*, National Welfare Rights Organization, 1971.

[60] 349 U.S. 294 (1955).

[61] 402 U.S. 1 (1971).

[62] Prepared statement of Barbara Sizemore, Equal Educational Opportunity *Hearings*, Part 13, p. 5850.

[63] Author's statement to Mondale Committee, *Hearings*, pp. 5967–5969; also Ken Haskins' testimony, *Hearings*, p. 5887.

[64] Statement of Dr. Bernard Watson, *Hearings*, p. 5915.

[65] *Hearings*, p. 5850.

[66] *Hearings*, p. 5849.

[67] Chapter 3313, Ohio Revised Code (O.R.C.).

[68] Sec. 3313.60, O.R.C.

[69] Sec. 3313.48, O.R.C.

[70] Sec. 3313.48, 3313.64, O.R.C.

[71] Sec. 3313.642, O.R.C.

[72] Sec. 3321.20, O.R.C.

[73] Sec. 3321.20, O.R.C.

[74] Sec. 3321.38, O.R.C.

[75] Sec. 3319.22, O.R.C.

[76] Sec. 3319.23, O.R.C.

[77] Sec. 3319.16, O.R.C.

[78] Sec. 3301.07, O.R.C.

[79] Standard ED6–401–02 (E) *Minimum Standards for Ohio Elementary Schools.*

[80] *Ibid.*, Standard ED6–401–09 (J).

[81] Article VI, Section 2, Ohio *Constitution.*

[82] *Ibid.*

[83] Elementary and Secondary Education Act of 1965, P. L. 89–10.

[84] Minutes, Dayton Board of Education Meeting, March 3, 1972.

[85] 96 Cal. Rptr. 601 (1971).

[86] *Committee Report*, The Lawyer's Committee for Civil Rights Under Law, January, 1972, Report No. 7.

[87] Phyllis Myers, "*Second Thoughts on the Serrano Case*," City, (Winter, 1971), p. 38.

[88] *The Ohio Education Association et al. v. Gilligan, Governor, et al.*, filed December, 1971 in the U.S. District Court, Southern District of Ohio.

[89] Nathan Wright, Jr., *Let's Work Together* (New York: Hawthorne Books, Inc., 1968)—Speech, Cincinnati, Ohio, 1967.

[90] A number of these strategies were originally presented to the Select Committee on Equal Education Opportunity, August 5, 1971, and recorded in the hearings cited. They were summarized in "Can They Do These Things To Us? A Program for School Reform," a special section in *Rap* Magazine, (November, 1971).

[91] Carol Towarnicky, "Respect Each Other, Be Real Nice" a special section in *Rap* Magazine (January, 1972).

[92] *Ibid.*

[93] Arthur E. Thomas and Ruth W. Burgin, *An Evaluation of the Dayton Experience*, Institute for Research and Development in Urban Areas, 1971.

[94] A brilliant study of the possibility of genocide in this country is *The Choice*, by Samuel Yette, New York, 1971.

[95] Dan Geringer, edit., "3 nights in Dayton", a special section in *Rap*, (October, 1971).

[96] Ron Goldwyn, "Judgment by Their Peers", *Journal Herald*, (Dayton, Ohio, March 1, 1972), p. 27.

[97] Margaret Mead, *op. cit.*, p. 74.

[98] Speech, Career Opportunities Conference, Office of Education, Denver, Colorado, June, 1968.

[99] *Hearings*, p. 5867.

[100] Arthur E. Thomas, "Of Scapegoats and Other Healthy Animals."

[101] Center for the Study of Student Citizenship, Rights, and Responsibilities, "Juvenile Rights in Ohio", a special section of *Rap Magazine*, (March, 1972).

[102] Edgar S. and Jean Camper Cahn, *op cit.*, p. 1018.

[103] "Can They Do These Things To Us?"

[104] Alvin Toffler, *Future Shock*, (New York: Random House, 1970), p. 35.

[105] *Ibid.*, pp. 157–158.

[106] *Ibid.*, p. 402.

[107] *Ibid.*, p. 414.

[108] Edgar S. and Jean Camper Cahn, *op. cit.*, pp. 1020–1.

[109] *Ibid.*, p. 1019.

[110] Sizemore, Hearings, p. 5852.

[111] *Ibid.*, p. 5854.

[112] *Ibid.*, pp. 5869–70.

[113] Student Board of Inquiry in High School Curriculum, March 1, 1972.

[114] Freire, *op. cit.*, p. 47.

[115] *Ibid.*, p. 54.

[116] *Ibid.*, p. 47.

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COMPENSATING AUTOMOBILE ACCIDENT VICTIMS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. STUCKEY. Mr. Speaker, I have today introduced legislation that, when enacted, will provide the Nation's Capital with the most comprehensive and humane system in the United States for compensating automobile accident victims.

I believe that my bill, entitled "the District of Columbia No-Fault Automobile Insurance Act," incorporate the best features of all proposals aimed at serious reform of the existing automobile liability and insurance system, and thus can serve as the model for auto accident reparations reform throughout the United States.

It has long been my conviction that the system through which we now determine the distribution of benefits to persons injured in auto accidents needs drastic and thorough overhaul. After intensive study and consultation, I have concluded that only a first-party, no-fault insurance system will provide the users of the District's streets and highways with prompt, certain and complete compensation for their auto accident losses.

I have also long believed that it is the States, not the Federal Government, which should undertake reform of the auto accident reparations system. It is the States that regulate the insurance carriers whose policies undergird the present system, and it is the States whose legislatures have established the rules of law governing compensation of accident victims. The Congress should not, in the absence of willful failure by the States to meet their responsibilities, deprive the States of their traditional prerogatives in the auto accident reparations field.

The legislation I have introduced today is consistent with my firm commitment to meaningful reform of the auto accident reparations system at the State level. This Congress is the plenary legislative body for the District of Columbia, a jurisdiction we routinely define as a "State" in our acts. By enacting extensive no-fault reform for the District, we can make our commitment to a truly Federal system meaningful. We can hold out the District's law as evidence of our desire to have equally effective reforms enacted by the States.

My bill is also consistent with the views of the present administration that regulation and reform of our automobile insurance system should remain with the States, and that reform should be substantial. In his testimony before the New York State Joint Legislative Committee on Insurance Rates and Regulation on March 1, 1972, Federal Insurance Administrator George K. Bernstein concisely stated the extent of the Nixon administration's commitment to reform:

> This Administration specifically acknowledges the desirability of a comprehensive, compulsory system providing first party benefits for medical, hospital, and rehabilitation expenses to the fullest practical degree and mandatory first party benefits for wage losses and lost services subject only to reasonable limitations, with provision for insured to cover excess losses on a no-fault basis at their option. Further, we acknowledge the desirability and necessity to proscribe tort actions for economic loss to the full extent of no-fault benefits provided and for non-economic losses except in cases of truly serious injury as measured by permanent impairment or disfigurement or a reasonably high threshold of economic loss.

My bill meets every one of these criteria, and for this reason I believe it can serve as a model for other legislatures.

I urge my colleagues, particularly those who share my views about the importance of the States in our federal system, to give careful consideration to this legislation. Its passage, and the passage of equally strong legislation in the States, is essential to precluding the enactment of a single national no-fault law binding upon all the States. Let me quote Mr. Bernstein's New York testimony again:

> The hesitant progress of no-fault proposals in New York State is, unfortunately, typical of the national experience. . . .
>
> The no-fault principle has been endorsed by virtually every respected expert in the field of insurance, and preliminary experience from the State of Massachusetts has been particularly encouraging. It is indefensible to hide behind the lack of more extensive practical experience as an excuse for legislative inaction. . . .
>
> If special interests succeed in defeating meaningful no-fault legislation in States like New York, and if the States thereby prove incapable of protecting the consumer, Federal no-fault legislation, which will inevitably result, may be but the forerunner of more massive inroads on State prerogatives.

As a member of the Committee on Interstate and Foreign Commerce, and its Subcommittee on Commerce and Finance, I am acutely aware of the pressures being exerted for total Federal preemption of State regulation and reform of the automobile insurance system. As an acknowledged opponent of preemptive legislation pending in the Commerce Committee, I suggest to you that the question is no longer whether there will be no-fault auto insurance reform, but only whether that reform will come about

at the hands of the States or by an act of Congress.

If, in our role as the District's legislature, we do not enact no-fault reform for the Nation's Capital, we will furnish potent ammunition to those who would prejudge the States and thereby renounce the values of federalism.

If, on the other hand, we enact meaningful reform for the District, we will provide needed impetus to the progress of auto accident reparations reform in the States and forestall the precipitate enactment of a national no-fault law. Because of the impact our action will have, we must take care that the District legislation meets the highest standards of auto accident reparations reform. I have drafted my legislation to achieve this goal.

My bill essentially creates a system that will compensate every victim of every auto accident in the District of Columbia for: First, all medical, hospital, and rehabilitation costs—from the first dollar to the last; second, wage loss of up to $1,500 a month for 3 years—more wage loss protection can be purchased as an optional coverage; third, the cost of services to replace those that would have been performed by injured housewives, up to $600 a month for 3 years; fourth, death benefits of up to $54,000 for the families of wage earners killed in auto accidents; fifth, service replacement benefits of up to $600 a month for the families of those killed in auto accidents; and, sixth, damage to motor vehicles, with any deductible the policyholder chooses.

These benefits will be payable without regard to who was "at fault" in the accident, and they must be paid within 30 days of notice to the insurer that the losses have occurred.

Because of the small size of the District of Columbia, its geographic location, the heavy use of its streets and highways by out-of-State commuters and tourists, and its current high number of uninsured motorists, my bill requires that every vehicle using the District's streets and highways carry insurance providing at the very least the benefits described above. Only in this fashion will all accident victims be assured of adequate compensation for their losses.

My bill also eliminates, in cases where losses do not exceed the insurance benefits available, all actions in tort arising out of auto accidents in the District of Columbia. And when losses do exceed insurance benefits, only those persons sustaining serious injury will be eligible to recover losses other than their economic losses.

These restrictions of the tort remedy and of what is now called "pain and suffering" or "general damages" are essential to a rational and efficient auto accident reparations system. Under today's lawsuit system, fully 55 percent of auto accident victims killed or seriously injured receive absolutely nothing—no medical expenses, no hospital expenses, no lost wages, and certainly no damages for pain and suffering. Even the seriously injured victims who do recover under the tort system are grossly undercompensated—those with economic loss of more than $25,000 recover on the average only one-third that amount, according to the Department of Transportation.

Meanwhile, those victims with little economic loss and no permanent injury, and who are eligible for tort recovery, receive, on the average, 2½ to 4½ times their actual economic loss.

To my mind, a system that leaves more than half of all accident victims with nothing, and overcompensates those with minor loss while undercompensating the seriously injured, is indefensible on its face.

It is even more indefensible when its cost is analyzed. Only 44 cents of the automobile liability insurance premium dollar is ever paid out in benefits. Of this amount, 8 cents duplicates other payment, and 21½ cents compensates for "pain and suffering," leaving only 14½ cents to cover otherwise uncompensated economic loss.

The other 56 cents goes to the system's middlemen—the insurance companies and their armies of adjusters and investigators, and to the lawyers who sue and argue over who's to blame for the accident. The lawyers alone eat up 25 cents, while other faultfinding personnel consume another 5 cents.

The only way to make sense out of this mess is to first, eliminate faultfinding as a basis for most compensation, and second, restrict pain and suffering awards to those who truly deserve them. By taking the great majority of the District's 50,000 accident cases out of the tort system, we can channel the resources saved thereby into benefits for all accident victims. By limiting pain and suffering awards to the truly serious cases, we can save enough additional money to cut auto liability insurance rates in the District by 18 percent immediately.

Indeed, my bill requires insurance companies to provide this rate reduction, so that the benefits of no-fault can be realized immediately by the District of Columbia policyholders. Furthermore, in recognition of the fact that out-of-State drivers will be free from tort liability in most cases when they drive in the District, my bill calls for consultation between District officials and those in Maryland and Virginia to assure that any savings for motorists living near the District are passed on to them in the form of rate reductions.

Because the insurance under my bill is compulsory, I feel it is imperative that insurers provide it to all licensed drivers willing to pay the premium, and that they keep it in force unless the insured loses his license, fails to pay the premium, or is found to have used fraud in procuring the policy. My bill makes these consumer safeguards explicit.

To assure to the greatest extent possible that all drivers using the District's streets and highways have the required coverage, my bill makes failure to possess it a misdemeanor punishable by a fine of up to $1,000. It further provides that any policy of motor vehicle insurance purporting to provide bodily injury coverage while the insured motor vehicle is operated in the District shall be deemed to provide benefits which satisfy the requirements of the bill, and that no insurer may write auto insurance in the District unless the policies it writes elsewhere in the United States provide the protection required by District law.

As things now stand in the District of Columbia under our antiquated tort law, every visitor who comes here risks being involved in an accident with one of the District's estimated 80,000 uninsured motorists and receiving no compensation for his loss. Under my bill, he will be protected by his own insurer, and any motorist who chooses to remain uninsured denies compensation only to himself. Those riding with him will usually have recourse to an assigned claims facility provided for in my bill.

As chairman of the House District Subcommittee on Public Health, Welfare, Housing and Youth Affairs, I hope to schedule hearings on this measure in the near future. My goal is to work in cooperation with the Senate Subcommittee on Business, Commerce and Judiciary, whose distinguished chairman, the Honorable ADLAI E. STEVENSON III, has sponsored legislation similar to my own, in order that our respective committees can report at the earliest possible date bills as identical as practicable, so as to avoid the need for a protracted conference after the respective Houses have passed the measures.

In view of the widespread support expressed for Senator STEVENSON'S measure (S. 2322) during his subcommittee's hearings last September, I feel confident that we can move quickly toward enactment of the Nation's finest no-fault law for the District of Columbia.

I include a fact sheet summarizing the salient features of the District of Columbia No-Fault Automobile Insurance Act to my remarks, and I urge my colleagues to give it their close attention:

FACT SHEET ON DISTRICT OF COLUMBIA NO-FAULT AUTOMOBILE INSURANCE ACT

Coverage. The Act requires each motor vehicle using the streets and highways of the District of Columbia and each motor vehicle registered in the District of Columbia wherever operated to have the following coverage:

Bodily injury: first party, no-fault coverage for the driver and passengers of all insured motor vehicles for accidents occurring in the District of Columbia, and for District-registered vehicles for accidents occurring anywhere in the United States or Canada, and for pedestrians injured by an insured motor vehicle in the District of Columbia (Section 5(a))

The required first party coverage compensates the victims for accrued net loss including *all* medical and rehabilitation expenses, burial expenses, lost earnings up to $1500 per month for up to 36 months, replacement services expenses of up to $600 a month, death benefits of up to $54,000, and survivors' replacement services benefits of up to $600 a month. Insurers are required to offer additional lost earnings protection on an optional basis. (Section 5(b))

These benefits are reduced only by the amount of benefits received from public health insurance plans or policies or from private health insurance policies or plans which do not contain deductibles or exclusions for auto accident injuries. (Section 5(c))

Residual bodily injury liability coverage (principally for injuries to motorists in out-

of-state accidents where the D.C. motorist is at fault) is required in the amount of $25,000 per victim—the highest amount required under state financial responsibility laws.

Property damage liability coverage in the amount of $10,000 is also required. This coverage will apply primarily to damage to vehicles in out-of-state accidents where the D.C. motorist is at fault. (Section 5(d))

Damage to one's own vehicle: The Act adopts the Keeton-O'Connell "triple option" system in which the policyholder chooses one of the following three alternatives with respect to his vehicle: 1) first party "collision" insurance without regard to fault (this is the kind which is currently available); 2) a cheaper form of first-party collision insurance under which the motorist collects from his insurer only when he can establish that someone else was at fault; and 3) the full deductible option under which the motorist acts as self-insurer. (Section 6) The result of this is that in accidents involving only vehicle damage, all vehicle damage claims will be disposed of without the use of the courts.

Effect on tort actions. The Act sharply reduces the delay, expense, and strain on the courts associated with the fault system of processing auto accident claims. In all District of Columbia bodily injury accidents, actions in tort are permitted only to the extent that net economic loss exceeds policy limits. Actions for pain and suffering in these cases are limited to persons suffering certain forms of extreme injury. In vehicle damage accidents in the District of Columbia, the tort action is extinguished entirely. (Section 7)

With respect to bodily injury and vehicle damage accidents outside the District of Columbia involving a D. C. vehicle and an out-of-state vehicle, a D. C. insured who pays first party benefits to a D. C. insured is subrogated to the tort rights of that insured. (Section 7(b))

Payment of benefits. Benefits are payable as loss accrues and are overdue if claims are not paid within 30 days of submission to the insurer. Overdue claims bear interest at 1½% per month, and the insurer must pay the claimant's attorney fees. These incentives should bring about very prompt payment of meritorious claims. In cases involving claims which are not overdue, the claimant's attorney fees are shared between the insurer and the insured. In cases where the claimant perpetrates fraud, the insurer may be awarded attorney fees. (Section 8)

The Hit and Run Problem. To deal with hit and run problems, and with the small number of motorists who may operate uninsured vehicles in violation of the law, the Act establishes an assigned claims plan under which injured persons are put in the same position which they would have been in had the motorist been property insured under this Act. (Section 9)

Effect on premiums. Because first party no-fault coverage is less expensive than third party liability coverage, several states which have recently enacted no-fault bills (Massachusetts and Florida) have legislated a premium reduction. This Act follows that pattern by requiring an 18% reduction in the rate for bodily injury coverage. The Act also requires insurers to cooperate fully with Maryland and Virginia officials in the reduction of premiums in those states or portions thereof. (Section 10)

Required Security. Since all vehicles driven in the District must have the required insurance coverage, the Act states that any policy of motor vehicle insurance purporting to provide bodily injury coverage while the insured motor vehicle is operated in the District will be deemed to provide the required benefits.

In addition, no insurer will be allowed to write motor vehicle insurance policies in the District unless the policies it writes elsewhere provide the coverage required by District law when the insured vehicles are operated in the District. (Section 11(b))

Eligibility and disqualifications. Insurers may not reject the application of a licensed driver, nor may policies be cancelled except for loss of driver's license, nonpayment of premiums, or fraud in the procurement of the policy. (Section 12)

IMPROVING THE EFFICIENCY OF COAL BURNING POWER GENERATORS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. FRENZEL. Mr. Speaker, as a result of the House Interior Committee hearings which began this past week, national attention is finally being focused on the energy crisis in America. Coincidentally the current hearings in the Appropriations Committee on the Department of Interior budget also could have a direct and immediate impact on the energy supply in future years.

The Office of Coal Research within the Department of Interior is working on a program to improve the efficiency of coal burning power generators. The new process, called MHD, will also reduce pollutants below levels produced by any other generating system now in operation or under test.

This potential power system has tremendous significance in terms of energy resources, because coal supplies are far less limited than nuclear fuels.

Mr. J. Leonard Frame, president of FluiDyne Engineering Corp., indicated in testimony before the House Committee on Appropriations that development of MHD could be significantly accelerated through an increase in the MHD development program budget. In my judgment this would be money well spent. I would urge my colleague to review Mr. Frame's following remarks:

TESTIMONY BY J. LEONARD FRAME

SUMMARY

This submittal relates to the budget of the Office of Coal Research for development of MHD energy conversion systems. This submittal encourages the Committee to increase the budget for this work from $3,000,000 to $8,000,000. Recent technical developments make this increase feasible. The social values which can be realized by a successful development make this increase desirable.

I am here to encourage the Committee to provide more money for the research and development programs of the Office of Coal Research. I especially want to encourage much stronger support for the program to develop MHD power generation systems.

Three million dollars are requested by OCR for the fiscal '73 MHD program. I encourage the Committee to increase this funding dramatically to eight million dollars.

This Committee and the Congress of the United States have endorsed and supported a program directed at development of MHD power generation systems for several years. This support has been extended while dissident voices were raised regarding the technical potential and ecological impact of MHD. This has been bold and creative action by the Committee. I encourage you to continue this bold and creative action.

I believe that MHD development should be described as—power *for* the people. MHD power systems have the potential to burn coal, to convert the energy in coal to electrical energy at much higher efficiency than any other coal-burning system envisioned, to convert energy with much less ecological impact than any other generating system in operation or in development. As a result, MHD systems have the potential to create electrical energy which can be distributed to the public at low cost.

I am convinced that these potential benefits of MHD can be realized by a vigorous development program. I believe that MHD development can provide MHD systems in operation in early 1980. I believe that we will be able to add MHD legs to many existing power generating stations, thereby increasing their capacity without any increase in fuel use, with improved air quality, and without any increase in thermal waste.

If these benefits can be realized, then MHD certainly represents power for the people. Successful development will benefit every person in the United States. It will benefit them because:

1. Coal will continue to be an economically and ecologically sound source of heat for electric power generation. We have tremendous national reserves of coal.

2. MHD power generation will help hold down the cost of generating electric power.

3. Efficient and ecologically sound MHD systems will allow us to continue to have electric energy fo reach person—on demand—with minimum legislative limitations.

4. Availability of MHD systems will continue to allow local and regional communities a voice in the choice between fossil and nuclear power. In my mind, this aspect will be important for at least the next 30 years as breeder reactor development, siting, and commercial operation take place.

These are tremendous advantages to realize for our people for a total investment that has been estimated at less than $1/person and certainly will not exceed $2/person. In fact, I believe that one of the impediments to MHD development is that it can be accomplished for a relatively small total. Perhaps it is difficult to believe that we can have such broad social advantages from spending several million of $/year in support of technological development.

This Committee has had the vision to see these social advantages. They have undoubtedly been part of the basis for your support of MHD. However, during the past year and, in fact, since the time that OCR has put together its budget request, there have been technical and industry developments which have vastly improved the probability that the potential benefits of MHD can be realized and that MHD systems will be constructed when they are available.

There are three specific things that I bring to your attention:

1. Technical papers, presented to a critical technical audience within the past month, indicate that MHD systems will provide reduced air emissions per KW generated as well as reduced thermal waste. The reduction of thermal pollution resulting from the greatly improved efficiency has long been recognized. Also, the ability to design the system to provide sulfur dioxide levels much lower than those sought by EPA is recognized. However, control of NO_x emission has been of concern; in fact, there has been fear that NO_x emission levels might be higher than conventional plants because of the high operating temperature of MHD systems. Information recently reported to the technical community indicates, however, that NO_x emission can be substantially less than those associated with conventional plants. This indication is tre-

mendously important, especially in view of the fact that there is no available technology for economical control of NO_x emissions in the concentrations associated with power generating stations.

2. Also, recent technical papers presented to the technical community indicate the direction for development of coal combustion equipment for MHD systems. This is also very important.

Taken in concert with past work, these developments mean that there are now clear directions to proceed for each of the major development areas of the MHD system:

The air preheater.

The combustor.

The MHD channel.

The air emission control aspects.

There are also new research avenues to explore to provide ideas and information to assist the development program.

3. The third item of importance is that the electric utility industry has agreed on a set of goals and objectives for research and development valuable to the future of electric power generation. Development of MHD power generating systems has high priority within these objectives.

This means to me that the industry can be expected to quickly apply the fruits of the OCR development program and will participate in the future development effort.

However, the current program supported by OCR is really able to support primarily development work on the MHD channel and a small amount of university-related research. Organizations and individuals with substantial experience to provide for the air preheater, combustor, and environmental aspects are not being used or are only lightly loaded. The three million dollars requested by OCR for 1973 is not sufficient to direct the talent and experience already available to productive MHD development effort. I believe that the current level of knowledge and technology justifies a program that will bring nearly all of our experience to bear, and I believe that eight million dollars can be efficiently and effectively used in 1973.

In addition to the support that is contained in the present request, I believe that elements of work can use additional funds as follows:

1. Air preheater	$750,000
2. Coal combustors	1,000,000
3. Air emission, waste control, and seed recovery technique	1,250,000
4. Basic research and system-related studies (essentially at university laboratories)	1,000,000
5. Channel	1,000,000

I should note that the United States will be able to have some of the advantages which MHD will offer without supporting a vigorous development program. Almost certainly, we will be able to buy MHD equipment from either Russia or Japan. Both of these countries are pursuing fast-paced, well-funded development programs. The Russian effort, for example, is now estimated at the equivalent of fifty million dollars per year. However, I cannot see any reason to choose a course of buying equipment from one of these two countries. The U.S. has the experience and ability to execute a successful development program, and that experience and ability are now underutilized. A great deal of this experience is available through past programs in the aerospace field where, for example, the company I head has participated. Thus, we have experience and talent for MHD development which are not being utilized in any way at this time. We have the ability to manufacture and produce MHD systems when they are developed. Thus, it seems to me that any course which presumes or even allows for purchase from a foreign source will finally be the most expensive in both economic and social terms.

HIGHER EDUCATION STUDENT LOANS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. PEYSER. Mr. Speaker, I would like to bring to the attention of my colleagues in the House a potential crisis in student financial aid that is likely to result from delays in enacting the Higher Education Act of 1971. Authorization for the national defense student loans program expires as of June 30, 1972. Unlike the other institutionally based financial aid programs included in the legislation which will be under consideration by the Senate-House conference committee, NDSL is not forward-funded. Thus, under present circumstances there can be no appropriation for this program for 1972–73. The legislative process, including appropriations, combined with the fund distribution process by the Office of Education, is so time consuming that if House and Senate conferees do not agree on a higher education bill soon, it is more than likely that NDSL moneys will not be available for students who need them to meet their fall 1972 obligations.

A measurement of the seriousness of the situation that would ensue if fiscal year 1973 NDSL funds are either unavailable or very late, would be the size of the program required by students at the State colleges of the State University of New York. In the current year a total of more than $9.3 million is expected to be loaned to approximately 13,400 students. Of this total, a bit over $7 million represents new Federal funds. The remainder would be made up of one-ninth institutional matching and expected collections from previous loans.

In New York State, as a whole, the contribution of new Federal funds for all institutions has been approved at a level of $23.7 million. This will probably provide loans in the amount of $31.7 million to about 45,000 students.

Assuming that the level of appropriations for fiscal year 1973 can reasonably be expected to be about what they were for fiscal year 1972, the figures indicated above should provide a good indication of what our students stand to lose next year if new funds are not provided. These loans are not given to students as a matter of convenience. They are required by students to help them stay in school. At the State colleges, this loan helps students to meet from 25 percent to 40 percent or more of their expenses.

If there is any thought that the guaranteed loan program can make up for any serious loss of NDSL funds, the following figures for 1970–71 should help to cast doubt on this possibility. Last year some 12,700 SUNY students borrowed a total of $8.4 million from the NDSL program. At the same time, almost 33,000 SUNY students borrowed over $33 million through the New York higher education assistance program. At all colleges in the State, somewhat over 40,000 students used $28 million of NDSL funds to meet their expenses. In the same year, 103,000 students borrowed more than $103 million from the NYHEA program. New York State is already providing almost one quarter of the guaranteed loans granted throughout the country. To expect this program to make up for any significant loss of NDSL funds would be quite unrealistic.

It is because of the emergency situation which could be created if the House and Senate conferees do not come to final agreement on a higher education bill in the very near future, that I am today introducing a bill that would extend the authorization for NDSL loans for the next school year. It is my hope that the House will not have to act on my bill because the conferees will soon come to agreement; but in the event they do not report a bill out in the near future, then I would hope that the House would act on my bill to insure that NDSL loan money will be available to our students in order to enable them to attend school this fall.

NEED FOR INCREASED COMMUNICATIONS BETWEEN INDIAN AND AMERICAN PEOPLE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHWENGEL. Mr. Speaker, some time ago at an International Crossroads Breakfast of the YMCA, I was pleased when Frank J. Young, with Congressman McFALL's office, addressed the group on foreign policy.

He pointed out the fact that there was great need for increased communication between Indian and American people and the fact that we had not given the priority status to this Asian problem that we could and should have. He pointed out correctly that India is the world's largest democracy and should have a greater meaning to us. He pointed out further that because of their dedication to the basic principles that are ours and because many in that part of the world respect India, especially those in the underdeveloped world, that our identification with their interests and their goals would be very, very worthwhile to us as we seek to promote the basic freedoms and bring stability to the world.

Mr. Speaker, I believe this dissertation is of great value for all of us to read, so I take leave to place these remarks by Mr. Young in the CONGRESSIONAL RECORD so that all my colleagues and those who read the RECORD may ponder and learn from them as I have:

REMARKS BY FRANK J. YOUNG

"If there be a Heaven on earth, it is this . . . it is this . . . it is this . . ."

So proclaimed the Muslim emperors of their domain on the subcontinent of India. I suppose it is the only way by which to describe a nation, a culture and a people that represent the fusion of so many glorious yesterdays and so many doubtful tomorrows. What is India? It is an unusual composite of the best—and the worst—of 3 score cen-

turies of human civilization; it is a hundred generations of a people learning to live with a conqueror; it is a 100,000 villages that have yet to be conquered by 20th century technology; it is a democracy and a member of the prestigious "atomic club"; it is a caste system and an economy built on the plow and the soil; it is a civilization 6,000 years old; it is mankind's last great adventure. A better question might have been, what isn't India?

The hardest task in describing India, lies not in finding what to say about her, but rather in attempting to describe her to Americans without fear of being misunderstood. We in America have tended to ignore India because she is a relatively quiet nation. Though she is presently undergoing severe crises and has essentially put the entire workings of her political and economic systems on the experimental chopping-block, she had managed, at least before the Bangla-Desh situation, to keep herself outside the arena of commitment in American-Soviet foreign policy rivalry, and has refused the grandiose invitations of huge American corporations to invest in her future. As a result of maintaining this very uneasy state of low-keyed neutrality. India has become the unsung hero among the developing nations of the world.

My objective this morning is to briefly touch upon 4 basic views or stereotypes, if you will, that Americans hold as regards India. My intention is not to discredit our perspectives, but rather to trim them of their superficialities in order to sharply focus on the true issues at hand.

I suppose the first thing an American thinks of when he thinks of India, is the city of Calcutta. Located on the brown waters of the Hooghly River, Calcutta for the past two decades has become the symbol of Indian decadence and poverty in the eyes of the affluent western world. Granted, Calcutta is no heaven on earth—but it is no real hell either. A man makes his own hell; God does not manufacture them for us. This is the cardinal rule of the Hindu faith.

There are many ways one could rationalize about Calcutta. For one, it is a former British capital city, built by the British according to European design. There is an "Indianized" or Indian-built section which, to us, would represent the epitome of slum degeneration. But we must remember that the "city" is a new element in the life of the Indian. He has lived most of his nation's history in a close-knit village structure, where actions, dress, food and occupation are determined by caste, tradition and kin. There can be no impersonal relationships in a village because one's dress, diet, occupation and even name, tell another at a glance his entire life history. It is no doubt that Indians consider privacy a luxury of the affluent . . . not for a nation whose economy is barely beginning to rise off its knees.

In a sense, that's what Calcutta says to me. I walk out onto the streets—Chowringhee Ave., say—at 6:00 AM and step over hundreds of bodies—some alive, a few dead—watching them get up to greet a day which may not offer a single paisa in charity or a grain of rice to eat—and realizing all the while that somehow, most of them will live to see the next dawn. To watch Calcutta wake up to a sultry Bengalese morning is virtually indescribable. Entire city blocks change character in a matter of minutes, as the few rags that were used to put a bed together are wrapped around one's shoulders as a shawl, and the people begin their morning bathing ritual. An hour later they all will have settled down on their little tracts of sidewak as shoe-shiners, fix-it men, barbers . . . or just beggars. This unappealing description notwithstanding, it should not be forgotten that Calcutta is not unique as Indian cities go—all Indian cities have their slums, beggars, cows, etc.—it's just that Calcutta has more of it, due to her location so close to what was formerly East Pakistan, than anyone else. It might also be significant to note that Calcutta has the most acreage of her city properties devoted to parks, per capita, than any other Indian city, as well.

The story of how most of Calcutta's impoverished residents come to the city is the same. The family in the village is approached by a man from the city, possibly at a time of crisis or famine. The picture this fellow will paint will not usually vary—a promise of wealth and instant success that only the city can offer. The man offers to be the young boy's or girl's agent (they usually take youngsters) and oversee their affairs personally. The glitter is more than can be resisted and the child leaves with the man for the big city. From then on, the road is one of pain, loneliness and humiliation, as the youngsters are turned into beggars, pimps, black market peddlers, prostitutes and the like. Approximately 60–75% of their earnings are turned over to the "dada" or agent, and escape back to the village from this existence is virtually impossible. The youngsters become adults and often die on the same plot of sidewalk on which they began their "careers."

There is a beautiful side to Calcutta, though . . . the gorgeous green parks, botanical gardens, the ritzy Park Avenue area, the marble like splendor of the Victoria memorial, the museums with their incredibly well-preserved art relics, the amazing Birla planetarium and, of course, the temples—notably the Jain Garden temple, an exquisite work in carving and jewels that would be a jeweler's dream come true. This too is Calcutta—just as visible and just as startling to the eye as its impoverished counterpart.

India is beginning to come to grips with Calcutta and all the problems her existence represents. Whether her presence and the European values she bespeaks are welcomed by the Indian people, Calcutta is there nevertheless, unfortunately being forced to cope with many problems which are not European in nature—the caste system, village-city migration, and a vast influx of refugees from East Pakistan (or what is now BanglaDesh). Calcutta is a victim—a victim of location—a victim of institutional misunderstanding of its functions as an urban center by those villagers who migrate to within its teeming borders, expecting wealth and instant success—and a victim of bad publicity.

A second dominant stereotype through which Americans view India concerns the problem of national unity and the caste system. Many people ask, and rightly so, how a nation with 17 official languages could ever become unified? Furthermore, if we were going to question the potentialities of Indian unification, we could cite the much more serious problems of Hineu-Moslem rivalry, the increasing frequency of border disputes and demands for the creation of new states for separate ethnic groups, not to mention the desire South India (Mysore, Kerala, Andhra Pradesh, and Tamilnad states) to secede from the Indian union.

Possibly our inability to recognize any single strain of unity in India is due to the influence of Hinduism itself. Cultural unity was never stressed by traditional Hindu culture, rather tolerance for different existing religions and ideas was given the emphasis. The realization was that no one man can know absolute truth, in all its aspects, but rather many men may grasp the same truth from different perspectives. Each man must go to his god in his own way. This creed probably explains why India today contains the followers, churches, shrines, and artifacts of every major religion the world has ever known.

It is true, though, that some underlying institution must exist to give a perpetuation to those basic ideas of tolerance. The institution is embodied in the concept of dharma (the way) and karma (the duty) and is expressed most cogently through the much stereotyped and often condemned caste system.

There wasn't always a caste system in India. Remnants of some sort of social stratification began to appear with the invasion of India by the Aryans some 3,000 years ago. But the caste system, as we know it today didn't begin to take shape until around the 9th century AD out of a necessity to protect the Hindu culture and faith from crumbling in the wake of the Muslim invasions. The caste system at that time served to solidify and fortify the Hindu culture against the Muslims, and to preserve their creed and traditions by assuring everyone a place and role in society. Had it not been for the caste system, India would most likely have lost its previous Hindu heritage forever.

And yet ironically, Hinduism, as originally expressed in the Vedic teachings, never described or discussed a caste system, simply because the function of casteism was that of a social preservative, excluding most religious responsibilities. And yet in preserving society, the caste system preserved the religion as well—i.e., if one can call Hinduism a religion. I suppose for lack of a better term that is all we can call it. But the serious student of theology will certainly recognize Hinduism for what it really is. The real Hindu will worship a god, but he will consciously be worshipping what the god stands for, not merely the god. He clings tightly to his Bible, the Bhagavad-gita, which incessantly reminds him of his responsibilities to his family, society, and the world, exhorting him that, whatever his role in society, he should do it well. He should perform his earthly tasks for the sake of those tasks, not for the rewards that may be involved; the latter would not be the yogic way. Thus Hinduism, is more than a religion—it is a philosophy, a way of life, and a mundane set of guidelines for responsible living.

It is true, though, that the caste system is suffering somewhat of a breakdown in today's modernizing India. But for hundreds of years reformers have been trying to do away with it completely, only to discover that it is still a viable, vibrant social force. It still provides an identity, psychological and physical, to those within its fold, in addition to a degree of economic security. And while the real problems of discrimination by society against certain lower castes (the untouchables and scheduled castes) does exist—often times offset by an equally detrimental policy of reverse discrimination by the government (e.g. laws granting preferential rights, privileges and opportunities for the lower castes)—we must not overlook three very pertinent facts . . . Mahatma Gandhi was a Vaisya (next to the lowest in the caste hierarchy), Nehru was a Kshatriya (still below a Brahmin) and the present President of India, Jagjivan Ram, is an untouchable.

A third dominant stereotype is that of appalling, endemic poverty throughout the Indian nation. Undoubtedly, there is justification for this view—but as always, there is another side to the problem of poverty in India. Any developing nation on earth would be proud of some of the vital statistics which India today can boast:

(1) Producer of 2% of the world's GNP

(2) Ranks 9th out of the 10 most highly industrialized nations in the world. (in 1969 she exported steel to USSR and Japan)

(3) Possesses one of the world's most elaborate and efficient systems of irrigation.

(4) Is one of the world's richest areas in terms of natural resources—22% of the world's iron reserves—large supplies of alu-

minium, manganese (70% of the world's supply) and high quality coal.

(5) Since 1946, the per capita income has risen almost 40%.

(6) She possesses free Asia's largest atomic reactor just outside Bombay.

As one might see, any underdeveloped country might well envy India's attributes. And yet what explains the often seeming (and many times real) poverty that keeps India in a depressed standard of living?

I have no doubts that if the Indian nation could take the above economic assets at her command, along with a score of others I neglected to mention, and coordinate them into the proper productive pattern (i.e., put it all together) she could take her place in the family of world powers.

As the situation stands today, though, India ranks in the lower ⅓ of the nations of the world in per capita income. In addition, 1 out of 3 Indians goes to bed each night either hungry or malnourished. Each Indian has a per capita 250 gms. of food grain to subsist on per day— much too low to maintain a minimum level of human efficiency. And to make matters worse, she is burdened with a 2.5% yearly population increase. By UDC standards, this percentage is not so terribly large—but in absolute terms it represents an increase of about 13 million mouths to feed and bodies to clothe each year—roughly equivalent to a yearly addition of the entire population of Australia.

Despite the gloomy statistics which are the favorite tools of authors and analysts, progress has been made in India—a progress considering her difficulties, of the most incredible magnitude. Today, as mentioned earlier, India owns and operates as a limited power source, free Asia's largest atomic reactor. I've mentioned her industrial capacity and her ability to export steel, not to mention her irrigation systems technology and her leading role as a film producer. But as well, she has produced two notable Nobel prize winners, one recently in science for his work on genetics and one in literature. In addition, India produces her own jet aircraft, not to mention her manufacture of liquid fuel rockets which she uses for meteorological surveys. Furthermore, India has also gone wild over transistors and has made it possible for virtually everyone (or village) to own a small, cheap radio. Television has its debut in New Delhi and by 1974 satellites will link the entire country by t.v. Finally, according to Indian officials, India should be able to feed herself in 1972 without the aid of U.S. PL 480 rice or wheat. Latest figures record an availability of about 110 million tons of food grain alone for this year. Combine this increase in grain tonnage with other foodstuffs and we see the Indians possessing the potential to feed herself without outside assistance.

To round out this brief analysis of India's economic situation we have the subject of population control. As recently as forty years ago, India had no population—in fact, there was a marked lack of population around 1930. Until 1921, the rise in population in India was so slow that it actually showed a decline. In 30 short years, however, that picture changed completely. By 1951, the decline had been more than overcome. The cause for this sudden shift was simple—improvements in medical technology causing a fall in the death rate with no corresponding effect on the birth rate. It's not that the birth rate in India had (or even to this day, has) gone up, in absolute terms, but rather it has remained steady while mortality, especially infant mortality, has been dramatically reduced.

Translated into statistics all this seems to suggest that there has been no measurable progress in population control by the Indians over the past 20 years. But the truth of the matter is that progress has been enormous. India was the first nation in the world to instill family planning as a state policy twenty years ago. Since that time, family planning programs have prevented an estimated 20 million births. Though that may not sound impressive in itself, it should be remembered those are merely primary births and do not figure in the potential children of those 20 million unborn, or even the third generation after them. Thus figured geometrically on that scale, 80 million births have already been prevented over the next 40–60 years.

An important of the family planning program has been the sterilization program. India had through June 1970 performed 6.5 million sterilizations—more than the rest of the entire world put together. There are many incentives offered to the Indian male who will undergo a vasectomy. First of all, not only is the operation free, but the patient is paid $6.75 to undergo it. In addition, a working man might find promotions and raises in store for him (not to mention a paid recuperative period) if he lets it be known of his intention to undergo a vasectomy. I remember being told of the university professor who requested a 10 day leave to undergo a vasectomy, and received not only the leave he requested—with pay—but also was given a promotion to dean. A colleague of his requested the same amount of leave because his wife was having a baby —and he was fired. Dr. S. Chandrasekhar, former family planning director for India once told a group of American students that it's important to understand why the Indian wants to have children. Having understood that, India may then be able to realize solutions to the problem she faces. It is true for many Indians that children do not represent extra mouths to feed as much as they mean an extra pair of hands in the field. But for most, it is the real desire to have a son. A survey found that couples who had at least one son in the family were more in favor of family planning than those who had no sons at all. As Chandrasekhar explained it, to have a son is to have a ringside seat in ancestral heaven; to have a daughter is to be in the second balcony in hell!

Fourth and finally, as may be suggested by India's recent closer approachment with the Soviet Union, is India on the way to becoming a socialist or even a communist nation? Ambassador John K. Galbraith once remarked that one could always tell when India was getting prosperous by merely counting the increase of bicycles on the city streets. True, he made the statement tongue-in-cheek but it illustrates the attitude India has toward socialist economic organization. Today India, despite a constitutional commitment to socialism, has actually less socialism than has America. Take, for example, India's recent experience with the nationalization of banks. Prime Minister Indira Gandhi decided late in 1969 to nationalize all the major banking institutions in the country, organizing them into a system similar to our Federal Reserve System. Her decision was made—Parliament concurred—and the Indian Supreme Court rejected it as unconstitutional. It wasn't until early 1970 that Mrs. Gandhi nationalized the banks again, this time within some of the Court's guidelines, but generally defying the Court to re-challenge her power. The Court did not.

Aside from how unconvincing this makes India's professed socialistic goals seem, it should be noted that as a political philosophy, socialism is no newcomer to India as it has been to the less politically-conscious nations of Southeast and East Asia. Early in this century the great scholar, Lala Lajput Rai, took a great interest in Marx, and attempted to adapt Marxist theory to the Indian situation. India had its first socialist party in the 1930's. But it was Gandhi's closest confidant, Pandit Nehru who set India upon the road to democratic socialism. He had a firm belief that in a true socialist state, no individual should be exploited. He carried socialism farther than the economic aspect, though, Nehru believed (evidencing a marked influence that Gandhi had had on him) that freedom from exploitation should be applied in the political, social, and religious spheres as well. Nehru was one of the few leaders of young, independent India to realize that prosperity in the form of industrialization affects the entire superstructure of society. Prosperity he felt is not only a state of being, but also a state of mind.

And yet today, almost a century after discovering the concept, India possesses merely the word, socialism, rather than the reality. Galbraith clearly describes India as having superimposed a smallish socialized sector atop the world's greatest functioning anarchy. Most of the instruments of production remain in private hands and therefore it is in the private sector where most of the national income is produced. And though all this may not sound like socialism, we must take into consideration that India's success at planning her economy has eclipsed that of all other non-totalitarian nations.

The supreme irony of the situation in India is that despite her general economic ill-health, Communism has never been a major political force in the country. The Communist Party' history in India before 1947 can be traced in terms of theoretical backtracking, ideological confusion and senseless violence. In a sense, the Communists in India were a party with the wrong tactics at the wrong time. They advocated violence at a time when the Gandhian influence of non-violence was at its height; they began by opposing a Congress Party which stood for nationalism and independence, only to later side with the Congress Party out of desperation, and be brutally suppressed by British authorities. Even the Communist party's platform of socialism could not be claimed by them to be ideologically unique as compared to that of the Congress party. In 1931, Congress itself adopted a moderately socialistic stand and within its own party structure gave birth to the Congress Socialist Party, a leftist organization.

Thus between India's already self-avowed intellectual orientation towards socialism on the one hand and to Mahatma Gandhi on the other, the Communists found themselves ideologically eclipsed and politically crippled. Since 1947, furthermore, the Communists have only succeeded in eroding the differences between them and the Congress party. By 1960, both parties stood on virtually the same political ground, their differences only a visible haze emitting from their respective party platforms.

What, then, in conclusion, are the realities behind the stereotypes that we Americans hold about India? They are simply this—First, the situation in Calcutta is bad; but not insurmountable—Second, India is poor by our standards, though by their standards the nation is achieving a sustained prosperity enviable among other Asian nation states (which seems to immediately question the American definition of "poverty")—Third, India is a deeply religious nation, but it is not a religion which blinds the adherent to social reality—and finally, India is socialist-oriented, but in no way in danger of becoming communist. What can be stated without qualification is that India is different; but being different doesn't make her any less real. She sees the world in a remarkably different light than does America, simply because she has seen and experienced a lot more world history as a single, unified culture, than has America. Conversely, though, the average Indian knows much more about America than his American counterpart may know about India, the Indian greatly misunderstands us. In a sense, we can blame ourselves for that. America wants herself to be understood only in a certain way by her for-

eign neighbors. The USIS centers in the consular cities of Madras, Bombay, Calcutta, and Delhi are precise reflections of this. Search the shelves of those libraries and you will detect a notable lack of balanced viewpoint. Cleaver is not there; neither is Marcuse or Oglesby; the absence of C.G. Jung among the volumes in the psychology section is terribly conspicuous, not to mention the unofficial ban on writings of many civil rights leaders. We Americans, therefore, cannot lay the entire blame for the feeling of distance between the Indian and American peoples merely on geographical distance . . . and little of it is to blame on the Indians or their media. Actually, the time has passed when we should afford to worry about who IS to blame. Now we must ask, who or what is to be the solution to future understanding?

PARTNERSHIP FOR HEALTH IS NOT WORKING FOR NEW YORK CITY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BADILLO, Mr. Speaker, those of us fortunate enough to have access to competent medical care, to live in safe and decent housing, and to eat nutritious food tend sometimes to regard tuberculosis as a disease of the past. Unfortunately, this is not the case. Our congested and poor central cities continue to be breeding grounds for tuberculosis and only constant efforts and massive commitment of funds can keep this disease under control.

Last year New York City ran eight clinics which ministered to tuberculosis outpatients. Total funds expended in the city for the maintenance of tuberculosis control programs amounted to $1,448,000; $684,000 of this was contributed by the State from formula grant funds, while $764,000, or more than half of the city's budget for this program, came from project grant and communicable disease funds from the Federal Government.

This year the administration has decided that responsibility for the control of this disease should properly rest with the States and localities. For this reason, no more funds will be earmarked for tuberculosis control under the communicable disease or the project grant programs. Instead, the States are free to allocate as much as they believe is necessary for this purpose from the formula grant moneys made available to them.

Whatever the philosophical merits of this approach may be, the practice of it is depriving our cities of desperately needed funds. New York City, for instance, will not receive increased allocations from the State. This means that in the absence of Federal programs specifically directed toward the control and eradication of this disease the city will lose more than half of the funds it needs to run its presently existing programs.

For the information of my colleagues, I insert here a very perceptive editorial from El Diario-La Prensa. It describes in vivid detail the consequences, as far as New York City is concerned, of a discontinuance of Federal commitment in this area:

A TB EPIDEMIC?

Another deadly plague hovers over us all. Compared with it, drug addiction, alcoholism, urban blight and crime on the streets would seem to be just petty shortcomings of our "fun city".

At the 1972 Spring Conference on Respiratory Diseases held last week in New York, eight experts on tuberculosis expressed the fear that there will be an epidemic outbreak of TB following budget cuts in key TB clinics throughout the city on June 30.

There are now about 6,500 persons under active treatment at these clinics, while living at home.

The elimination of these fully-staffed clinics could increase tremendously the cost of tuberculosis control by lengthening the hospital stay of many TB patients. At present, patients are usually discharged from the hospital after a short stay, because they are able to continue treatment at these clinics.

The clinics, based at the municipal hospitals, are the keystones on which much depends in the progression toward an ever better ambulatory care. The bulk of their present fiscal support will be terminated next July 1. New York City will be faced with the need of finding a replacement for these funds. They will have to come from a rather bare cupboard at the sacrifice of other expenses, or the whole core of the ambulatory program will dissolve.

If budgetary cuts bring about loss of personnel and facilities provided by the combined chest clinic, tuberculosis control and the community it protects will be dealt a very staggering blow. Physicians trained in pulmonary diseases presently attending the chest clinics and screening chest X-rays will be lost. The municpal hospitals will lose also the services of public health nurses, clerks and public health aides from the community and whose interest and excellent rapport with the patients are invaluable to the successful operation of the clinics.

The closing of these clinics would also mean that a significant number of cases which would have been detected earlier would not be discovered until they are far advanced. A large number of contacts who are already infected, or most likely to be infected, especially the children, will not be examined and treated early enough to avoid serious complications like meningitis. Delinquent patients would not be located and brought back to the clinics.

These latter cases pose a serious problem for they are incompletely treated patients. They can, and do, reactivate and would not only become sources of infection for others all over again, but worse, they would be sources of resistant organisms that are very difficult to treat.

In the whole city there would not be enough hospital beds to absorb all the active cases left without proper ambulatory medical treatment facilities. Many patients would remain at home, spreading the disease among the community.

Tuberculosis is a disease of poverty. Given the poor housing and overcrowding, the poor nutrition and the alcoholism and drug abuse that seems to be the scourge of our ghettoes, little imagination is needed to foresee what an untreated case of tuberculosis could do to a family and to a community.

Since approximately 90 per cent of the TB patients belong to minority groups, these would be the people mostly affected in the event of withdrawal of the federal funds. This could obviously be considered a serious act of discrimination against the minority groups of our city.

VETERAN OPHTHALMOLOGIST TO BE HONORED AT BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DULSKI. Mr. Speaker, having reached the mandatory retirement age of 70 years, Dr. W. Yearby Jones has retired from his hospital and university positions in Buffalo, but will continue to carry on the practice of ophthalmology.

Dr. Jones, the only black physician to head a department in our Meyer Memorial Hospital and the State University of Buffalo School of Medicine, will be honored at a testimonial dinner on May 3 by his many associates and friends.

I know Dr. Jones very well from his professional activity in my district in Buffalo and from my association with him in connection with eye surgery for one of my children.

Dr. Jones was one of the key specialists at the former Wettlaufer Eye Clinic which had gained a high reputation for its specialty.

I regret that the affair for Dr. Jones is being held during the week when my congressional duties will not permit me to participate. However, I am arranging to have a flag flown over the Capitol in Dr. Jones' honor and presented to him in my behalf at the dinner.

Mr. Speaker, as part of my remarks I include an article from the April 12 edition of the Buffalo Evening News:

EYE SPECIALIST WILL BE HONORED

Dr. W. Yerby Jones, the only black physician ever to head a department in both Meyer Memorial Hospital and the State University of Buffalo School of Medicine, will be honored at a testimonal dinner at 6:30 p.m. Wednesday, May 3, in the Executive Motor Inn, 4243 Genesee St., Cheektowaga.

Dr. Jones, who has reached the mandatory retirement age of 70, has stepped down from both positions, but is continuing to practice his specialty—ophthalmology (the study of the eye)—in his private office.

A graduate of the UB Medical School in 1924, Dr. Jones qualified as an eye specialist by meeting the requirements of the American Board of Ophthalmology in 1942.

Four years later he was named an instructor in the school. In 1961 he became a clinical professor, in 1967 cohead of the Division of Ophthalmology, 1968 head of the division and 1969 acting head.

In his 25 years on the faculty, he participated in the training of an estimated 85 per cent of the ophthalmologists practicing in the Buffalo area.

He did much of his own training at Meyer Memorial in the days when it was the Buffalo City Hospital, and continued to do volunteer clinical and pathological work in ophthalmology there through the 30s, investing some of his own money in equipment.

He was named an attending physician at the hospital Dec. 23, 1952, and promoted to chief attending Feb. 7 1956. When Dr. Ivan H. Koenig retired as head of the department he was named acting head in 1955, and later head.

In 1964 he was elected president of the hospital's medical staff.

In 1949 the Buffalo Urban League presented him with its Award for Occupational and Professional Achievement. At the time he was

one of only 14 blacks to ever be admitted to membership in the American College of Surgeons.

WATER LEGISLATION: BROAD VIEW NEEDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. NELSEN. Mr. Speaker, in the great controversy over water pollution control legislation, too little attention has been paid to the total impact of "zero discharge" on both the environment and industry.

Mr. Leonard Meschke, president of the Fairmont Chamber of Commerce in Minnesota, recently dealt with this question in a thoughtful editorial which appeared in the Fairmont Sentinel. Mr. Meschke cited one manufacturing case where the effort to comply with "zero discharge" was estimated to result in the production of considerably more waste material for disposal in the air or on land than the amount of original waste created in the first place, meaning the environmental impact would be detrimental. Additionally in this case, achieving the "zero discharge" goal would require the use of many times more scarce natural resources than would otherwise be required.

It is hoped that our Senate and House conferees will give proper consideration to such matters in working out final details of water legislation this year in order to avoid launching the Nation on an irresponsible environmental and industrial course, a course likely to force businesses and workers into the poor house.

I insert the full text of Mr. Meschke's editorial at this point in my remarks:

WILL MUSKIE'S BILL FOR "ZERO DISCHARGE" WASTE U.S. RESOURCES?

(By Leonard Meschke)

Clean water is a national priority that is supported by industry as well as the public. The only area of "disagreement" is how stringent the American public can afford to make the regulatory laws.

Presently, the United States Senate is debating whether or not to "water down" the controversial Muskie bill with its "zero discharge" requirement. There is confusion and disagreement on the cost and technological ability to totally eliminate effluents. There is also little factual information about what affect "zero discharge" would have on the consumption of natural resources and problems of air pollution and solid waste management—"everything has to go somewhere."

One manufacturer, a chemical plant with 1,250 employes, has recently assessed the impact of "zero discharge" on its operation. Here are the additional costs and effects of the Muskie bill:

Capital outlay for facilities—$25 million.

Annual operation and maintenance—$3.5 million.

The company also indicated that the environmental impact would be detrimental rather than beneficial because:

1) 4,000 tons of remaining pollutants would be removed from effluents requiring use of 9,000 tons of treatment chemicals and 19,000 tons of coal to produce required steam.

2) Production of the 9,000 tons of treatment chemicals would require 15,000 tons of raw materials plus electric power, and this operation would produce 6,500 tons of solid waste sludge per year.

3) 9,000 tons of chemical sludge, 1,200 tons of fly ash, 1,000 tons of sulfur dioxide and 200 tons of nitrogen oxide would be produced.

4) Production of electricity to operate discharge control facilities would burn 6,000 tons of coal, thus producing 350 tons of sulfur oxide, 60 tons of fly ash and 60 tons of nitrogen oxides annually, plus 100 million BTU's of waste heat.

In a nutshell, the annual removal of the remaining 4,000 tons of effluents to achieve "zero discharge" would require use of 40,000 tons of natural resources and produce 19,000 tons of waste material for disposal to the air or land.

Industry, like the public, is concerned about the environment and is taking the necessary steps to comply with federal and state laws.

However, unless waste treatment technology finds ways in which to economically comply with "zero discharge" laws, many American industries will be forced to close their doors—a frightening alternative in this time of high unemployment.

MEDICAID PROGRAM IN MISSOURI

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SYMINGTON. Mr. Speaker, I commend the Comptroller General and GAO for their report, B–164031(3), dated March 27, 1972, concerning the medicaid program in Missouri. The report indicates Missouri's medicaid program is adequately administered and, indeed, savings have been made. However, the report could be supplemented in a number of areas.

First, methods must be found to further cut paperwork and processing time in the medicaid program. Second, emphasis should be given to cost-benefit ratios which factor in the quality of care received as well as the burdensome administrative costs to doctors, State agencies, and HEW itself. Third, Missouri and the 24 other States and jurisdictions now giving medicaid services to only the "categorically needy" should find ways to assist all who are "medically needy."

Medically needy individuals are those who cannot afford the enormous costs of medical care, but who are ineligible to receive Medicaid or other public assistance payments under the various titles of the Social Security Act. For these people are middle class Americans considered by bureaucrats to be too rich for medicaid, and too young for medicare. Something must be done to aid these middle class people.

In this regard, I have cosponsored H.R. 11728, the Health Maintenance Organization Act. Representatives WILLIAM R. ROY and PAUL ROGERS have worked very hard on this measure. The Public Health Subcommittee on which we all serve has completed hearings on Health Maintenance Organizations. In addition to this legislation, some form of national health insurance is necessary to relieve middle class Americans from the financial hardship caused by rising health care costs. Finally, I favor some form of national health insurance which would relieve doctors and State agencies from cumbersome paperwork involved in the medicaid and medicare programs. It is my judgment that much of the difficulty we now face regarding health care can be relieved by enactment of H.R. 11728, the Health Maintenance Organization Act and of some form of national health insurance.

Finally, Congress would do well to ease two of the more critical problems faced by most Americans—the cost of medical care and restrictive regulations now tied to Federal health finance programs. At this point I insert into the RECORD a summary of the GAO report of medicaid in Missouri:

FUNCTIONING OF THE MISSOURI SYSTEM FOR REVIEWING THE USE OF MEDICAL SERVICES FINANCED UNDER MEDICAID—SOCIAL AND REHABILITATION SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE B–164031(3)

WHY THE REVIEW WAS MADE

This is the first of four reports by the General Accounting Office (GAO) on methods followed by States in reviewing the use of medical services which are financed under the Medicaid program. The reports were requested by the Chairman, House Committee on Ways and Means.

The purposes of State reviews of medical services under medicaid are to safeguard against unnecessary medical care and services and to ensure that payments financed by Medicaid are reasonable and consistent with efficiency, economy, and quality care.

State reviews of the use of medical services under Medicaid are referred to in this report by the technical term "utilization review systems."

This report covers the utilization review system followed in Missouri. Other reports will cover the systems followed in Florida, Maryland, and Massachusetts.

Medicaid is a grant-in-aid program administered for the Federal Government by the Department of Health, Education, and Welfare (HEW). Under the program the Federal Government pays part of the costs incurred by States in providing medical care to persons unable to pay.

Congressional concern over rapidly rising Medicaid costs led to the enactment of the Social Security Amendments of 1967 which included a requirement that each State Medicaid plan include a utilization review system.

The Chairman suggested that GAO inquire into such matters as the:

Identification and correction of excessive use of medical services,

Achievement of results under the utilization review systems,

Adequacy of State resources for utilization review systems, and

Extent of assistance given by HEW to the States in the development of the systems.

To obtain information on the first two of these matters, GAO evaluated (1) general utilization review controls applicable to all medical services, (2) general controls applicable to recipients, (3) specific controls applicable to institutional medical services, and (4) specific controls applicable to noninstitutional medical services.

HEW and Missouri officials have not formally examined and commented on this report; however, the matters discussed in the report have been discussed with these officials.

FINDINGS AND CONCLUSIONS

Missouri has developed a utilization review system which includes manual and computer controls. These controls are designed to assist in identifying and evaluating services exceed-

ing established standards and in correcting utilization determined to be improper.

Missouri's utilization review system does not provide for the systematic accumulation of data showing the amounts of reductions in Medicaid cost or other benefits resulting from utilization review or of data comparing the costs of utilization review with the benefits that it provides.

Missouri's system, however, is producing positive benefits. Payments to hospitals were reduced by about $260,000 over a 1-year period. Payments to physicians were reduced by about $715,000 over a 1-year period.

During fiscal year 1971 Missouri paid about $60 million for medical benefits furnished to 273,000 welfare recipients. Of the $60 million, about $54 million was paid to 8,821 providers of medical services and about $6 million was paid to the Social Security Administration for Medicare insurance premiums. About $55 million was subject to Federal participation at 59.29 percent.

Controls applicable to all Medicaid services

Missouri has established procedures to ensure that:

Recipients and providers are eligible to participate in the program,

Services paid for are covered by the program,

Amounts paid are reasonable, and

Claims have not been paid previously.

GAO believes that these controls are adequate.

Controls applicable to Medicaid patients

Usage standards which identified patients receiving too much care under the program were established. Such patients were restricted to one physician and one pharmacist, except for emergencies. This procedure is effective.

* * * * *

Controls applicable to Medicaid institutional services

Missouri's utilization review system generally is effective in controlling the use of Medicaid institutional services.

Of the $60 million paid by Missouri for Medicaid services in fiscal year 1971, about $32 million, or 53 percent, was for institutional services. The State established controls over skilled nursing-home services to ensure that rates paid are reasonable and that persons in nursing homes require skilled nursing care.

During the 9-month period ended September 1971, the State determined that 662 of 5,529 applicants did not require skilled nursing-home care.

The State established controls over hospital care to ensure that:

Rates are reasonable,

Recovery is made of amounts due from other sources, and

Care provided is medically necessary.

The system is designed to identify providers and patients who exceed established limits of Medicaid service.

The State has limited payment for hospital care to a maximum of 14 days for each admission. Generally the need for continued hospital care is not evaluated until after recipients have been in the hospital for 14 days.

The need for continued hospital care should be evaluated earlier than 14 days after admission.

During a 1-year period, medical audits of hospitals which have relatively high daily costs and/or long average lengths of stay have resulted in the disapproval for payment of 2,425 hospital-days valued at $134,000.

Benefits obtained from these medical audits warrant their expansion to a greater number of hospitals.

Controls applicable to Medicaid noninstitutional services

Missouri has an effective utilization review system for Medicaid services provided outside of institutions. Many useful controls have been implemented. Periodic evaluations should be made of each control or group of controls, however, so that the more effective controls can be expanded and the less effective controls altered, discontinued, or replaced. State officials agreed with GAO's suggestion that such evaluations be made.

Most of the Missouri Medicaid payments for medical services received outside of institutions are for physician services and prescription drugs.

The State has established a number of specific controls aimed at controlling the use of physician services and precription drugs. For example, special analyses are made of the services provided by every physician whose claims for a month exceeded $500. A random test of claims for eight such physicians showed that the amounts of the claims had been reduced an average of 43.5 percent.

As another example, a State pharmacist travels throughout the State to visit pharmacies and physicians providing drugs to Medicaid patients. He reviews prescription files to verify claims, checks questionable claims referred to him by other staff members, and visits selected welfare recipients to verify that they received the kind and quantity of drugs indicated on the billings.

Five pharmacists have been removed from Missouri's Medicaid program because analyses of their claims indicated overuse and failure to cooperate in correcting the problem.

Adequacy of State resources

Missouri's utilization review system is operated by 85 full-time employees and six part-time employees. State officials expressed the view that State resources were adequate to perform effective reviews, and GAO's examination indicated that such was the case.

Extent of assistance by HEW

The Missouri Medicaid program began in October 1967. The development of its utilization review system appears to be primarily a result of the State's initiative, rather than a result of specific assistance by HEW. Regional employees of HEW were not given the guidelines or training necessary to adequately assist the State in developing its utilization review system.

In September 1971 HEW provided Missouri with a model system providing a broad framework within which the State could develop detailed system specifications to meet requirements particular to its own system. The Missouri system contains most of the key elements of the model system, and State officials felt that some of the detailed data generated under the model system would be superfluous.

RECOMMENDATIONS OR SUGGESTIONS

HEW should assist the State and should monitor State actions to:

Periodically evaluate the effectiveness of utilization review controls;

Expand the utilization review of hospital care;

Provide for the systematic accumulation of data enabling a comparison of the costs of utilization review with the benefits it provides, and

Study the HEW model system for the purpose of adopting design features offering opportunity for improvement.

FREEDOM OF JEWS

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MURPHY of Illinois. Mr. Speaker, America has traditionally been known as a freedom-loving people, supporting freedom for themselves and for others. The House of Representatives vote of 360–2 yesterday in favor of House Concurrent Resolution 471 was an expression of the need to extend human freedoms to Jews in the Soviet Union.

I cosponsored this particular resolution and commend Subcommittee Chairman ROSENTHAL for his leadership in committee and on the House floor. To remain silent in light of such oppression would be to ignore or, worse, to condone the suffering.

Members of the House and Senate have introduced innumerable resolutions relating to Soviet Jewry. Members of the press have articulated the legitimate wants and needs of these people who are constrained emotionally and restrained physically.

Passage of this resolution comes at an opportune time. The President journeys to the Soviet Union next month aware of overwhelming congressional support for a strongly worded resolution castigating present conditions for Soviet Jewry and asking for reforms.

Prior to the December meeting of President Nixon with French President Pompidou, Representative CHARLES RANGEL and I urged that narcotics be a top-priority item on the agenda of their meetings. Following the December meetings, there was a definite strengthening of French antidrug activities proving the effectiveness of diplomatic channels.

In this same spirit, I urge the President to note the plight of Soviet Jewry during his upcoming visit and ask for the comments and suggestions of the Soviet officials.

COORS REPORTS INDUSTRY'S SUCCESS IN RECYCLING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. COLLINS of Texas. Mr. Speaker, the Adolph Coors Co. has done an outstanding job of environmental improvement. Their emphasis on recycling their aluminum Coors beer cans is growing with strength.

California and Texas led the way in 1971. Coors has stressed community participation in collecting the used cans. An effective drive in California turned the funds over to leukemia research. University women's clubs, Girl Scouts, and others have teamed up to bring in the cans. You will be interested in a summary report of the 1971 Coors progress in their recycling:

RECYCLING BEER CANS

More than 425-million cans—three times the 1970 total—were collected for recycling during 1971 in Adolph Coors Company's cash-for-cans program.

William K. Coors, president of the regional brewery, termed 1971 results "highly encouraging" and predicted that the amount of aluminum the company expects to receive for recycling in 1972 would be "substantially higher" than in 1971.

Major factors supporting the prediction, he said, are threefold. He cited "growing public

concern about the environment, increasing awareness of aluminum's high salvage value, and the fact that more manufacturers are packaging their products in aluminum."

IMPRESSIVE TOTAL

Coors noted that aluminum received last year by the company's distributors in 11 western states totaled 17,726,752 pounds. At an average 24 aluminum cans per pound, that is equivalent to 425,442,048 cans.

"All of those cans," Coors stressed, "are recycled for practical reuse instead of becoming part of the litter and solid waste problem."

The recovery total in 1970, first year the program was in operation, was about 6-million pounds.

FOR CIVIC CAUSES

Coors paid out $1,772,675 in 1971 to the individuals and organizations collecting the aluminum. Much of the money, brewery officials said, was used for civic causes. Youth groups, in particular, were active in the program.

Total payout since the program's start, in January, 1970, is more than $2.5-million.

The cash incentive program offers a dime a pound for clean aluminum. All aluminum cans—Coors or any other kind—are accepted.

THE FINANCIAL CRISIS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHMITZ. Mr. Speaker, the debauching of our currency by Federal deficit spending continues not only unabated, but with hardly any expression of official concern. The position of the dollar becomes more and more precarious, yet official spokesmen for our Government and too many Members of this body continue to pretend that the hard facts of a rapidly depreciating dollar no longer backed in any meaningful sense by gold, can be papered over by smooth talk and that vague, magic word "negotiations."

But the truth is that we are now in a financial crisis from which there is no way out short of taking the medicine, so unpalatable to many, of major Federal spending reductions. One of the best statements of this truth I have seen recently, appeared in the "Sensing the News" column by Anthony Harrigan, executive vice president of the Southern States Industrial Council, released March 30, 1972. The column follows:

THE FINANCIAL CRISIS

While the presidential primaries produce vast amounts of copy for journalists, the speeches of the candidates contain little that is relevant to America's worsening financial crisis. Neither the candidates nor the public seem interested in the fate of the U.S. dollar.

Eliot Janeway, the economist, made this point in a recent essay. "The defense of the dollar," he said, "is the forgotten issue of this year's presidential politics. The cliches of politics-as-usual will not save it from the demoralizing tragedy of still another devaluation."

The majority of candidates for the presidential nominations prefer to focus on giveaways, domestic or international. That is tragic, for there is pressing need of debate on financial issues. The United States has enormous debts and the proposed budget for fiscal 1973 contains a planned deficit of $25 billion, incredible as that sounds. The debt situation and the related fate of the dollar should be prime topics for discussion during the primaries. That isn't the case, however.

Politicians shouldn't be assigned all the blame. The voting public, it is clear, isn't willing to hear unpleasant truths, and nothing is more unpleasant than a discussion of the wounded U.S. dollar.

Immediately after Inauguration Day in 1973, the President of the United States will be faced with grave financial problems. Foreign countries, with large dollar holdings, aren't convinced that the American people or prominent leaders in either party have any serious intention of mending the ways responsible for the weakening of the dollar. They note the political talk about expansionary budgets and foresee grave financial problems ahead for the U.S.

Secretary of the Treasury John Connally is busy trying to assure Europeans that the U.S. has a tough anti-inflation policy, but the Europeans remain unconvinced. In a recent letter to *Barron's Financial Weekly*, Count Sixtus Plattenburg, writing from Spain, said in effect, "the U.S. is broke." He expressed doubt that Europeans will go on much longer accepting "the dollar as the ultimate yardstick of everyone else's value" and suggested that the U.S. credit structure will fracture.

The Nixon administration method in dealing with the crisis of confidence has been to impose wage-price controls that amount to a cartel approach to industry, labor and agriculture. This is roughly what President Franklin Roosevelt attempted to do with the NRA legislation in the 1930's and what Mussolini aimed at in his Corporate State plan. But the pay and price board system isn't working. The unions are smashing huge holes in the system, as in the case of the West Coast dock settlement.

Mr. Nixon's political opponents have nothing better to offer. In fact, they recommend stepped-up public spending, more government jobs. They ignore the crisis of confidence around the world that poses tremendous danger to the United States. Tragically, neither the administration nor anti-administration forces will accept free enterprise solutions to the nation's difficulties.

The sound, capitalist position has been ably set forth by Prof. Milton Friedman of the University of Chicago. He said: "Government spending is the problem, not the solution. We do not need new government programs. We need to abolish the old programs and let people spend their own money in accordance with their own values."

If the vast government programs were dismantled and new ones weren't established, foreigners who hold billions of U.S. greenbacks would regain confidence in those dollars. If curbs on unions were ordered, the world would regain confidence in U.S. productivity. Europeans and Asians would be convinced that the United States intends to fight inflation and protect its currency. But the political talk in the presidential primaries is of more government spending, not less. This political talk is not only unrealistic but dangerous. The countries holding U.S. dollars could signal no-confidence in America even before Inauguration Day.

Never in its history has the United States had such a need for statesmen. Unfortunately, only politicians seem to be on hand.

AMTRAK THREATENS FURTHER SERVICE CUTBACKS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. YOUNG of Florida. Mr. Speaker, Amtrak, our much publicized and highly subsidized effort to provide rail passenger service to the American public, is now quietly making studies aimed at cutting back further on what little rail service remains in this country.

Despite denials made only 4 days ago, I have learned that Amtrak is studying the possibility of halting service into St. Petersburg, Fla., in my home district—and I am sure it will interest my colleagues to know terminal facilities across the Nation are undergoing similar studies as well.

Amtrak is doing this, unannounced, at a time when the Congress is being asked to provide another $170 million in taxpayers' funds to purchase equipment and finance operations over the next 2 years. This, of course, is on top of the $40 million in Federal funds granted in the Rail Passenger Service Act of 1970—not to mention authorization for another $100 million as a debt guarantee.

I would suggest that these studies, with the implied threat of a further cutback in rail passenger service, may be timed to pressure the Congress to approve another $170 million in subsidies.

Amtrak seems to have an insatiable appetite for taxpayer funds, and demonstrates, once again, that when government pushes its way into the private sector, the public pays and pays and pays.

My fellow Congressmen, I am sure, will be interested in the following article from today's St. Petersburg Times:

AMTRAK MAY DERAIL BAY AREA SERVICE

(By Charles Stafford)

WASHINGTON.—Despite earlier denials, Amtrak is studying the possibility of halting service into downtown St. Petersburg, an Amtrak official said Monday.

"This is something Amtrak is considering," said James Bryant, director of information. "They have not yet decided."

A decision, which should come about May 1, will be included in a larger action affecting passenger terminals throughout the United States.

Amtrak, which began operating the nation's railroad passenger service last May 1, will have an estimated loss for its first year of operation of $133-million.

"Forty per cent of those losses will be in terminal costs," Bryant said. "They are just eating us alive."

Amtrak is trying to consolidate terminals wherever possible, he said. In some cases, it will get rid of high-cost terminals in crowded inner-city areas and will build smaller, more efficient, fringe-area terminals with an increased amount of parking space.

Terminals in Jacksonville, Miami, Tampa, and St. Petersburg all are under study, Bryant said. The Jacksonville terminal costs Amtrak $2-milion a year to maintain and employs 500 persons fulltime, he said. Even though it is one of the busier ones on the system, it has only eight trains a day.

The Miami terminal is located in a poor section of the city and trains have to back into it. Bryant said. This is a time-consuming, and therefore costly, procedure.

The same is true, Bryant said, in Cincinnati where Amtrak must pay cost running into millions a year to maintain a terminal that serves only two passenger trains a day.

Although the Tampa and St. Petersburg terminals are only 17 miles apart as the gulf spans Tampa Bay, trains leaving Tampa must cover about 45 miles on their circuitous route around the northern end of the bay before reaching the end of their runs in St. Petersburg.

Bryant suggested that the study might arrive at one of three decisions:

Continuing to have terminals in both cities.

Ending service in Tampa.

Building a new, consolidated terminal for both cities.

At one time, when the Seaboard Coastline still operated passenger service into the Tampa Bay area, it considered halting runs at Tampa and providing connecting bus service to St. Petersburg. The idea was abandoned because of widespread complaints that it would be extremely inconvenient for elderly passengers bound for St. Petersburg who would have to get their luggage off the trains and onto the buses in Tampa.

When this was mentioned to Bryant, he said, "Convenience is nice, but when we are running such a deficit operation, we have to cut losses."

He emphasized, however, that no decision has yet been reached.

Last Friday, a member of the Amtrak public information staff denied that there was any move afoot to curtail service into St. Petersburg. Bryant said that unfortunately that staff member had not been aware of the terminals study.

U.S. WAGES OPIUM WAR IN LAOS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HALPERN. Mr. Speaker, I would like to alert my colleagues to an excellent article which recently appeared in Newsday entitled "U.S. Wages Opium War in Laos." This article describes the efforts being made both by American and Laotian officials to cut down on the rampant drug trade which courses through the Golden Triangle area of Burma, Thailand and Laos.

The opium which is grown in this sector of the world is the chief source of supply for addicted U.S. servicemen stationed in Vietnam. The triborder area is also the place where the black market operations which have for so long stationed themselves on the Turkey-Marseilles axis, and which up to now have supplied the illicit American drug market, will relocate.

The author, Arnold Abrams, also discusses the difficulty of persuading the native, Thai and Laotian farm population to substitute other crops for their lucrative and multipurpose poppy cultivation. In short, Mr. Abrams has succeeded in summarizing a complex problem which calls for grave policy decisions on the part of the U.S. Government. It is for this reason, Mr. Speaker, I have chosen to insert the attached informative article into the RECORD.

The article follows:

U.S. WAGES OPIUM WAR IN LAOS

(By Arnold Abrams)

VIENTIANE, LAOS.—American-directed teams of native spies are being staked along the mountain trails of northern Laos as part of a $1,000,000 campaign to stop the opium traffic from the opium fields of Laos, Thailand and Burma.

The anti-drug campaign is being waged by a task force that includes a narcotics attache from the American embassy here and at least 10 U.S. customs officers who act as advisers to local authorities at border crossings and airport facilities. Embassy officials say they harbor no illusion about stopping the flow of narcotics from the jungle area known as the "golden triangle." "Only a fool would say we'll be able to do that," one American said. "But if we can reduce the traffic and cause some opium dealers some trouble, we'll be doing something."

Some experts believe that Vientiane and Bangkok, the capital of Thailand, now rank as the world's largest producers of heroin, an opium derivative, and provide most of the heroin used by American servicemen in Vietnam. Little of the traffic from the golden triangle gets to the United States, federal officials say, but that could change. "As we cut off other sources [such as Turkey], the triangle is a ready-made source of opium," said Robert Nickoloff, acting regional director of the Bureau of Narcotics and Dangerous Drugs. "It's just a matter of developing the trade routes."

As part of the campaign, spy teams of Lao tribesmen trained by the Central Intelligence Agency are providing authorities here with information about drug-smuggling routes and the location of narcotics refineries. That information has led to a series of ambushes against drug-hauling convoys and raids on two large refineries. In Ban Houei Sai, a narcotics traffic center about 225 miles northwest of Vientiane, a refinery was destroyed by a mysterious fire last year, and last month a raid by Lao police netted large amounts of chemicals and semirefined heroin. American involvement in both actions was said to be significant.

The teams have conducted more traditional spy work, infiltrating south China's Yunan Province to spy on Chinese political and military activities. The Nixon administration ordered those operations stopped last summer. "They [the spies] are well trained for reconnaissance work," one high-ranking source said. "It makes no difference whether they are gathering intelligence on drug traffic within Laos or military traffic outside it."

Despite the successes of the spy teams, there remains huge obstacles to the success of the American anti-drug campaign, which is estimated to have cost about $1,000,000 so far. One is the involvement of high-ranking Lao military and government officials in drug traffic. Laos' "Mr. Big" allegedly is Ouan Rathikoun, a former army chief of staff, but many prominent figures still in office also have a hand in the action. The vice president of the National Assembly, for example, recently was stopped by airport police in Paris with a suitcase full of heroin. For political reasons, French authorities released the Laotian official, who claimed he had been framed. Knowledgeable observers here were certain, however, that it was less a matter of framing than a bribe backfiring.

Another obstacle is the fact that opium is the stuff of life for the fiercely independent mountain folk of eastern Burma and northern Thailand, who grow most of the opium that passes through Laos. It is their principal cash crop and is used in trade for household and farm utensils, salt, kerosene and silver for ornamentation. And, opium profits buy modern weapons: automatic rifles, grenade launchers, machine guns, which the mountain people use to defend their homes, villages and traditions against the increasing encroachment of the outside world. Laos had never had any anti-drug laws until last year when it approved some in reaction to American pressure.

In Thailand, authorities are pressuring the hill people to abandon opium for new crops, partly to please the Americans, but also because the soil-leaching effect of opium cultivation is ecologically destructive. Tea, coffee, fruits, chili peppers and nuts have been suggested as alternatives, but the hill folk are reluctant to change. "At first it looked good," said Dao Muong, a border police commandant who conducted demonstrations of the new crops. "The fruits and vegetables produced, in the beginning, a bit larger return than the opium. But when the hill people got into business, the market soon became overloaded and the price dropped. And, of course, the vegetables, more bulky than opium, are difficult to transport." Rural roadbuilding projects are under way in the valley regions of northern Thailand, but the hill people must still carry their harvests down the mountains on their backs or on mules or horses.

Anti-drug efforts in Thailand are further blocked by an unofficial border patrol run by the remnants of a Nationalist Chinese regiment that fled to Thailand from southern China after the Communist takeover in 1949. And the nationalists, who have since degenerated to robber-baron status, are the main jobbers, processors and distributors of opium.

One measure of how much is yet to be done is the continued availability of opium in Vientiane. The capital's morning market remains a ready, relatively cheap source of narcotics. Amid a vast clutter of produce ranging from squawking hens and grunting pigs to jade bracelets, and tortoise-shell backscratchers, opium derivatives can be purchased as casually as Coca-Cola.

In fact, drug consumption is a problem within the American community here. Several U.S. embassy employes have been transferred because of involvement by their dependents (either high school or college-age children); others have been allowed to stay, but choose to move their families elsewhere.

"If we have a problem with this ourselves," one member of that community remarked, "how can we expect the Laotians to control it?"

SHEDDING NEW LIGHT ON AN OLD SUBJECT—CRIME

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. CELLER. Mr. Speaker, I believe it is essential that both the city and State of New York seek and obtain their fair share of the Federal funds available for increased street lighting to combat crime. On April 4, 1972, therefore, I called the attention of New York State and city authorities to three funding provisions in the Federal Omnibus Crime Control and Safe Streets Act of 1968, under which Federal funds are available for this purpose. The texts of my letters to the executive director, State of New York Office of Planning Services, and to the director, Mayor's Criminal Justice Coordinating Council, follow:

APRIL 4, 1972.

Mr. ARCHIBALD R. MURRAY,
Executive Director, State of New York, Office of Planning Services, Division of Criminal Justice, New York, N.Y.

DEAR MR. MURRAY: The Omnibus Crime Control and Safe Streets Act of 1968 has for its prime purpose the improvement and strengthening of law enforcement.

Unquestionably, one extremely effective way to deter crime is to provide for increased street lighting in high crime areas. The mugger, rapist, purse snatcher, armed robber—in short, the street criminal—is a person who lurks in the shadows and whose courage is in inverse proportion to the lighting which illuminates his place of business. It is therefore essential that Federal funds

available under the Act be earmarked for street lighting.

In the last three years, $83,000,000 of Law Enforcement Assistance Administration funds have been allocated to New York State for Part C block grants. Please advise whether any of this money has been used for street lighting in New York City or elsewhere in the State.

Also, please advise whether your office has requested any funds relevant to street lighting from the National Institute of Law Enforcement and Criminal Justice under Part D of the Act, another source of Federal funds for this vital means of making our streets safer.

As for discretionary funds, a third source for obtaining Federal money for street lighting, I am communicating with the Director of the Mayor's Criminal Justice Coordinating Council in New York City. However, are you aware of any large-scale discretionary fund grants elsewhere within the State?

Communities throughout the country have already had street lighting projects funded with block grant money, discretionary fund money, or Institute money under the Act, making it clear that the problem is not one of an inadequate law but, rather, of its implementation in other communities, including New York.

The need for increased and improved street lighting is urgent; the effectiveness of such lighting in crime control has been demonstrated; Federal funds are available; New York State and New York City should take immediate steps to seek their fair share of the Federal funds and promptly embark on major street lighting projects.

Sincerely yours,

EMANUEL CELLER,
Chairman.

APRIL 4, 1972.

Mr. HENRY RUTH,
Director, Mayor's Criminal Justice Coordinating Council, New York, N.Y.

DEAR MR. RUTH: Enclosed is a copy of a letter I have sent today to the Executive Director of the New York State Office of Planning Services, Division of Criminal Justice, concerning the need for improved street lighting in high crime areas and the efforts made by the State and the City to obtain Federal funds for that purpose under the Omnibus Crime Control and Safe Streets Act of 1968.

Apparently no large-scale effort has been made to obtain and use discretionary funds for lighting the streets of New York City. Please advise whether you have any current plans for making application for discretionary funds for this purpose or whether you plan to seek block grant or Institute money.

The Omnibus Crime Control and Safe Streets Act provides three methods through which street lighting money can be made available to the City of New York, and the Congress has appropriated a tremendous sum of money to carry out the objectives of the Act. I sincerely hope that street lighting will be given a high priority by the State and City planners.

Sincerely yours,

EMANUEL CELLER,
Chairman.

FINANCIAL AID NEEDED FOR HIGHER EDUCATION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MIZELL. Mr. Speaker, today I join with several of my colleagues in sponsoring legislation to help middle-class parents meet the cost of their children's higher education.

The need for this legislation is greater and more urgent today than it has ever been before. In the last 5 years, tuition costs of public institutions of higher learning have risen by 50 percent. Tuition at private colleges and universities has increased by 70 percent.

As a result, today it costs between $10,000 and $20,000 to obtain a bachelor's degree. The U.S. Office of Education tells us the end of this tuition cost spiral is not in sight, that instead tuition can be expected to increase by 25 percent in public, and 38 percent in private institutions of higher learning in the next 10 years.

The more affluent of our society can absorb these increases with little or no financial inconvenience. And 91 percent of the total financial needs of low-income students are covered by current Federal programs.

Left in the breach is the entire American middle class. Already, some middle-class children are being deprived of a college education because they and their parents are not rich enough to wholly finance the cost of higher education, nor poor enough to qualify for substantial government assistance.

The legislation I am sponsoring today, the Higher Education Funding Act, is designed to provide a measure of assistance to these millions of middle-class families.

The legislation provides that parents can set aside specific amounts of their income every year to be placed in a fund established by them for their children's college education.

The parents would then be allowed to deduct this amount from their gross income when making their Federal income tax payments. The bill limits the amount that can be set aside to $500 per child per year, with a maximum of contribution of $2,500; or 10 percent of the contributing taxpayer's adjusted gross income, whichever is less.

These contribution funds can be in the form of trusts or custodial accounts with banks, or as insurance or annuity contracts, nontransferable face amount certificates, and/or government bonds.

Several proposals have been made with respect to providing tax credits or deductions for parents now burdened with expenses of higher education for their children. These approaches are commendable, but they begin with the assumption that parents have sufficient resources to get their children in college in the first place. This is often not the case, despite a lifetime of saving for just that purpose.

The approach I am recommending today is a long-range, permanent approach, designed to anticipate and fund future needs and higher levels of educational expenditures.

Mr. Speaker, I am convinced this legislation has great merit and would enjoy the enthusiastic support of millions of American families who now are burdened with legitimate concerns about how they will get their children through college.

I urge immediate consideration of this legislation, in the appropriate committee, and recommend swift passage by the Congress.

WELCH FOODS, INC.: A SPECIAL SUCCESS STORY

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HASTINGS. Mr. Speaker, it is with great pleasure and pride that I call to the attention of my colleagues one of the world's leading companies in the production of grape juice.

I refer to Welch Foods, Inc., of Westfield, N.Y., which is located in my congressional district. Welch Food has always been a forerunner in the industry and stands today as a symbol of that special kind of success story which had its humble beginning with a New Jersey dentist, Dr. Thomas B. Welch, more than 100 years ago.

Through the years, its central philosophy has been one of combining corporate responsibility with deep community concern. Today as Welch Foods crosses the threshold into another century of operations, I should like to offer my congratulations and best wishes to its officers and more than 1,500 employees. I insert in the RECORD, at this time, a story from the Buffalo, N.Y., Courier-Express, which recounts in detail the story of the beginning and growth of Welch Foods, Inc.:

FRONTIER INDUSTRIES NO. 45—WELCH FOODS SAVORS A VERY SWEET BEGINNING

(By William F. Callahan)

Just a little over 100 years ago, a New Jersey dentist with a strong religious background developed a process to make "unfermented sacramental wine" from grapes. From his process, and the company he founded, has evolved Welch Foods Inc. of Westfield, Chautauqua County.

Not only has Welch grown to become the leading producer of grape juice in the world but its annual gross sales are approaching the $100 million plateau; last year, sales reached $96.7 million.

The company has been headquartered in Westfield since 1897. In its first 100 years, the company was known as the Welch Grape Juice Co. But in 1969 the name was changed to Welch Foods Inc. to reflect the diversity of its products.

Since 1952, the company has been owned by the National Grape Cooperative Inc., an organization of 2,300 farmers. Also headquartered in Westfield, National Grape has about 900 members in Western New York and Pennsylvania.

Hand in hand with the development of Dr. Thomas B. Welch's process for pasteurizing grapes into grape juice was the development of the Concord grape, called the only true American grape, in Concord, Mass., by Ephraim W. Bull.

Bull worked with seeds and seedlings for 37 years, during which time he tried 22,000 crosses of 125 grape vines. Finally, in 1849, he came up with a grape with the quality he had sought.

Later in Vineland, N.J., Welch, communion steward for the Methodist Church, became acquainted with the American Concord grape and used it as a substitute for the traditional communion wine. He had studied the work of Louis Pasteur and applied the principles to pasteurize grape juice. He succeeded, and thus began a new industry.

He started his business with his sons, Dr. Charles E. Welch, also a dentist, to produce the grape juice for use in churches.

In 1890, the name was changed from Dr. Welch's Unfermented Wine to Dr. Welch's Grape Juice. By this time, drug stores and other outlets, besides churches, were customers.

Grape juice received national fame when it was sampled by thousands in 1893 at the Worlds Columbian Exposition in Chicago. Needing a better supply of grapes, the Welches moved their business that same year to Watkins, N.Y. in the Finger Lakes section.

In 1897, the operation was moved to Westfield and a plant was built. The cultivation of Concord grapes became the chief agricultural interest of the community, which eventually became the largest producer of Concord grapes in the country.

Today approximately 350,000 tons of Concord grapes are harvested in five areas in United States. The Westfield and Western New York area and sections extending through Erie County, Pa., and northern Ohio produce the most grapes.

There is a smaller growing area bordering the Finger Lakes, and other growing areas are in Van Buren and Berrien Counties in southwestern Michigan and the Yakima Valley section of the State of Washington.

In 1906, the present Westfield plant was constructed across the street from the first plant there, built in 1897. The original plant now serves as a printing and storage facility.

In 1910, the company constructed its general office building at Portage and Main in Westfield. The same year the company acquired the Walker Plant in North East, Pa., now the largest of all Welch Foods plants.

In 1918, the company introduced a new product, Grapelade. The U.S. army bought the entire initial supply of Grapelade.

In 1919, Welch, due to its continuing growth, obtained its first plant outside the Chautauqua-Erie "grape belt." The plant at Lawton, Mich., was purchased and Welch set up shop in the Michigan fruit growing area.

Four years later the company branched out again and built a plant in the southwest at Springdale, Ark. Also in 1923, the company put another new product on the market, Concord grape jelly. This was followed three years later by homogenized tomato juice.

Thomas Welch died in 1903. His son Charles, who had guided the growth of the company, died in 1926. The latter's son, Edgar, assumed the presidency of the company.

In 1929, the majority stock interest in the Welch company was sold to a group of private investors of Nashville, Tenn.

This group continued operation of the company until 1945, when controlling interest was purchased by J. M. Kaplan of New York City, who had entered the grape industry in 1933 when he purchased a small winery at Brocton.

The next year, 1946, the company acquired another plant in Brocton, owned by National Grape Corp. In 1949, it started to produce frozen juice concentrate.

The year 1950 saw the company make its first cross-country move when it purchased a plant at Grandview, Wash., in the center of great irrigated farmlands in the Columbia River Basin.

In 1952, national Grape Cooperative signed a contract with options for the acquisition of Welch Grape Juice; the final options were exercised in 1956. Douglas M. Moorhead, president of National Grape since 1950, then became president of Welch.

Welch continued its expansion in the West in 1953 when it purchased the Church Grape Juice Co. in Kennewick, Wash. Today, Church is a subsidiary of Welch Foods.

Surprisingly fast, by 1959 National Grape had paid off its $13.5 million mortgage on the Welch company.

In 1962, the company installed nine huge grape juice storage tanks, each with a capacity of 273,500 gallons and the largest in the industry at that time, at its Lawton, Mich., and North East, Pa. plants.

A construction project to double the size of its general office building in Westfield was begun in 1966.

The company undertook two major projects in 1968. One was the large-scale use of the mechanical harvester for harvesting Concord grapes. The other was the installation of what was termed "the world's largest grape storage facility," comprising eight 317,000 gallon tanks at the Westfield plant.

Raymond T. Ryan, a veteran employe of the company, became president in 1964 and held that position until he retired in 1970, after 25 years in the industry.

He was succeeded by the current president, R. Craig Campbell. Campbell has supervised two major construction projects, both in North East, Pa. They were a new 140,000-square-foot warehouse, due to be completed at the end of March, and the installation of 10, 317,000 gallon grape juice-storage tanks at the North East plant.

Today at its seven plants nationwide, Welch Foods employs about 1,500 persons. Of this number, about 500 are in the Westfield area and another 500 at North East, Pa.

Campbell, a native of Boston, Mass., began his business career in the sales department of Lever Brothers in 1936. Through the years he held responsible positions with several major food companies before becoming president of North American Foods, a division of Detec Panamerica Ltd., in 1967.

He was appointed to the board of directors of Welch Foods Inc. in 1969; in Jan., 1970 he became president and chief executive officer.

Harold W. Buchholz is president of National Grape Cooperative Inc. and also is chairman of the board of Welch Foods. He is a charter member of National Grape, which was founded in 1945, and has been a member of its board since 1954.

Buchholz has served on its executive committee since 1959 and was elected president in 1967. He owns and operates a 50-acre farm near North East, Pa.

Ned M. Brown is executive vice president of Welch. He is responsible for manufacturing, purchasing, quality control, traffic, employe relations and corporate communications.

He joined the company in 1950 as superintendent of the North East plant. He became operations manager in 1954, manager of manufacturing in 1963, vice president of manufacturing in 1964 and executive vice president in 1967. A native of Akron, Ohio, he attended the University of Akron School of Engineering.

Frank J. Guthrie recently was named senior vice president. He joined the company in 1961 as sales manager. He became assistant vice president of sales in 1965 and vice president a year later.

His duties include complete growth development of international markets, acquisitions and long-range planning. A native of Belmont, Mass., he attended Northeast Law School in Boston, Mass.

Robert L. Judell serves as vice president and treasurer. He joined Welch in 1952 as manager of internal audit and tax. He left Welch in 1956 and returned in 1962 as assistant treasurer and controller. He was elected treasurer in 1966 and two years later was made a vice president. He is a native of Minneapolis, Minn., and a graduate of Harvard University.

One of the major problems facing Welch Foods is the resolution of pollution problems caused by the discharge of waste into Lake Erie. Earlier this month, the company filed a report in federal court that it will be unable to meet the Sept. 1 court deadline to stop the discharges into Lake Erie.

The company had planned to tie into an expanded sewer system in Westfield. However, the village's expanded sewer system was one of 45 Pure Water Program projects withdrawn from consideration by Gov. Rockefeller last month after Congress failed to assure New York State that the federal government would pay its share of the cost of the project.

Campbell said he hopes a determination will be made soon as to whether the village will be able to proceed, or whether the company will have to install its own water treatment plant.

SOVIET-ARAB RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAMILTON. Mr. Speaker, in recent years, many tensions and some distrust have characterized the relations between Arab States and the Soviet Union. Some Arabs are realizing that their interests are not the same as those of the Soviet Union and they are seeking to lessen Soviet influence. The Soviets, for their part, want to protect their investment in the Middle East. This task is delicate and full of risks and uncertainties. The evolving relations of the Soviet Union with the major Arab States are the subject of a good article by Walter Z. Laqueur which appeared in the April 1972 issue of Commentary and which I would like to bring to the attention of my colleagues. The article follows:

RUSSIANS VS. ARABS—THE AGE OF DISENCHANTMENT

(By Walter Laqueur [1])

Somewhere, undoubtedly, on the agenda of President Nixon's forthcoming talks in Moscow, is the subject of the Middle East. The Egyptians would like the subject to figure prominently, the Israelis would happily see it ignored. As for the superpowers themselves, they really have only one point in common on this issue, namely the desire to prevent a major crisis in which they themselves might have to become involved. Beyond that, it is difficult to envisage any possible deal of mutual benefit. The Soviets may try to exert a certain amount of pressure by pointing to the acute danger of war in the area—they are themselves under intense pressure of various kinds from their Egyptian clients—but since active Soviet military intervention in the Middle East seems to be ruled out for the time being, this pressure will necessarily fall short of outright threat and intimidation.

The Soviet attitude toward the Middle East is a curiously ambivalent one. Commentators in the Soviet press still refer to the area as the world's greatest danger zone, but at the same time there are clear indications that at least temporarily, the Middle East has been downgraded in the list of Soviet priorities. This is no doubt connected with recent political developments in other parts of the world. But it also has to do with the fact that no major advances have been made in Soviet-Arab relations in recent years. Ten years ago, or even five, Moscow expected steady progress and eventually spectacular results from its Middle East policy. At present, the most Soviet leaders can reasonably hope for is to hold on to what gains they have made. The confidence of the early and middle 60's has given way to a feeling of dissatisfaction and even to muted complaints. It is far too early to talk of a major

Footnotes at end of article.

setback, but there is certainly a great deal of soul-searching nowadays in Moscow, and with increasing frequency Soviet experts are asking what went wrong in the Middle East and why, and what, if anything, can be done about it.

The basic problem facing the Russians in the Middle East—but not, of course, only in the Middle East—is that while they have become heavily involved politically and in some instances also militarily, they are not in full control of the conduct of affairs. Only ten years ago, to quote a leading Soviet commentator, "the stormy breakup of the colonial system and the anti-capitalist slogans of many leaders of the national liberation movement created the illusion that in a very short period the overwhelming majority of the former colonies would go over if not to the socialist, then to the non-capitalist road of development." It was thought that the obvious inadequacy of free-market capitalism to solve the basic problems of the developing countries would inevitably compel the leaders of the new states to choose socialism instead. ("Socialism" in this context, needless to say, means the Soviet model—not democratic socialism, and not the Yugoslav or the Chinese or the Cuban model.) The process of disenchantment with this thesis, which began around 1964, is usually linked with the overthrow of such rulers as Sukarno, Ben Bella, Modibo Keita, Quassem, and Nkrumah, all of whom disappeared within a short time, almost without a struggle. Even in those countries in which radical regimes, run by the army and/or a state party, had emerged, no one showed the slightest willingness to cooperate with the local Communists.

This was a blow, but its full impact was realized only much later. At the time some daring spirits in Moscow developed an optimistic new theory: whatever their professed ideology, the new leaders of the developing countries were building the foundations of socialism. If the conditions for "proletarian" (i.e., Communist) leadership had not yet matured, there was nevertheless ample reason for close collaboration with the new elites. The Soviets insisted on only one precondition, "internal democracy for progressive elements," or as Western observers put it, "licensed infiltration." The Egyptian experience under Nasser gave much ground for hope in this regard; Egyptian Communists, formerly persecuted, were released from prisons and concentration camps and achieved fairly influential positions in the state and party apparatus, albeit not at the very highest level. Even now there are two Communist ministers in Syria and a Communist deputy minister in Cairo; in Iraq, too, Communists are part of the ruling national front.

The implications of the new Soviet Approach for the Middle East were most ably stated by George Mirsky, the author of an original and provocative study of military dictatorships which has unfortunately not yet been translated into English. Mirsky's work was met with both criticism and approval at home, and the general controversy over the "correct appraisal" of the new political forces still goes on.[2] Some Western observers have perhaps read too much into these exchanges, assuming wrongly that quarrels among experts inevitably reflect profound differences in the Soviet leadership; in fact there is reason to doubt that Brezhnev and Kosygin are at all familiar with the work of Mirsky and other specialists. On the other hand, the experts' views are of interest for the very reason that they cannot stray too far from the line: if they are not prophets, their publications can with due caution be used as barometers of opinion.

Of late an unmistakable note of skepticism has crept into the writings of these commentators. That they should react sharply to last year's disastrous events in the Sudan, where the Communists and their supporters were savagely suppressed, goes without saying. But there has been growing criticism as well of countries in which the Soviet Union suffered no such dramatic setbacks. One author writing about Algeria concludes sadly that the agrarian reform of 1966 is largely a paper fiction, and that the political activity of the peasantry is weak or nonexistent. Another complains that political life in Syria, Egypt, and Algeria has yet to be democratized and that all the slogans about "handing power over to workers and peasants" are empty of content. Yet a third notes the "slipshod ideology" of the "progressive" regimes, the weakness of their links with the masses, and the fact that the task of creating "vanguard parties of socialist orientation" has turned out to be far more complicated and arduous than was earlier anticipated. Out-spoken statements have been made on the need for inculcating habits of "systematic work" in the underdeveloped countries and there has been some questioning of the hitherto unquestioned obligation of a rich (socialist) country to help a poor one. The developing countries, it is being said, should learn to stand on their own two feet instead of taking it for granted that the Soviet Union will provide an unlimited amount of economic aid.

Some of these complaints, which reflect the strains and stresses in current Soviet relations with the Third World, are merely tactical in character, designed to serve warning and register displeasure. But others go much deeper, and it is with these that we are concerned here. One of the issues at stake is the role of nationalism in revolutionary movements, traditionally one of the weakest points of Marxist-Leninist theory. The Soviets underrated the powerful appeal of nationalism in Europe in the 1920's and 1930's, and they have made similar, possibly even more perilous, errors in administering their own empire. Their position on the matter is, to say the least, infused with conflict. According to Soviet doctrine, nationalism is a transitory phenomenon (a position which may well be true under the aspect of eternity, but which is demonstrably useless in analyzing current events). However, Marxist-Leninist theory also distinguishes between the bourgeois nationalism of the West, which is thoroughly bad and reactionary, and the nationalism of an oppressed people, which is a progressive force if properly harnessed and exploited for revolutionary ends. Of late this view too has come in for reexamination. For instance, one author has maintained that "revolutionary forces which use the nationalism of oppressed nations for their own purposes, historically justified as such use may be, have to take the consequences." This somewhat cryptic statement is made a little clearer when the author denounces the exploitation by ruling circles of the growing nationalist fervor in order "to dull class consciousness among the working people so that no discordant notes should sound in the general nationalist chorus. The concept of national unity as such is sometimes used to veil class contradictions and push them out of sight."

Among nationalisms, that of the Arabs in particular has long been regarded by Soviet observers as a harmless aberration, to be viewed with tolerance. But here, too, there are signs of a change in attitude. "Arab nationalism," writes Mirsky, "is a particularly strong ideology which bases itself on history, tradition. . . . It makes use of the Palestinian question which is singularly urgent and painful for the Arabs." Yet, Mirsky adds, this ideology, an admixture of political and religious strains, creates a negative attitude toward Communism which it regards as basically internationalist and atheist in character. According to Mirsky, even the revolutionary democrats in the Arab world are prisoners of this way of thinking, and only a very few—the brightest, ideologically most advanced among them—have so far escaped its pernicious consequences.

How can the singularly strong impact of nationalism in the Arab countries, and also elsewhere in the Third World, be explained? Even Mirsky falls back on the time-honored reflex of blaming the "petite bourgeoisie," although he admits (only as an afterthought) that nationalist sentiment may also be linked with the general cultural situation and with the new rulers' low level of political sophistication. But in fact, virtually the entire radical leadership of the Third World, *including* the Communists, is "bourgeois" in origin—petit or higher. On the other hand, Mirsky's explanation is not much help when it comes to a phenomenon like Colonel Qaddafi of Libya, perhaps the most extreme of the new crop of radical nationalists in the Arab world. Born in a Bedouin tent, Qaddafi now commands the disposition of billions of dollars in oil revenues; he may be mad, but he is hardly petit-bourgeois. The class origin of these elites cannot explain why they move with equal ease, first to the "Left" and then to the "Right," often in rapid succession. Insofar as they are socialists, theirs is some kind of national socialism, and the Soviet Union, which has noted this development with regret, does not exactly find itself in a good position to complain, in view of its own record of nationalist deviations.

Another issue which has greatly bothered Soviet policy-makers is that of military dictatorship. All the "progressive" countries in the Middle East are now ruled by army officers. In the beginning (i.e., during the early and middle 50's) the Soviets had a hard time adjusting to this new phenomenon; even Nasser was attacked at first as a fascist adventurer, in accordance with the Leninist doctrine that the army and the police should serve as the tools of the state, which is itself an instrument of class rule. But as Nasser began lining up against the West and increasingly began using socialist terminology in his speeches, Soviet ideologists were mollified. After all, they now argued, class differentiation had not proceeded very far in the Third World, and the army therefore had to comprise a relatively independent force. Thus the Soviet theory of the "progressive military intelligentsia" came into being.

According to this theory, native army officers, by virtue of having been forced by the imperialists to occupy underprivileged positions in the local army, had become agents of patriotic resistance against foreign domination and were therefore to be considered, when they subsequently seized power and declared their countries' independence, as legitimate rulers from the revolutionary point of view. These officers supposedly hailed from social strata much closer to the working class than to the upper-crust bourgeoisie (a debatable contention, incidentally) and they were not just anti-imperialist but also anti-capitalist in outlook. In the context of their societies, the argument continued, they constituted the most enlightened and dynamic and modernizing force.

One should perhaps not take too literally the various theories developed by Soviet authors during the 1960's to explain away the fact of military dictatorship in the Third World. Some of them at any rate had grasped the decisive point: the officer corps was the only group, however small, that had real power and did not hesitate to use it. Nor did these Soviet experts rule out the possibility of setbacks and betrayals. In Mirsky's six-part typology of military dictators, only one out of the six categories was considered more or less reliable from the Soviet point of view: the "revolutionary democrats with epaulets," men like Nasser, Boumedienne, and the Syrian colonels. Up to Nasser's death Egypt was the model country in which everything had gone right from the Soviet point of

Footnotes at end of article.

view, inasmuch as the "national-democratic revolution" had been extended and a "serious shift had taken place in the political thinking of the UAR leadership." (At the same time, a way out was always available in case of unpleasant eventualities, such as when a Nasser was succeeded by a Sadat. "Sometimes the leaders of a military coup are motivated less by patriotism than by a purely career-inspired desire to seize power," wrote one of the Soviet experts.) In general Mirsky predicted that not even "revolutionary democrats with epaulets" could cope in the long run with the tasks facing them, for their mental make-up was simply not attuned to developing the qualities necessary for political work and organizational activity on the highest level. Hence the conclusion that "purely military regimes cannot last long in the contemporary world." The progressive officers were bound to realize that the army was no substitute for political institutions, that they would have to secure the active participation of the "most progressive elements of the working class"—i.e., the Communists—and that they would have to mobilize the masses by establishing an avant-garde political party. At that stage their regimes would, in fact, cease to be military in character.

The assumption underlying this reasoning was that the political development in Egypt under Nasser (to refer to the most obvious example) was irreversible, despite the "ideological weaknesses" of the military leaders, their eclectic and inconsistent doctrines. Practical experience would guide them to the right path whether they liked it or not. For was it not true that in the UAR revolutionary practice had led the military leaders much further than they had originally intended to go, that the "logic of the class struggle" had compelled them to carry out far-reaching changes?

These arguments were widely accepted until a year or two ago, when major setbacks occurred in precisely those countries believed to have progressed furthest on the "road to socialism." One of the consequences of these defeats has been the upgrading in Soviet eyes, at least on the theoretical level, of the local Communist parties. Until recently, it was the fashion to accuse the Egyptian and the Algerian Communists of sectarianism in not supporting Nasser and Boumédienne. The Arab Communists, who had had their reservations about close collaboration with the dictators all along, now argue that the Soviets should have paid heed to their earlier warnings; they want no more nonsense about "military socialism."[3] The Soviet experts for their part now admit there have been errors, and are willing to concede that only the working class (in other words, the Communists) has been "objectively assigned" the role of the vanguard: no other class can replace it in that function.

This sounds very radical, but in practice it leads to "revisionist" policy recommendations. It is one thing to give theoretical support to the Egyptian Communists, and another, far riskier, thing to provide open political assistance which will antagonize the present rulers. The Soviet experts therefore remind the Arab Communists that the peasantry and the lower middle class make up 80 to 90 per cent of the population in every country, so that the Communists will have to make use of "the poor material that objective reality puts at their disposal." Unfortunately, petit-bourgeois ideology dominates the thinking of these masses "and will evidently do so for a long time to come." The revolutionary process is thus bound to continue for several decades, and the present "transitional stage" cannot be measured in terms of months or even years.

Short of direct intervention, it is difficult to imagine how the Soviet Union could install a leadership in the Arab states qualified to supervise the transition to the "dictatorship of the proletariat." Like the native Communists, the Soviets too will have to make use of the "poor material" available and cooperate with military regimes which pursue a foreign policy more or less in line with the Soviet Union only because they happen to depend in varying degrees on Soviet help. But unless the Communist movement is legalized and gains some freedom of action, the "vanguard party" on which Moscow still pins its hopes will simply not come into existence, regardless of the degree of industrialization and modernization achieved. It is of course possible that in some country or other the Communists might seize power; in view of the weakness of the political structures in the Arab world it is by no means certain that a mass party is really necessary for a takeover—a handful of determined junior army officers might suffice for the purpose. But would this necessarily be preferable from the Soviet point of view? The Soviet Union itself is no longer the leading model for other Communist countries, and a Communist regime is not *a priori* synonymous with a regime friendly toward the Soviet Union.

The meaning of all this can be summarized very briefly: whereas only a short time ago it was assumed that in a very few years power in the Arab world would pass into the hands of "avant-garde" (Communist) parties, and that these parties would accept Soviet leadership, it is now openly admitted that the process will take much longer. One can well imagine that in private Soviet commentators are even more pessimistic than this. What prevents them from growing altogether dejected, however, is their belief that the political influence and military power of the Soviet Union will grow in the years and decades to come, that there will be a decisive shift in the world balance of power, and that as a result the Soviet Union will eventually be in a position to exert direct pressure on events in the Middle East. Thus, one Soviet expert has guardedly mentioned the transformation of revolutionary-democratic rule into the dictatorship of the proletariat by means of "the international dictatorship of the proletariat in the form of the world-socialist system." The "system," needless to say, is that of Moscow, not of Mao or Castro or Ceausescu. To be sure, even such veiled hints as this are infrequent; for the time being at any rate, Soviet policy-makers believe in the wisdom of speaking softly while carrying a big stick. They now understand that the situation is vastly more complicated than they had previously supposed, and that Arab nationalism, which on the one hand has abetted Soviet penetration into the Middle East, on the other has inhibited the further growth of Communism (a dialettical process if ever there was one). The Russians know that military dictatorships in the Middle East, however radical their rhetoric, cannot really be trusted—but they have to continue supporting them for the present, until the time comes when they can more forcefully assert their wishes.

What are the aims of the Soviet Union in the Middle East, and to what lengths is it likely to go in achieving them? Southward expansion has traditionally been one of the major points of Russian foreign policy, preas well as post-revolutionary. In addition, it is only natural that the present Soviet leadership should wish to assert its newly gained strength in the Middle East at a time when America has been showing an increasing inclination to cut its own commitments. Finally, the investment of effort and prestige has had a momentum of its own: having put their money on Egypt, the Soviets are not about to change horses in mid-stream.

Today oil is very important in this context, although ten years ago, or even five, the subject would hardly have come up. At that time the Soviet Union had all the oil it needed for domestic consumption and to supply Eastern Europe as well; it also exported some 50 metric tons per year to the West and to Japan. But consumption in Russia is increasing at a faster rate than production; drilling for new fields involves high investment costs, and transport is often prohibitively expensive, since most of the oilfields are located far from the industrial centers. Soviet spokesmen have admitted that by 1980 their requirements will exceed the 650–70 metric tons they are likely to produce. And at this stage—to cut a very long story short—Middle Eastern oil comes in: not as yet a factor of paramount importance, but one that can no longer be ignored.

Then there is the matter of Soviet military bases. This is no longer a question, as it once was, of port facilities at Alexandria and Port Said. Egypt is now ringed with a net of Soviet air bases, one of the legacies of the Nasser era with which the current Egyptian regime is stuck: if anything, Egypt's dependence on the Soviet Union has increased during the past two years. That the bases fulfill a vital role in Soviet strategy in the Eastern Mediterranean goes without saying; they further represent an investment in money and equipment and personnel on which the Soviet Union would like some day to show a profit, political or otherwise. For if the prospects of installing reliable governments in the Arab capitals are not too good at present, the next best thing in Moscow's view is to consolidate and perpetuate a situation in which the Soviet presence gradually becomes an irreversible fact. It is possible (if not certain) that such a situation has already been reached in Egypt, and Western observers, not to speak of the Israelis, may be pardoned their skepticism when President Sadat announces his intention of ridding Egypt of Soviet soldiers once the Egypt-Israeli dispute is settled.

As for the Soviet leaders themselves, it is more than doubtful that they were aware of what they were letting themselves in for in terms of hard cash when they first became involved in Middle Eastern politics. They certainly did not foresee that over the years Egypt, Syria, and Iraq would consume some 55 per cent of the total military aid extended by Moscow to foreign countries: Egypt alone, the biggest single recipient, got some 40 per cent ($5-6 billion). The present annual flow of Soviet military aid to Egypt represents perhaps as much as 10 per cent of the total Soviet military-equipment budget, except for what is produced for the nuclear and space programs.[4] This includes the cost of maintaining some 15-20,000 Soviet experts in Egypt (but not that of keeping a fleet in the Mediterranean). The price is of course not beyond the capacity of a superpower to pay, but it is high enough to insure the likelihood of its being subjected to periodic reexamination in the light of changing Soviet priorities. The need to maintain a great and growing army in the Far East, as well as Soviet involvement on the Indian subcontinent, may cause new assessments of the allocations to the Arab world.

The job of protecting the Soviet investment in the Middle East is a delicate one, full of risks and uncertainties. Any offensive move against Israel on the part of Egypt would involve considerable danger; unlike the case of the India-Pakistan war, where it was clear that the Indians could win without Soviet help, Egypt by itself is incapable of mounting a victorious offense. The best the Soviets can hope for is a continuation of the Arab-Israeli conflict at its present level, or at a slightly lower one. Peace between Egypt and Israel would endanger the Soviet presence by removing its *raison d'être*, but escalation of the conflict would entail great expense and even greater risk from the Soviet point of view. Militarily, the Russians would feel more at ease if they knew the United States would not resist Soviet military intervention in the Eastern Mediter-

Footnotes at end of article.

ranean, and indeed hints in that direction have not been unforthcoming from Washington: Henry Kissinger was reported on one occasion as having said that America would not intervene in a war over Sinai. But Kissinger has also said that the Soviet presence should be removed from Egypt altogether, and anyway it is highly doubtful that a war could be restricted to Sinai alone. As for the political risks of escalation, they would include most notably the dampening effect on Russia's credibility as a peace-loving future partner in the European Security Conference, and just now the Soviets are pushing very hard to convince Western Europe of their good intentions in this regard.[5] It cannot, of course, be taken for granted that the European Security Conference will always figure as urgently as it now does in Soviet policy—the threat posed by China in the East may be reduced, or Western Europe may become neutralized without substantial Soviet concessions—and in such an eventuality Soviet military action in the Middle East cannot be excluded, not only as a way of teaching the Israelis a lesson, but also as a way of demonstrating to the whole world that the global balance of power has decisively shifted. Such a situation has not, however, arisen as yet, and provided that no major act of folly is committed in Washington and other Western capitals, it might even be prevented.

But given all these uncertainties and frustrations, can one rely indefinitely on Soviet patience and caution? The Russians have made a massive investment—military, economic, and above all political—in the Arab world. This investment has to be protected, and since the native elites cannot be trusted, what other way is there besides direct control? It is a near classic example of how empires come into being. The Russians have learned to their sorrow in other parts of the world that expansion beyond a certain point causes tremendous problems, but they are also accustomed to having full control over their clients, and they dislike being pushed around. Considering the intrinsic weakness of the clients in question, it would not come as a surprise if some Soviet leader sooner or later decided not to endure the situation any longer.

The Arabs on the other hand are no doubt sincere in their frequent professions of unswerving devotion to the goal of national independence. But many of them are not as yet versed in the intricacies of world affairs, and it has taken them a long time to accept some of the basic geopolitical facts of life. When, in 1948, the late Nahas Pasha, leader of the Egyptian Wafd, was asked about Soviet aims and intentions in the Middle East, he replied that the question was purely hypothetical since Russia was four thousand miles away. His geography was at fault Cairo—not to mention Iraq and Syria—is closer to the Soviet border than it is to Tripoli or Khartoum. But Nahas expressed the general mood prevailing among Arab nationalists: Russia could not possibly constitute a danger to Arab sovereignty and independence, and the issue of Soviet "designs" in the area was a red herring, invented for all-too-obvious reasons by Western imperialists and their agents.

Since then, Arab leaders have learned a little, but not that much. Some of them realize that growing dependence on the Soviet Union creates certain problems, and that whatever Israel's evil intentions, they have built-in limits. There is no "Israeli" party in Cairo, Baghdad, and Damascus, but there is a "Russia" party which, given the right circumstances, could become a serious contender for power. Although a growing if inarticulate anti-Russian mood can be discerned in the Arab countries, by and large Israel is still considered the main threat. The sorcerer's apprentices from the Nile still argue that they will one day get rid of the Russian demon, too, but only after Israel is defeated and the Arab world has gained full independence and freedom of action. It is a striking example of false consciousness, an inability to differentiate between threats of a very different magnitude. For the time being, Arab nationalists are reluctant to admit that the Arabs can destroy Israel only at the price of their own self-destruction or by ceding their independence for generations to come.

As for the United States, it, unlike the Soviet Union, does not aim at the victory of its "party" in the Arab capitals; there is no such party in the first place. One day it may even occur to the Arabs, that, geopolitics and history having thrust them into proximity with one superpower (and the one with the larger appetite at that), their only chance for survival in the long run is to have the support of the *other*. Time, in other words, may work in the interests of the United States, provided of course that a strong military presence is maintained by America in the Eastern Mediterranean to protect not only the existence of Israel but the future of all of Europe. If it were made clear that this presence *will* be maintained, and the ambiguity in the current U.S. position were thereby dispelled, the Middle East might very well cease to be a threat to world peace.

But what about the position of Israel in all this? It has been said that Israel has itself to blame for the current conflict with the Soviet Union and for the consequent instability in the Middle East. If Israel had only abstained from participating in the UN vote on Korea in 1950, if it had refrained from expressing its distaste for the Stalin regime, if it had placed greater stress on the progressive character of the Jewish national liberation movement, if it had adhered to a nonaligned posture, the conflict with Russia—so the argument goes—need never have arisen. Comments of this kind are still being voiced, which does not necessarily mean that they should form the basis of serious discussion. Given the fact that Israel is a state of three, not thirty, million inhabitants, no Israeli act of commission or omission could possibly have affected the Soviet alignment with the Arabs. Even now Israel's future does not really depend solely on its own actions. As long as the American military presence in the Eastern Mediterranean remains at its present level, the Soviet Union will not have full freedom of action, and the independence of Israel and the other countries in the area will be safeguarded. If this balance should be radically upset, the guarantee will vanish. But I do not wish to oversimplify a complex situation: certainly Israel's own posture toward the Soviet Union, as well as toward the Arab states, is of crucial importance, and a rash move on Israel's part would have the gravest consequences. It must be said that Israel military and political leaders have on the whole tried not to take unnecessary risks, and have attempted to reduce the amount of friction over and above what cannot be changed. Still, a settlement of some kind would be the most effective deterrent of all, for while the real military threat to Israel emanates from Russia, not the Arab countries, it is only by an accommodation with Egypt that this threat can be removed—or at least reduced.

Though Israel's present borders give her maximum military protection, the maintenance of tactical advantages cannot in the long run serve as the major criterion of foreign policy. The main argument against territorial concessions on the part of Israel is that Egypt would use the positions so won as a base for launching another attack against Israel at a future date. That such a possibility exists cannot be denied, but the more one hears about the situation in Egypt the less likely it appears. Once a settlement were reached, it is doubtful that the Egyptians would be eager to renew hostilities. Egypt and Israel have a common interest in retaining their independence in the face of Soviet designs in the area. If Egyptian leaders persist in denying this threat to their independence there is indeed little Israel can do, but it is by no means certain that Egypt will remain blind to the Soviet danger, and Israel may be able to do a great deal to shorten the learning process.

There is an uncomfortable historical parallel here. Between the world wars the countries of East and Middle Europe had two decades in which to settle their differences and rally their forces. For it was clear almost from the beginning that only by standing together could they maintain their independence against overwhelming pressure from the East and West. Instead, they fought one another tooth and nail—over Vilna and Teschen, over Slovakia and Transylvania, over the Dobrudja and Macedonia. And the end came as might have been predicted: first the Germans occupied their territory, and then it fell under Soviet domination. And now it hardly matters any longer which town or which province belongs to which country, for the whole area lies under the thumb of the Soviet Union. Like historical parallels in general, this one should not be stretched too far. But at the very least it may provide food for thought for those who still mistakenly believe that the conflict in the Middle East concerns only Arabs and Israelis.

FOOTNOTES

[1] Walter Laqueur, who is now writing regularly for Commentary on international affairs, is director of the Institute of Contemporary History in London and a professor at Tel Aviv University. Mr. Laqueur contributed "The Fall of Europe?" to our January number.

[2] The most interesting non-Soviet reviews are those by U. Ra'anan in *Problems of Communism* (January 1965); R. Lowenthal in *Survey* (January 1966); R. Kanet in *Russian Review* (January 1968); R. Yellon in *Mizan* (March, July 1967); and most recently in great detail, D. Morison in *Mizan* (October–December 1970).

[3] See the controversy in the *World Marxist Review* (1971), pp. 7–9.

[4] This is the estimate made by Dr. Gur Ofer of the Hebrew University of Jerusalem, in an unpublished paper, "The Economic Burden of Soviet Involvement in the Middle East," presented at a conference at Tel Aviv University, December 1971.

[5] See my "The Fall of Europe?" in the January COMMENTARY.

DEATH PENALTY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHMITZ. Mr. Speaker, the Supreme Court of the State of California recently ruled—strictly on its own overextended authority, without any prior legal precedent or legislative action or constitutional amendment—that capital punishment is no longer permissible in California. A similar challenge to capital punishment is pending before the U.S. Supreme Court and many expect it to make a similar decision.

The continuing crime wave in the United States makes these opinions sheer folly—and worse than that, an actual and direct threat to the safety and well-being of our citizens. The value of capital punishment as a protection for our people is thoroughly documented in the fol-

lowing excellent article by Reed Benson and Robert Lee, entitled "Death Penalty: The Case for Capital Punishment," which first appeared in the November 1971 issue of American Opinion and was subsequently reprinted in the National Law Enforcement Academy Training Bulletin for February 1972:

DEATH PENALTY

THE CASE FOR CAPITAL PUNISHMENT

As we write, the Supreme Court is scheduled to hear oral argument in four cases challenging the constitutionality of capital punishment. The Court's eventual decision will accept or reject the contention that the death penalty constitutes "cruel and unusual punishment" and is therefore prohibited by the Eighth Amendment. The ruling, when it comes, will directly affect approximately 650 inmates currently on "death row" in American prisons, and might well influence the lives of law-abiding citizens everywhere.

Although capital punishment has been propagandized into disuse in recent years, it remains a just and proper penalty for certain terrible crimes, and a potentially effective deterrent to the commission of those crimes. With the number and rate of such crimes as murder and rape increasing rapidly, surely it is unwise to remove from our statute books all recourse to what may well be the most potentially effective *and just* means of dealing with the most brutal of criminals.

It has been alleged that a majority of Americans are now opposed to capital punishment. That assertion is certainly open to serious question, as it is usually based on nothing more substantial than small-sample surveys conducted by such impeccably "Liberal" pollsters as George Gallup, Lou Harris, and the successors of the late Elmo Roper. Such polls fly in the face of the hard fact that only nine of our states have abolished capital punishment completely, and at least eight states which at one time abolished the death penalty have restored it to their statute books. When citizens in Illinois had the opportunity to strike it down last December in a constitutional referendum, they instead voted to retain it by a nearly two-to-one margin.

And, there is very good reason for such a public response. Consider:

On March 17, 1971, during testimony before the House Subcommittee on Appropriations, F.B.I. Director J. Edgar Hoover cited some appalling statistics regarding the murder of policemen over the past recade. He reported:

During the 10-year period 1960–1969, 561 police officers met death at the hands of felons. Of the 741 known offenders involved in these murders, 75 percent had prior criminal arrests and, in fact, 54 percent of these offenders had been previously charged for a violent crime. One-fourth of the murderers were on parole or probation when they killed the police officer and 19, or 3 percent, had been previously convicted of a murder.

That last statistic, which we have emphasized, is especially pertinent to our present discussion. It should be quite obvious that, in at least those ninteen instances, innocent Americans died at the hands of murderers who, had they been executed for earlier killings of which they were convicted, could not have murdered again. Scores of other innocent people have been killed over the years by murderers who either escaped or were paroled instead of being executed. Many of those who advocate abolition of the death penalty try to minimize this grim fact by claiming that the instances are too rare to be significant. But, at the same time, they vigorously contend that even the possibility of executing an innocent man is justification for abolishing capital punishment. This despite the fact that, as a 1966 study by the Legislative Reference Service of the Library of Congress reported, "There have been no known cases of the execution of an innocent man in this country."

It would be difficult to name a single sphere of human activity which has not been marred on some occasion or another by a deplorable mishap. Yet few fields of activity are forbidden because of calculable danger. Bernard L. Cohen, in his useful book *Law Without Order*, observes: "We do not, for example, cry out against the erection of tall buildings and bridges, or the excavation of tunnels, because invariably a certain number of persons lose their lives in the course of these undertakings." And in his book, *The Great Prison Break*, G. Edward Griffin reminds us:

If we design a legal system that will be so generous to the suspect that there is absolutely no possibility of unjustly convicting that one out of ten thousand defendants who, in spite of overwhelming evidence, is really innocent, then we have also designed a legal system that is utterly incapable of convicting the other 9,999 about whose guilt there is no mistake.

Over the last 195 years human fallibility may, indeed, have resulted in an as yet undisclosed legal execution of an innocent man in our country.[1] But the point of such fallibility is clearly at the end of a two-edged sword. If lawyers and juries can make mistakes, so can psychiatrists and parole boards. A killer who is incorrectly determined to be "reformed" or "cured" can be sent back to society to kill again. That this has happened is indeed known. Consider this illustration from an article by J. Edgar Hoover in the *F.B.I. Law Enforcement Bulletin* for January of 1971:

After a recent gun battle, one suspect was arrested for two murders, a kidnapping, and the gunpoint robbery of his own mother. Citizens learned in disbelief that he had been freed from a mental hospital just a few months before, after six court-appointed psychiatrists had testified he had regained his sanity. In 1967 he had been found insane after the strangulation murder of a woman. . . .

Examples of innocent citizens dying at the hands of convicted murderers are many. Here are a few cases to consider:

(a) In 1931, "Gypsy" Bob Harper, who had been convicted of murder, escaped from a Michigan prison and killed two persons. After being recaptured, he then proceeded to kill the prison warden and his deputy.

(b) In 1936, J. Edgar Hoover reported the case of a Florida prisoner who committed two murders, received clemency for each, and then showed how much he had been "reformed" by murdering twice more.

(c) In California, between 1945 and 1960, at least five persons on parole from life sentences for murder were returned to prison after conviction for some form of criminal homicide.

(d) In 1951, Joseph Taborsky was sentenced to death in Connecticut for murder, but was freed when the courts ruled subsequently that the chief witness against him (his own brother) had been mentally incompetent to give evidence. In 1957, Taborsky was found guilty of another murder, for which he was electrocuted in May of 1960. Before his execution, he finally confessed to the 1951 murder as well.

(e) A man convicted of murder in Oklahoma pleaded with the judge and jury to impose the death sentence, but was given a life sentence instead. He later killed a fellow inmate and was executed for this second murder in 1966.

(f) In 1969, a state trooper in the Southwest was shot and killed by a man who had been paroled eight months earlier after serving a mere four years of a sentence received for another murder.

And the listing could go on and on.

Abolitionists would have Americans spend sleepless nights worrying about the possibility that our system of justice may misfire and execute an innocent man—a possibility for which there is no known precedent in all American jurisprudence—but they shed few tears for the many innocent people who die because of judicial leniency and erroneous psychiatric evaluation.

Is the death penalty an effective deterrent? Before we attempt to answer that question, it should be pointed out that deterrence should not be considered the *primary* reason for administering the death penalty (nor, for that matter, *any* criminal penalty). It would be both immoral and unjust to punish one man merely as an *example* to others. The basic consideration should be: Is the punishment *deserved*? If not, then it should not be administered, regardless of what its usefulness as a deterrent might be. After all, if deterrence supersedes justice as the basis for criminal sanctions, the guilt or innocence of the accused becomes largely irrelevant. Deterrence can be as effectively achieved by executing an innocent man as a guilty one (something which Communist leaders discovered long ago). You simply have to be sure that those to be deterred are convinced by propaganda that the accused is guilty.

If a punishment administered to one man deters another from committing a crime, all well and good. But such a result should be looked on as a bonus of justice properly applied, not as a purpose for the application of justice. The decisive consideration should be: Has the accused *earned* the penalty to be inflicted?

In at least one important respect, capital punishment is unquestionably an effective deterrent. It simply cannot be contested that a killer, once executed, is forever deterred from killing again. The deterrent effect on others, however, depends largely on how consistently and surely the penalty is applied in those cases justifying it. Since capital punishment has not been used with any degree of consistency in recent decades, it is quite impossible to evaluate accurately its deterrent potential statistically. Abolitionists often claim that a lack of significant difference between the murder rates for states with and without capital punishment *proves* that the death penalty does not deter murder. But this is nonsense. Even states with the death penalty have used it so little over the years as to preclude any meaningful comparison between states. All but nine of our states authorize capital punishment to one extent or another, yet the last execution in the United States occurred on June 2, 1967—over four years ago.

In 1935, a record 199 executions were carried out, yet this represented only eighteen executions for each 1,000 homicides committed. By 1963, that rate had dropped to three executions for every thousand murders. Any punishment—even death—will cease to be an effective deterrent once it is recognized as mere bluff. The death penalty has been

[1] Regarding the protections afforded those accused of murder, attorney Bernard Cohen notes: "The likelihood of judicial error has been diminished enormously through the institution of courts of appeal in all criminal matters. Invariably a verdict of murder is subject to a minute scrutiny through not one, but a series of appeals, and not infrequently by retrials. Stringent laws of evidence reduce still further the possibility of judicial miscarriage. The art of cross-examination skillfully used by able and experienced specialists in the art has itself made corrupt and perjured evidence more difficult than ever. Organized bodies of opinion, along with a vigilant press, stand in readiness to raise the alarm on any suspicion of judicial railroading." (*Law Without Order*, pp. 24–25.)

made a paper tiger by the same sort of "Liberals" who now call for its abolition on the ground that it is ineffective as a deterrent.

Although used very little during the last decade, there are some interesting, and perhaps significant, relationships between the murder rate and the extent to which the death penalty *was* used. For instance, the number of executions carried out in 1960, 1961, and 1962 were, respectively, fifty-six forty-two, and forty-seven. The F.B.I.'s 1970 *Uniform Crime Reports* shows that during those years both the number and rate of murders declined slightly. But in 1963, there was a record low of only twenty-one executions, and the murder statistics immediately escalated into an upward climb which continues to this day.[2] With no executions at all in 1970 there were 15,810 murders, compared to approximately 9,000 in 1960—a seventy-six percent increase! (The population increased less than fifteen percent during that same period.) The number of aggravated assaults (which are similar to murder because of the personal brutality of the victim-offender relationship and the murderous nature of the attacks) reached a level in 1970 which was 117 percent above that for 1960.

Opponents of the death penalty may perhaps rejoice that in 1970 there were fifty-six fewer court-ordered executions than in 1960; but what of the nearly *seven thousand* additional innocents who died at the hands of murderers in 1970 than was the case in 1960?

It is interesting to note the trouble England has been experiencing since abolishing the death penalty for murder. A United Press dispatch on September 3, 1967, reported that "London's crime rate is the worst ever." The story revealed that in 1966, the second year after the death penalty was abolished: "There were more murders . . . more rapes . . . more assaults . . . and more robberies in this city of 8.3 million . . . than in any previous year of its 2,000-year history." Similiarly, a column by Richard Wilson in the *Washington Star* for September 13, 1971, was headlined: "A New British Worry—Crime In The Streets," and declared:

"An assistant commissioner of Scotland Yard, in an unprecedented interview in the London Times, forecast that London's streets will be as dangerous as New York or Washington streets in five years unless severe measures are taken to make punishment fit the crimes. . . ."[3]

To allege that the death penalty, if enforced, would not be a deterrent to crime is, in essence, to say that people are not afraid of dying. If so, as columnist Jenkin Lloyd Jones recently observed, then warning signs reading "Slow Down," "Bridge Out," and "Danger—40,000 Volts" are useless and futile relics of a day when men were fearful.

This is not to say that the death penalty could ever become a one hundred percent deterrent to murder. Obviously it could not, because the fear of death varies among individuals. As Bernard Cohen observes:

"For the death penalty to be always a deterrent would be truly remarkable . . . the fear of an untimely death would equally bring to an end a large category of activities that are unquestionably lawful and proper. No one would then think of joining the army or the police force, or the fire-fighting force. There would be likewise a sudden stoppage of automobile racing, mountain climbing, stunt flying, acrobatics, hunting, parachute jumping, working on bridges, performing at circuses, detonating of explosives, and a host of other occupations and pastimes judged more than normally hazardous. However, the number of persons everywhere willing to assume these risks, be it for the sake of a livelihood, from recklessness, or pride, or devotion to some cause, is presently considerable."

Mr. Cohen then adds this pertinent observation: "It is equally certain, however, that there are even more people who refrain from participating in these activities mainly because risking their lives is not to their taste."

Now, consider the following:

(a) According to the *Uniform Crime Reports*, during the period 1966–1970, twenty-nine policemen were slain from ambush in the United States. No such murders from ambush ocurred during 1966 or 1967, the last two years during which the death penalty was actually used in this country. Seven police officers were murdered from ambush in 1968, three in 1969, and nineteen murdered from ambush in 1970.

(b) The Commissioner of Police in London reported a few years ago that when a member of a gang of armed robbers was apprehended and sentenced to death, but had his sentence commuted to life imprisonment, the gang continued its operations. But when, shortly thereafter, two other gang members were caught, convicted, and executed, the remainder of the gang promptly disbanded and disappeared.

(c) In February of 1960, the Los Angeles Police Department submitted a report to the California Senate Judiciary Committee which revealed that at least thirteen robbery suspects had, during the previous year, told police they had "(1) used toy guns; or (2) empty guns; or (3) simulated guns in robberies rather than take a chance on killing someone and getting the gas chamber."

(d) In March of 1959, newspapers reported the escape of a convict who carried hostages to the state line, and then let them go. He was later apprehended, and told police he had freed the hostages because the neighboring state had the death penalty for kidnaping, and he didn't want to risk his life by transporting the hostages into that state.

Clearly, the death penalty *is* a deterrent. Consider the matter on a far less serious level:

The fine today for driving through a red light is around twenty-five dollars. Some motorists continue to drive through red lights despite the threat of this relatively minor penalty, but most do not. Can it be assumed that the threat of the fine has no influence on this reticence of most drivers to run red lights? Should penalties for traffic violations be abolished because some people violate the law anyhow? The answers should be obvious, and far more so in cases where the possible penalty is death rather than a twenty-five dollar fine.

Is life imprisonment an adequate substitute for the death penalty? As we have seen, innocent people have died at the hands of men previously convicted and jailed for murder. And as the Reverend E. L. H. Taylor notes in the anthology *Essays On The Death Penalty:*

"The imprisoned murderer has everything to gain and nothing to lose by murdering his guards. Why should a murderer who has once been convicted of that offense be given the opportunity to add a second victim to his list?"[4]

The families of the guards murdered at the San Quentin and Attica prisons must be asking the same question. So are many others.

Recently, Philippines President Ferdinand E. Marcos abandoned a two-year moratorium on capital punishment in his country. Justice Secretary Vicente Abad Santos explained why: "The general reprieve has contributed to the decadence of order in our penitentiaries especially among those sentence [*sic*] to life because they know they cannot suffer any higher penalty regardless of the number of killings they commit." (*Washington Star*, July 21, 1971.)

Swift and certain punishment has long been recognized by law enforcement authorities as an essential element of crime deterrence. As J. Edgar Hoover has noted, "Law-abiding citizens have a right to expect that the efforts of law enforcement officers in detecting and apprehending criminals will be followed by realistic punishment." The severity of the punishment must match the seriousness of the crime if the interests of justice, the protection of society, and the maximum deterrent impact are to be realized. Suppose a bank robber is very swiftly and very surely sentenced to a month in the county jail, or a rapist swiftly and certainly given a $100 fine. Would such "punishment" be a deterent to either criminial? *Very* unlikely. The punishment must match the crime. Again quoting J. Edgar Hoover, "It is my opinion that when no shadow of a doubt remains relative to the guilt of a defendant, the public interest demands capital punishment be invoked where the law so provides." (*F.B.I. Law Enforcement Bulletin*, June, 1960.)

Why isn't capital punishment being used? It is interesting to note the significant influence which Leftist radicals now have in the movement first to thwart and then abolish capital punishment. Bills have been introduced in Congress which would either abolish the death penalty outright (H.R. 3243) or provide a compulsory two-year moratorium on use of the penalty (H.R. 8414). In both instances, they were introduced by House Judiciary Committee Chairman Emanuel Celler (D.-New York), who has over the years associated himself formally with over forty separate Communist organizations and enterprises.[5]

Earlier this summer, a mailing was sent to various parts of the country soliciting tax-deductible contributions for the N.A.A.C.P.'s Legal Defense Fund. Sponsor of the mailing was a group called "The 'Committee of 100' in Support of the N.A.A.C.P. Legal Defense and Educational Fund, Inc." The money collected was to be used to carry on the Fund's intensive fight to abolish capital punishment, and note was made of the fact that three of the four capital cases now pending before the Supreme Court were handled by the Fund, with the fourth being prepared with Fund assistance.

Of the seventy-seven members of the "Committee of 100" listed on one of the enclosures at least one-fouth have been associated with officially cited Communist Front organizations. The biographies of one-third are contained in the first two volumes of the authoritative *Biographical Dictionary Of The Left.*

Another aspect of the abolitionist movement is the incredible double standard that exists when it comes to the matter of abortion and capital punishment. With disturbing consistency, those working to save the lives of convicted murderers are also supporters of the movement to extinguish the lives of the innocent unborn young. On August

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[2] There were 15 executions in 1964, 7 in 1965, 1 in 1966, 2 in 1967, and none since.

[3] Parenthetically, of possible interest to advocates of gun controls is Mr. Wilson's report that "The immediate cause of a great soul searching in free and permissive England was the murder in Blackpool of a popular police superintendent and wounding of two constables by escaping jewel thieves. . . . The superintendent at Blackpool and his constables could not shoot back at the five jewel thieves absconding with $125,000 in their favorite merchandise. The police had no guns." As the bumper strips say, "When guns are outlawed, only outlaws will have guns."

[4] *Essays on the Death Penalty*, St. Thomas Press, Post Office Box 35096, Houston, Texas 77035, $1.95.

[5] A detailed summary of Congressman Celler's record appeared in *The Review of the News* for October 14, 1970, pp. 21–30.

28, 1971, the *Washington Post* carried an Associated Press dispatch headlined: "Groups Fight Death Penalty." Among the organizations listed were the American Friends Service Committee, the United Presbyterian Church, the Lutheran Church in America, the United Church of Christ, and the United Methodist Church. They were reported to have filed briefs with the Supreme Court urging that the death penalty be ruled unconstitutional. Yet on May 3, 1971, there was entered into the *Congressional Record* a list of organizations which have adopted resolutions condoning abortion. Among the religious groups listed were the American Friends Service Committee, the United Presbyterian Church, the Lutheran Church in America, the United Church of Christ, and the United Methodist Church.

Similarly, at least eleven members of the "Committee of 100" referred to above were listed as members of the International Sponsors Council of Planned Parenthood-World Population, an abortionist organization. One such individual was Dr. Karl Menninger. Despite his support of the abortionist Planned Parenthood-World Population, Dr. Menninger opposes the death penalty with the argument: "To a physician discussing this wiser treatment of our fellow men, it seems hardly necessary to add that under no circumstances should we kill them. It was never considered right for doctors to kill their patients, no matter how helpless their condition. Similarly, capital punishment is in my opinion morally wrong."[6]

Abolitionists often cite statistics which they claim indicate that capital punishment has been used in a discriminatory manner, so that the poor, black, friendless, *etc.*, have suffered a disproportionate share of executions. Even if this were true it is certainly not a valid reason for abandoning the death penalty. All criminal laws in all countries in all history have tended to be administered in an imperfect and uneven manner, with the resut that some elements in society have been able to evade justice more consistently than others. But because one person escapes justice, is it right that all should escape justice? Since justice nowhere prevails perfectly, should we abandon the attempt to attain it? Santa Ana, California, Police Chief Edward J. Allen helped put the problem in its proper perspective when he observed: "The deals which allow criminals to escape justice are consummated by courts[7] and attorneys. . . . Responsibility also devolves upon citizen jurors to return proper verdicts. If some citizens, courts, and lawyers fail in their duty, is the law itself to blame? Rather it is their administration of it."

Actually, the most flagrant example of discrimination in the administration of the death penalty does not involve race or economics at all. Women commit approximately fifteen percent of the murders in America, yet from 1930 to 1970, only 32 of the 3,859 executions (less than one percent) involved women. A governor of one state commuted the death sentence of a woman on the grounds that "Humanity does not apply to women the inexorable law that it does to men . . ." Perhaps the Women's Liberation Movement can do something about this glaring example of "inequality" and "injustice." In the meantime, we shall continue to support the death penalty despite the fact that a disproportionate number of men have paid the full penalty for their crimes.

Another question which arises is the degree to which justice should be tempered by mercy in the case of killers. Some will ask, "Is it not the duty of Christians to forgive those who trespass against them?"

In criminal cases, the two most responsible sources to extend mercy and forgiveness are (1) God, and (2) the victim of the injustice. This places the crime of murder in a unique category, because so far as this world is concerned the victim is no longer here to extend mercy and forgiveness. Does the State or any earthly party have the right or authority to intervene and tender mercy on behalf of a murder victim? The Reverend E. L. H. Taylor makes the point this way:

"Now, it is quite natural and proper for a man to forgive something you do to him. Thus if somebody cheats me out of $20.00 it is quite possible and reasonable for me to say, 'Well, I forgive him, we will say no more about it.' But what would you say if somebody had done you out of $20.00 and I said, 'That's all right. I forgive him on your behalf'?"

There is simply no way, in this life, for a murderer to be reconciled to his victim, and secure the victim's forgiveness. This leaves civil authority with no other responsible alternative but to adopt justice as the standard for assigning punishment in such cases.

A fascinating question was raised by Bernard Cohen in his Law Without Order. Abolitionists may want to wrestle with it. He asks: ". . . if it is allowable to deprive a would-be murderer of his life, in order to forestall his attack, why is it wrong to take away his life after he has successfully carried out his dastardly business?"

Does anyone question the right of an individual to kill an assailant should such an extreme measure be necessary to preserve his life or that of a loved one? Some muddled thinkers could conceivably question this right by asserting:

"If someone points a gun at you, what right do you have to decide in advance that he means you harm? You aren't a mind-reader, after all. It might be a cap gun. But even if it's real, how do you know he plans to pull the trigger? And even if he does, he might miss, or perhaps just wound you, and we don't take a man's life for a mere wounding, do we? And even if he's a good shot, and will undoubtedly kill you, what right have you to prejudge the case before your assailant has seen his lawyer, had a trial, and exhausted all legal appeals?"

If, then, it is legal and moral to take the life of an assailant before he kills you, why is it immoral for civil authority to take the assailant's life after he kills you?"

Sometimes those who defend the death penalty are pictured as being intolerant. But isn't it true that one of our real problems in America today is too much toleration of evil? Too many Americans accept acts of violence, cruelty, lying, fraud, and civil turmoil with all too little response in the way of righteous indignation. There are some who would brand such indignation a form of "hatred." But we think C. S. Lewis put that claim in proper perspective in his great book, Reflections On The Psalms. Commenting on the spirit of "hatred" which some critics claim to see in some parts of the Psalms, he wrote:

"Such hatreds are the kind of thing that cruelty and injustice, by a sort of natural law, produce. . . . Not to perceive it at all—not even to be tempted to resentment—to accept it as the most ordinary thing in the world—argues a terrifying insensibility. Thus the absence of anger, especially that sort of anger which we call indignation, can, in my opinion, be a most alarming symptom."

And C. S. Lewis then made this important observation: "If the Jews cursed more bitterly than the Pagans this was, I think, at least in part because they took right and wrong more seriously."

Perhaps it is time for all Americans to begin taking right and wrong more seriously.

We are all too aware that this brief look at the death penalty as punishment for heinous crimes is by no means exhaustive, nor could it be in less than a lengthy book. It has been necessary to pick and choose for analysis only a few key aspects of this important issue. But we hope that this discussion will help you to understand better the significance of the Supreme Court's forthcoming decision on this vital matter.

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[6] See *To Abolish The Death Penalty*, Hearings before the Senate Subcommittee on Criminal Laws and Procedures; March 20, 21, and July 2, 1968, Page 13.

[7] A disgusting example of how "justice" is determined by some modern jurists is related by J. Edgar Hoover in the *F.B.I. Law Enforcement Bulletin* for January, 1971: "A young midwestern criminal who confessed beating to death a 75-year-old woman in a $5 street robbery was granted a 7-to-10-year term. Offered as an excuse for the light sentence was the advanced age of the victim, on the fanciful theory that, if the murdered woman had been younger, she might not have died from the brutal assault."!

WYOMING LIBRARIES: THEIR CHALLENGE AND FUTURE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. RONCALIO. Mr. Speaker, there are few national commitments more worthy of our pride and support than our determination to make free public library services available to all our citizens. This commitment should be emphasized during the celebration of National Library Week 1972, April 16 through April 22, when we pause to recognize the expanding definition of our libraries, from a "collection of books," to a vital link in the complex communications system which brings together the library user and the information he seeks. National Library Week is no longer just the time span of 7 days, but lasts throughout the year, developing services to involve the total community in the use of the library and its functions.

I am especially proud of the efforts and achievements of the 75 public libraries in my State of Wyoming. Working for the principles of intellectual freedom and the right to read, Wyoming libraries have developed into instruction centers where young and old can come to learn and enjoy the wisdom and beauty preserved by the arts. Programs are incorporated which reach from local history projects in Johnson and Platte Counties to expanded services to the handicapped, including large print books, special reading glasses, and volunteers to visit nursing homes and homebound invalids.

The Wyoming libraries, located in every town with a population over 500, provide room for art exhibits, audio-visual programs for children's projects and community use, and adult reading services.

Realizing the importance of teaching the young, special emphasis is placed on children's services. During the summer of 1971, the Albany County Public Library presented an hour of varied activities for children every weekday including crafts, story telling, and puppets. Thanks to the library the children in Laramie, Wyo., can Dial-a-Giraffe to hear fascinating stories over the phone.

Summer book circulation almost doubled over the previous year due to the trips made to every elementary class in Laramie by the children's librarian to explain the summer reading program.

Campbell County Public Library provides two regular story hours each week, while Converse County has initiated the practice of allowing the children to operate film strip projectors and record players anytime they wish. Sheridan County Public Library, with the help of 20 trained young adults dressed in appropriate costume, last summer provided a sidewalk folklore project which promoted active total community involvement.

School libraries join in making special efforts to provide current information on vital issues to our State. Recently Mrs. Grace Anderson, Pinedale High School librarian, requested material to help keep the citizens of that area posted on the proposed wagon wheel gas stimulation project. With the devotion of hard-working Wyoming librarians such as Mrs. Anderson, Mrs. Ethelyne Worl, Wyoming executive director of National Library Week 1972, and State Librarian Williams H. Williams, the libraries provide varied and useful services to the people of my State, for which I am both proud and grateful.

As we celebrate this week of commendation, let us remember the remark of the late President John F. Kennedy:

Good libraries are as essential to an educated and informed people as the school system itself. The library is not only the custodian of our cultural heritage, but the key to progress and the advancement of knowledge. With increasing leisure, its resources can enrich the quality of American life.

Even as I commend the fine job being done by Wyoming libraries, I note that the proposed administration budget for fiscal year 1973 reduces Wyoming's funds from $405,699 in 1972 to $231,343, eliminating money for construction of libraries in Sheridan and Big Piney, and leaving the future of six additional projected Wyoming libraries uncertain.

Federal aid has been an important factor in the growth and development of libraries since the passage of the Library Services Act of 1945. This drastic cut in funds could be a disastrous trend for Wyoming libraries and citizens. All the rhetoric in the world will come to nothing if Congress refuses to shoulder its financial responsibility.

EARTH WEEK—1972

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ANNUNZIO. Mr. Speaker, as cosponsor of House Joint Resolution 1163, it is my pleasure to call our attention today to the importance of this week—a week that has been specially designated "Earth Week" by both Houses of Congress and by the President of the United States.

Across the country, at all levels of government people in all walks of life are in the process of renewing their commitment to environmental values. We in Congress must encourage such constructive activity, and that is why I have sponsored legislation which would proclaim the third week in April of each year as Earth Week. Coming as it does in the spring of the year, it is a fitting time to reassess the job we have done in preserving our natural heritage, and to think about the task still ahead.

We have a serious and challenging job ahead of us. The citizens of the United States have expressed their concern about environmental issues, and are looking to their legislators for decisive and sustained action. In a recent survey conducted by Northwestern University, for example, researchers found that 40 percent of the people questioned in Chicago and its suburbs cited pollution as a particularly important issue. Fifty-six percent of these people said they believed pollution is worse now than it was a year ago, and when asked what they would like to see done to make living better in the Chicago area, a majority answered, "Decrease pollution and dirt." The study found that no other issue was singled out by as many persons as being of such major concern.

I believe these findings illustrate the growing concern of the country with problems of air and water pollution, of solid waste disposal, of the lack of adequate open space in our more densely populated areas. All of these problems, plus numerous others, add up to the environmental crisis currently facing us. We have to fight many battles simultaneously, and with greater resolve than ever before.

The first Earth Day was proclaimed by the youth of this country just 2 years ago. Since then, the number of people concerned about the environment has grown; those actively doing something to preserve and restore our environment have also grown. Recycling efforts, for instance, have spread across the country. Countless local communities now have permanent facilities for the collection and recycling of certain solid waste materials. This may be just a first step, but it points the way for further initiative in this important area. And it surely demonstrates that we, as a nation, are in the process of moving away from our previously wasteful and ultimately damaging practices toward a more enlightened attitude about the world in which we live.

Since Earth Day of 1970, Congress has acted in defense of environmental values as well. The passage of the National Environmental Policy Act was a milestone in our effort to regulate these problems on a nationwide scale. Since that time, Congress also passed important and comprehensive clean air and water bills. But what we have done must not allow us to dwell on past achievements. Rather, we must concern ourselves with what remains to be done, because the job is just beginning.

There are those who would, today, warn us of an "environmental backlash." They would advise us to move slowly, and with great caution, lest we create worse problems than the ones we already have. Well-intended as such advice may be, it must not allow us to turn our backs on the environmental crisis. Our problems will not just go away; they cannot be solved by ignoring them. Americans are truly concerned with smog, congestion, polluted water, and inadequate transportation systems. And we must respond to that concern by attacking these problems with intelligence, knowledge, and commitment.

During this week, nationally proclaimed as Earth Week, let each of us therefore reflect on the problems that affect all of us, and let us renew our efforts at finding a harmonious balance between man's material progress and nature's own needs. For nature's needs are really our needs, as well.

CAN CANCER BE LICKED?

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DULSKI. Mr. Speaker, a new effort has been launched to find a cure for cancer.

Legislation, of which I am cosponsor, was enacted last December that authorizes spending up to $1.6 billion in the next 3 years on cancer research and treatment.

For nearly 75 years, scientists and physicians have been spearheading a widely-recognized cancer drive in Roswell Park Memorial Institute, located in my home city of Buffalo, N.Y. Roswell Park is the oldest and one of largest cancer institutes in the Nation.

Mr. Speaker, as its lead story in its current April issue, the American Legion magazine has published a detailed feature story on the prospects for finding a cure. As part of my remarks I include the text of the article:

CAN CANCER BE LICKED?

(By Harvey Ardman)

On Dec. 23, 1971, President Richard M. Nixon signed a bill to the tune of over a billion dollars, and also to the tune of great, suppressed excitement in scientific and political circles. The name of the bill is the Cancer Act of 1971. It authorizes $1.6 billion of federal funds to be spent attacking cancer over the three years 1972, 1973 and 1974.

This is far and away the greatest amount of money ever tossed into the cancer fight with one sweep of the pen. It turned the long, and often depressing, war against cancer into a crash program. And those who had the most to do with its passage, talk presently about being willing, after the three years are up, to pour as much as another billion a year into it, if need be by then.

Of course, there were political overtones in the writing and enacting of the law. (Who in politics wants $1.6 billion to go to a good cause without having a finger in the pie?) But this crash program is no politico-scientific boondoggle. The size of the bill truly reflects subdued excitement. The end of the cancer trail may be in sight, and the evidence of that—whether it pans out or not—justifies the effort.

While the Cancer Act will see its money spent on many fronts, it was passed—and

made so big—because the boys with the microscopes and test tubes think they are hot on the trail of cancer in one particular elusive area, at last,

The most exciting recent discoveries are on the virus front. In fact, you can bet your boots that the Cancer Act might not have passed—and certainly not $1.6 billion of it—if it weren't for a parade of discoveries about the role of viruses in cancer that have pyramided in recent years.

DNA REVOLUTION

One of the new discoveries regarding the role of viruses in cancer depends, in turn, on work in a different field which has only come into its own in the last decade or so—the "DNA revolution," a new understanding of how living cells develop. This had nothing, directly, to do with cancer viruses until "DNA" and virus study merged to climax the motivation for a crash federal program against cancer, now.

When they merged, earlier discoveries that were just for "science bugs" suddenly became of great interest to everyone.

From now on you are hardly going to be "with it" if you don't dig the basics of DNA. You might not even be able to hold up your end of the talk at a cocktail party. DNA has emerged as one of the great directors of life itself.

"DNA" is the short form of the long name of that chemical, found in every living cell, which contains the genes. The chemical is a nucleic acid, if you please. The genes are those tiny bits of substances (each gene is only a small part of a DNA molecule) which control heredity, direct that your eyes will be made of eye cells, your lungs of lung cells, etc., and that you will be different in detail from your neighbor. They tell each cell just how to grow and fit itself to its job, and how to make new cells just like their parents.

We knew there were genes, and could say in general what they would do, long since. But we had little grasp of what they were, how they were structured, or how they managed their job until the "DNA revolution."

THE DNA MOLECULE

This really burgeoned only in recent years, when the work of hundreds of scientists came together to provide a model of the DNA molecule. Now, this model seems to be a map of life the way a globe is a map of the world. With the model in hand, researchers by the hundreds got busy investigating various characteristics of the DNA molecule, producing a series of new insights. Now, few scientific magazines come out without reports of fresh discoveries about DNA. Basically, the importance of DNA research to man lies in our new comprehension of the structure and workings of its molecule.

DNA's molecule is a huge one, a complex combination of atoms strung out in two strands which twine around each other keeping a respectful distance apart. Together they are called a "double helix" because of their shape. In plain language, a helix is a spiral.

The strands are connected at intervals by smaller crosswise strands, so that the whole molecule resembles a twisted rope ladder. It's so long that it is usually coiled up—with millions of identical molecules—to fit inside its cell. And this brings us to the meaning of this structure.

Each spiral strand is more like a chain than a rope, as it is made up of links of different substances that would have separate identities if they weren't all linked together to make one nucleic acid (DNA). These links are, in fact, the genes. One of the links which occurs here and there in the strands is hardly a stranger to anyone. It is sugar. Other links have fancier names, such as thymine and adenine.

Millions of different arrangements of these bits of sugar, thymine, adenine (and others we'll spare you) are possible along the strands, and any particular arrangement adds up to partciular instructions to the living cell regarding its shape, size, makeup and function.

IDENTIFY EVERY ATOM

Will a cell be a hair cell? Will it be blond, brunette or red? The answer is inherent in the DNA pattern. And when the cell divides, the new cell gets a set of DNA carrying instructions that see to it that the new cell, too, is perhaps a human red hair cell, and not a rabbit's kidney cell growing on a human redhead's scalp.

Scientists—who can now identify every atom in a DNA molecule—call any particular arrangement of links in a DNA molecule the "template" (or master pattern guide) for the cell. If you consider the cell to be a computer insofar as it directs itself, its countless DNA molecules are its programmers, and the instructions keyed in the DNA gene arrangement constitute the cell's program.

Laymen could be forgiven if they didn't get excited when the DNA molecule was first accurately described during the 1950's. It was, to them, horribly complex and mostly academic. But scientists were highly excited and Nobel prizes for DNA work flew left and right. Insatiable curiosity was being satisfied—and more. The work was correctly viewed as a giant step in understanding the life process. It was the biggest leap since Abbé Gregor Mendel laid down the rules of heredity and guessed the existense of genes from his simple garden work of crossbreeding sweet peas, and astutely observing the results. One of the discoverers, James Watson, wrote a personal book about the work, "The Double Helix."

Just one of thousands of possible future results of the earliest DNA work was seen immediately by many, who said, in effect: "If anything leads us to understand cancer, this may be it, for cancer is cell growth and one's DNA controls his cell growth."

DNA CONTROLS CELLS

The funny thing is that while this is most certainly true in general, it is wrong in one sense. Work on viruses came together with work on DNA to demonstrate the error and make it the most revealing thing yet about cancer. So now we must shift our glance to a bit of virus-cancer research as it plowed along on wholly different lines for a long time.

Once, hardly anybody would believe that cancer could be related in any way to either viruses or bacteria. It just wasn't an infectious disease. Then a few examples cropped up of viruses that were present in some cancers of experimental animals. As more were discovered, one had to admit that maybe some viruses had something to do with some cancers in some animals. Possibly they predisposed the animal to cancer that was caused by something else. There was no clear indication of direct cause.

At age 87, a scientist named Peyton Rous got a Nobel prize in 1966 for work he'd begun in 1910 suggesting that some chicken cancers were somehow infectious. In 1910, it didn't seem as convincing as it did in 1966.

But more and more viruses were found in cancers in all kinds of creatures—frogs, mice, guinea pigs, chickens, rabbits, cats, dogs and monkeys. Then experiments began to produce cancer in healthy animals if they were injected with viruses from a cancerous animal. No such test was performed on humans, because it is taboo to try to give people cancer experimentally. But a direct virus cause of cancer was being more strongly suggested all the time. This was highly confusing on many counts, two of which are:

1. A lot of other things seem to cause various cancers, such as a host of chemical irritants, including tobacco and many other inhaled compounds, as well as many substances if eaten. Even prolonged physical irritation—caused by rubbing or heat—might induce some kinds of cancer. These and other recognized cancer inducers are hardly viruses.

2. The viruses that cause common diseases—such as colds, flu, polio, chicken pox, smallpox, measles and mumps—*destroy* cells, they don't make them grow. If viruses cause cancer, in which the cells grow out of control, an entirely different process awaited to be explained.

VARIETY OF THEORIES

All kinds of theories could be devised to fit all these facts together, but without supporting evidence they'd only be theories.

One theory, which may still turn out to be true, is that viruses do indeed cause cancer, or many cancers at least—forgetting how for the moment. We may be exposed to them all the time, but our bodies may defend themselves against cancer viruses just as they fight back against the usual virus diseases with antibodies—which is the defense we stimulate artificially when we vaccinate.

In short, says this theory, immunity against cancer is possible and usual, and we only get cancer when our immunity machine breaks down. Perhaps what the known cancer-causing irritants do is merely to break immunity down, if only in a few cells, to give the viruses an opening.

This is an exciting theory. It opens the door to the possibility of vaccinations against various forms of cancer someday, or injections of serum to cure it—ringing in the field of immunology as a possible last blow at cancer as it has been against polio, smallpox, etc. If so, it will probably involve some new concept of vaccination.

As research grew, a theory that would have to give viruses a bigger and bigger role seemed mandatory. Researchers in the United States and India have found high concentrations of virus-like particles in the milk of women whose families are prone to breast cancer. These particles are indistinguishable from viruses known to cause cancer in animals. Their presence *might* mean a heredity weakness in immunity against viruses which other women resist.

"Every day we may develop some cancer cells, and every day we may reject them," says Dr. Robert A. Good, of the University of Minnesota. Or we may be invaded by cancer viruses every day which never get a foothold at all, thanks to natural defenses. Other scientists have come up with evidence to support such ideas. For instance, our bodies tend to reject transplants, as every newspaper reader knows. It's our immunity machinery against foreign substances that does the rejecting. So, when a transplant is made, a patient may be dosed with drugs that turn off his immune system, to help prevent rejection of the transplant. Dr. Thomas E. Starzl, of the University of Colorado at Denver, has found a higher than normal incidence of tumors developing in patients who have been so dosed in order to have transplants—a clear suggestion that normally our bodies successfully ward off cancer by defeating constant exposure to cancer viruses.

IMMUNE SYSTEM RESPONSES

So far, scientists have noticed immune system *responses* of one sort or another (even though they fail in cancer victims) to breast cancer, skin cancer, bone cancer, malignant melanoma, neuroblastoma and acute leukemia. As a result, a number of studies are now under way to see how such a response could be used to defeat cancer. Several natural and artificial stimulants of the body's natural defenses are being used in these studies. "Partial success"—an old story in cancer research—has been had in some cases.

Only a few years ago, no substance was known that would attack cancer cells without hurting normal cells, too. Then immu- had gone right from the oSviet point of

guinea pigs and some of their South American cousins—as well as in our own intestinal bacteria—that would selectively destroy most cells of some forms of leukemia and sarcoma—when isolated and injected in the bloodstream. This was an eye-opener, though application of this discovery to treat human cancers—if possible—needs more work. A few cells survive to sire a return of the malignancy.

It might have been that the virus-immunology trail could have left DNA out in left field as far as cancer is concerned. But instead, a discovery that seems to demonstrate *how* viruses can make cells grow aimlesssly, instead of destroy them, suddenly brought DNA work and virus cancer work onto one track.

If there is natural immunity, our chances of doing anything to use such knowledge would depend on understanding how viruses cause cancer in the first place. It would be a great stroke of luck if we could develop an artificial immunity (as Jenner did with smallpox) without a pretty good idea of just what part of the virus' operation we were attacking.

UNDERSTANDING LACKING

Any such understanding was lacking until quite recently when two young scientists (Dr. Howard Temin at the University of Wisconsin and MIT researcher Dr. David Baltimore) simultaneously opened a door through which a great light shone. They were studying another nucleic acid which we haven't mentioned here yet, whose short name is RNA.

Now RNA is as necessary to cell development, in all its details, as DNA is. All kinds of ways have been devised to describe its basic operation without involving you in its chemical structure. You might say that if DNA is like the human programmer of a computer (the cell) then RNA is the tape he puts his instructions on. Scientists describe RNA in one of its roles as being DNA's "messenger." Or you could say that if DNA is the manager of the cell, RNA is the floor supervisor. At any rate, DNA runs the cell by impressing its pattern on single strands of RNA, and the RNA goes out to carry the orders throughout the cell.

Cancer-causing viruses are very largely made up of their own RNA, and it was this virus RNA that Temin and Baltimore were investigating. Of course, its business is not to make human cells, but to carry messages dear to viruses. What they discovered was that there was an error in the previous assumption that DNA *always* runs the show its own way in its own cell, and that RNA could *only* take orders from DNA.

The RNA of the virus, they discovered, could impose its pattern on the DNA of a cell it invaded. This was contrary to all previous theory and even to all logic that depended on what had been learned until then. In short, the virus RNA commits insubordination. It gives orders to the boss of an invaded cell instead of taking them from him. The messenger starts running the shop his way and even makes the boss alter his orders. The tape is programming the programmer. Put another way, what we have here is Vichy, France in WW2, with French leaders (DNA) issuing German (virus RNA) orders.

FUROR AMONG BIOCHEMISTS

The virus RNA doesn't give a hang for the usual instructions in the DNA of living cells. Its command, quite simply, is "Grow, multiply and don't listen to any messages to the contrary."

This discovery, which has now been authenticated by a number of other scientists, caused a furor among biochemists comparable to that among physicists when the first atom was smashed. But Temin and Baltimore didn't stop there.

They found that viruses associated with cancer apparently excrete an enzyme, and that without this enzyme the viruses' RNA is powerless to affect human or animal DNA. A British publisher called the enzyme "reverse transcriptase"—an apt name when you break it down. "Reverse" because it switches the usual DNA–RNA chain of command. "Transcript" because it allows virus RNA to put a transcription of its orders on the host cell's DNA. "Ase" because this ending designates an enzyme (as crossword puzzle fans know). But Temin thinks the name may oversimplify whatever it is that happens.

In the past year or so, three separate laboratories—at the University of Washington, Berkeley and the Salk Institute in La Jolla—have succeeded in showing in animals that reverse transcriptase allows a virus to turn a normal cell into a cancerous cell and keep it that way.

At Columbia University, the Temin-Baltimore experiments have been followed up in another way. Drs. Sol Spiegelman, Jeffrey Schlom and others have found that those viruses known to produce cancer in animals—about 110 of them—are always associated with reverse transcriptase.

TESTS AT COLUMBIA

Furthermore, the Columbia team was able to cause virus RNA to transform the normal DNA of mice in test tubes. Then they took RNA from human cancer cells (since they aren't allowed to inject cancer viruses in people) and put it together with the altered mouse DNA. The two blended, meaning that they carried the same instructions. This isn't true at all in normal human and mouse cells, and to make sure normal human RNA wouldn't match the altered mouse DNA in this experiment they tried it. The two did not blend.

This was powerful confirmation of Temin-Baltimore. The orders to cells in cancerous mouse tissue and in human cancers look like the same orders. Further, the instructions that matched in both instances were the instructions that virus RNA had given the mouse DNA. Conclusion: the human RNA got its orders via viruses, too.

The Columbia work panned out in 67% of the matchings of human breast cancer RNA with altered mouse DNA, and in 90% of matchings of human leukemia RNA. A strong correlation was also found in matchings of human RNA in sarcoma, another common cancer.

If all this was exciting enough after so many years on the cancer trail with little fruit, more soon came from Berkeley. There, Nobel prize winner Dr. Melvin Calvin piled another discovery on top of Temin's and Baltimore's. He found that a drug originally invented to combat TB can deactivate reverse transcriptase. With this, the new knowledge about how things work moved into a field of possible attack. The name of the drug is rifampicin. It had earlier been found to kill cancer cells in test tubes in some way that may not now be as mysterious as it was then.

LAUNCH NEW APPROACHES

These findings and others in this area have set the scientific community on its ear. Hundreds of scientists—many funded by the National Cancer Institute, some direct beneficiaries of the Cancer Act of 1971—are now busy in their labs trying to take further steps.

The work of Temin, Baltimore and the others is not a matter of individual heroics. Hundreds of scientists had to perform thousands of experiments before Temin and Baltimore could make their discovery. Continued progress toward either a dead end or a routine way to treat or prevent cancer will take nobody knows how much more work.

The subject is vastly more complicated than our simple description. Temin, for instance, was working on one strain of a chicken virus (the one Peyton Rous isolated between 1910 and 1920 which was then forgotten for 30 years). Baltimore's original work was done on a mouse leukemia virus. Far from having said the last word on the subject, the importance of their work is that they seem to have said the first word on it.

Still, the scientists think they're on to something big. And it was this conviction, communicated to Congress and to the President, that made passage of the Cancer Act of 1971 a near certainty.

The Cancer Act doesn't put all its eggs in one basket. Its largesse will be spread over other cancer fronts, too. The virus-RNA work holds enough promise to encourage a huge investment in following it up as far as possible as fast as possible. But what it can lead to or when it will get there is still hidden in a clouded crystal ball. It might take us all the way to licking cancer, but consume years and years. It might vastly increase our knowledge, but fall short of telling us some easy way to lick cancer with that knowledge. Will cancer say "Uncle" in a few months to some human application of rifampicin, or will it turn out that the drug works fine on test tube cancers but not in living bodies in any discoverable application? Will a curative drug that deactivates the enzyme be preferable to a vaccine—or many different vaccines? If not, perhaps as much or more work may have to be done in immunology as has yet been done on DNA or RNA. Will some new discovery about virus RNA or something else unveil a whole new line of attack that hasn't yet occurred to anyone? Will we find a way to cure three or 42 types of cancer with easy medication while many other types defy us? Will we discover, happily, some way of treating cancer by neutralizing reverse transcriptase that will handle the attacks of all 110 known cancer viruses and all yet to be discovered? Or will we have to battle many of them separately?

DOWN VIRUS TRAIL

Nobody knows the answers, but a good part of the Cancer Act funds will be spent accelerating the chase down the hot virus trail. The doors have been opening so fast, without such massive help, that there are great hopes that the Cancer Act will be a crash program as effective as earlier crash programs on the Manhattan Project (atomic bomb) and the Apollo moon program. Of course, the way to the end of cancer is not seen as clearly as the way to the moon or atomic reactions were. For them, all the theory existed—and that's not true of cancer, yet.

The Cancer Act funds will open up the magnificent laboratories at Fort Detrick, Md., for cancer research as part of the National Cancer Institute, and 70% of the funds spent there will probably follow the virus trail. Fort Detrick formerly housed the government's biological warfare labs, which are being converted to cancer research at a cost of $6 million.

However, millions of people might die of cancer before we get to the end of the virus trail, even if it pans out, since nobody has any idea how long it will take if it does pan out. So Cancer Act funds will further the war against the disease in many other areas.

The National Cancer Institute—part of the government's great National Institutes of Health headquartered at Bethesda, Md.—will get a big shot in the arm. The cancer institute began its work in 1938. As recently as 1956 it had $25 million a year to spend on cancer research and treatment. By 1971, it had $234.4 million. The new bill will allow it $400 million in 1972, $500 million in 1973 and $600 million in 1974. That's most of the $1.6 billion, but 80% of it, as usual, will be spread by the institute to private grants and contracts—the Temins, Baltimores, Calvins, Spiegelman's etc., and their university labs; to corporate labs of drug companies and the like, and so on. Even so, the cancer institute's

Fort Detrick, for example, is expected within two years to employ about 600 scientists and backup workers at a cost of $20 million a year. According to Dr. J. Roger Porter, Chairman of Microbiology at Iowa College of Medicine, who headed a scientific committee to evaluate Fort Detrick for cancer research, the old biological warfare lab is "one of a kind in the world and a national asset." It has sophisticated containment facilities for handling infectious materials, a maze of barriers to permit men, animals, equipment, air, liquids and solid wastes to move in and out without permitting passage of micro-organisms. It possesses pilot plants which can produce bacteria, viruses and tissue cultures on a scale which very few laboratories on earth—if any—can match.

SEEKING EARLY DETECTION

The Cancer Act of 1971 also authorizes funds for more work in the early detection of cancer. This will receive $20 million this year, $30 million next year and $40 million in fiscal 1974. Then, the bill also authorizes the establishment of 15 research centers. There, people who have cancer right now will be treated in conjunction with clinical research studies, benefiting from the best and latest knowledge about the disease. These centers, however, are not designed to replace existing hospitals and cancer clinics, most of which are providing the best cancer care now available.

In addition to this, the Cancer Act authorizes the institute to establish a computerized cancer data bank to collect, catalog, store and disseminate the results of cancer research in this country or abroad. The object is to make sure every scientist in the field knows what others have done—either to take advantage of it, or to prevent duplication. The same provision gives the institute the power to support promising foreign research projects, or American-foreign collaborative efforts.

The Cancer Act also instructs the institute to encourage and coordinate cancer research by industrial concerns (usually drug companies) involved in the field, to support the training of additional scientists, to establish or support the large-scale production and distribution of specialized biological materials for research (such as viruses, cell cultures and lab animals) and set safety standards for their use.

To make sure the institute doesn't narrow itself too much, the agency is also instructed to consult frequently with a panel of advisors composed of top research scientists and to investigate and use the results of any research in other health fields, should they have any bearing on cancer.

NEW SET OF PRIORITIES

Those who have been saying that our priorities are "wrong" (whether they are wrong or right themselves) should be very happy with the Cancer Act. It throws a moon-type effort at human misery, disease, fear and death. The use of the old biological warfare labs is sort of symbolic of the new priorities the Act provides.

In summary, the virus-RNA work which seems to justify the accelerated cancer fight more than anything else does, is so remarkable that it stands as a scolding to those who have been knocking technology. The role of viruses has emerged from being one more big question mark to a near certainty. The discovery of how they seem to cause cancer is an eye-opener. The identification of an enzyme on which they depend to cause many cancers, at least, is a breakthrough that came with remarkable swiftness on the heel of virus-RNA discovery. And when at least one drug was quickly identified that can undo the enzyme, the chase down the virus trail seemed to have packed more excitement into the cancer fight in a few short years than our previous pace provided in half a century. Of course, we should never forget that the new discoveries grew from the earlier groping.

Congressmen and senators on opposite sides of the aisle had their own ideas of the details of what the Cancer Act should be. But that didn't stop them, in the end, from agreeing on the most ambitious, and perhaps most significant, legislative health commitment in history. And as he signed the Act last December, President Nixon said:

"I hope that in the years ahead we can look back on this as being the most significant action taken during this administration. . . . We can say this, that for those who have cancer and are looking for success in this field, they at least can have the assurance that everything that can be done by Government, everything that can be done by voluntary agencies in this great, powerful, rich country, now will be done, and that will give some hope, and we hope those hopes will not be disappointed." Since he and the Congress were betting $1.6 billion for us that cancer can be licked, the words hardly seem to be an exaggeration.

COST OF REHABILITATION

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. GIAIMO. Mr. Speaker, a recent article in Medical World News describes some of the fantastic work being done in rehabilitation medicine, especially in the application of modern technology toward solving the problems of those without limbs or without the full use of those limbs.

This kind of work, as well as the "nuts and bolts" of rehabilitation done in the Nation's comprehensive rehabilitation centers, sheltered workshops, centers for the blind and other institutions, demonstrates the "payoff" that comes from our national investment in the future of the handicapped and disabled.

As Dr. Howard Rusk, director of New York University's Institute of Rehabilitation Medicine, points out in this article, the cost of these rehabilitation efforts is usually far less than the cost would be for mere institutionalization of the handicapped and disabled.

This investment in human potential pays off for both those who are served by the dedicated professionals in the rehabilitation field, and for the Federal and State budgets which would otherwise be strained by the dependency of the handicapped.

This is the kind of work that this House made a commitment to support last summer in our consideration of the Labor-HEW appropriations bill for fiscal year 1972, and I am glad to report that our investment in rehabilitation, in research and demonstration programs, in training and in all other aspects of rehabilitation is doing something of proven value for our handicapped as well as for our taxpayers.

I insert the following article from Medical World News to be included in the RECORD.

The article follows:

MAKING THE IMPOSSIBLE POSSIBLE—NEW TECHNOLOGY ADDS SURPRISING DIMENSIONS TO REHABILITATIVE MEDICINE

In a corridor of the Bronx (N.Y.) Veterans Administration Hospital, a man in his twenties sits strapped in a wheel chair, surrounded by other patients. He is flipping through the sports pages of the newspaper, using a tongue depressor held in his teeth. Suddenly, he calls their attention to two reporters' versions of the same story, and a scoffer down the hall questions the veracity of a particular point. Anxious to confront the skeptic, the young patient butts a pressure-sensitive box with his chin and goes whizzing off down the hall in his motorized wheel chair.

The hallway scene is reminiscent of the easy camaraderie of young men relaxing together anywhere in the world, except everyone present is a quadriplegic. Their ambulation through a number of ingenious devices is one of the newest achievements of the increasing cooperation between rehabilitation medicine and engineering.

"Anyone can see that electronic wheel chairs have made the difference between life and no life for many of our quadriplegics," says Dr. Peter Hofstra, chief of the spinal cord injury service at the Bronx hospital. As recently as about a year ago, most quadriplegics were still generally regarded as being permanently bedridden.

The extent of the problem in paralysis alone was pointed up by Dr. E. Shannon Stauffer, chief of the spinal injuries service at Rancho Los Amigos Hospital in Downey, Calif., a part of the University of Southern California School of Medicine. He told last month's meeting of the American Academy of Orthopaedic Surgeons that from 5,000 to 10,000 spinal cord injuries with significant paralysis occur yearly in the U.S. Currently, the country has about 125,000 traumatic paraplegics and quadriplegics. Moreover, their numbers are a consequence of medical progress; decades ago, most would not have lived.

"These patients represent new problems and new challenges to this generation of physicians and surgeons," says Dr. Stauffer. Before the antibiotic era, most of these patients suffered an early, rapid, and septic death due to atelectasis and pneumonia, or they suffered a slow lingering death due to chronic urinary tract infection, pressure-sore ulceration of the skin, hypoproteinemia, and cachexia. Few patients survived more than two years.

But death soon after injury in these patients is now rare, according to Dr. Stauffer. Physicians now promptly recognize early stages of various complications. More skilled nursing care is available, along with modern methods of medical resuscitation.

The result, says renowned rehabilitation authority Dr. Howard Rusk, is that most paralyzed patients can expect to live within a year or two of a normal life span, "if they follow the ground rules learned during their rehabilitation." The cost of rehabilitating a young quadriplegic, Dr. Rusk reports, is about $25,000. But he told the January meeting of MWN's Editorial Board, "we can't afford not to spend it." He compared the $25,000 rehabilitation cost with the cost of institutionalizing a 20-year-old patient with 50 years of life remaining. "Put in a second-rate nursing home with a modicum of attendant care, $15,000 a year would be a bargain. Multiply $15,000 by 50 and that patient will cost $750,000."

The scene at Bronx VA is duplicated in other centers across the country, including USC's Rancho hospital. There, a medicine-engineering team has developed a number of innovative devices that enable patients to make functional use of residual nerve and muscle. One device, that the staff and

patients have come to call "the golden arm," is an externally powered brace, controlled by a tongue-operated switch, that provides finger, wrist, elbow, and shoulder motion for quadriplegics. The multichannel switch can also control an electrically powered wheel chair, and Rancho patients have 200 acres in which to "roam" on their tongue-controlled, motorized chairs.

These examples are typical of how biomedical engineering is joining electronics, miniaturization, and space-age materials to a growing knowledge of the physiology, anatomy, and psychology of handicapped patients. This technologic enhancement of rehabilitation medicine is increasing the function and thereby the prospects of relative self-sufficiency for paraplegics, hemiplegics, guadriplegics, amputees, and stroke victims.

One physician-designer, Dr. Wladimir T. Liberson, associate professor of neurology and orthopedics at the University of Miami School of Medicine, thinks the era of electronic rehabilitation is here. Others apparently agree with him. A manual on upper-extremity prostheses, issued by the Veterans Administration in New York, reports that several electric elbows and hands are under development in this country. Furthermore, such electrically powered prostheses are already prescribed in Europe. In Germany, some 600 hands as well as other electric components have been furnished to patients, in Italy, more than 500 electric hands are in use; and in Canada, more than 300 electric hands have been prescribed.

The number prescribed in the U.S., so far, is only a tiny fraction of the European number, the report says, primarily because of the difference in the prosthesis distribution systems in Europe and the U.S. "In this country, the preponderant majority of prostheses are fabricated by private commercial shops in a decentralized system requiring each shop to become fully informed on the nature and best application of each device."

There may be another typically American reason for the limited use of electrical prosthesis: Who's going to fix the gadget when it conks out? Unlike many other physicians, Miami's Dr. Liberson knows exactly what to do when a delicate piece of electrical equipment malfunctions. Since he designed it, he can also fix it.

Among his inventions is an electronically powered device that attaches to the impaired leg of a stroke patient. By stimulating the peroneal nerve, the device helps speed ambulation of stroke patients. Dr. Liberson reports that the stimulator has been used, with varying degrees of success, on 100 such patients. The device works best, he says on patients who are intelligent and highly motivated.

The Miami physician, who is also chief of the physical medicine and rehabilitation service at the VA hospital there, has designed a motorized brace for use by stroke patients in their first weeks of retraining.

But to Dr. Liberson, there are still more compelling reasons why electronic medicine will enhance the role of the physician rather than diminish it. "You simply cannot give a patient a new gadget and send him home with it," he cautions. "You have to be sure he really wants to use it. You have to listen to his complaints about it. You have to check to see what it does to his body. There is no such thing as electronic medicine. There are only electronic aids that can help a physician help his patients to live more fully."

Some of the new electronic aids on the horizon represent a complete departure from traditional thinking. For example: Why prop up wasted muscles with traditional crutches and braces? Why not use electrodes to stimulate nerves that control muscle movements? This idea already has clinical application with Dr. Liberson's peroneal nerve stimulator for which the electrodes are externally applied.

How about internal electrodes? Perhaps the most farout project exploring this idea at the moment is the animal study being conducted by Dr. Lawrence R. Pinneo of the Stanford Research Institute. Dr. Pinneo has implanted electrodes into the head of a rhesus monkey that was paralyzed in its right arm after two operations removed part of the animal's cortex.

In spite of the paralysis, the monkey could reach for food when a computer fired the electrodes in his brain in the proper sequence. The monkey even learned to direct his own motions electronically. He figured out how to press computer buttons that helped him feed himself, scratch his back, and make a fist. Dr. Pinneo has published the results of the Stanford project in *Stroke*. Nevertheless, it will be some time before a computer and implanted electrodes stimulate the human brain to move muscles in paralyzed extremities.

Well, then, why not try to control muscles by applying electrical charges directly to the nerves? Implanted electrodes are already doing this for heart patients. Couldn't some version of this idea help impaired persons walk?

A biomedical engineering project at USC's Rancho hospital is exploring just such questions. The team takes its cue from one of the most successful electric protheses to date—the cardiac pacemaker. Says Dr. Jacquelin Perry, chief of the kinesiology service and head physician on the stroke service: "The principle of stimulating nerves of the leg is the same as that for other parts of the body."

The hospital's "peripheral nerve stimulator" is a tiny radio receiver that is surgically implanted in the upper medial thigh. An electrode leads from the receiver down the thigh to the anterior crural region where it is anastomosed to the peroneal nerve. Stimulation is activated by a transmitter worn on the patient's belt and a heel switch installed in the shoe.

During the past three years, about 20 stroke patients have benefited in varying degrees from the nerve stimulator. But the results were not percisely quantifiable, says Dr. Perry, because equipment was being continually refined during the trial and the patients being tested did not have exactly comparable types of disability. She explains, "There is no such thing as a stroke patient. There are different types of stroke patients with varying levels of disability." Dr. Perry sees current knowledge of stroke on a par with knowledge of arthritis two decades ago, sees current knowledge of stroke on a par when "medicine classed arthritis as one entity. We now know that nearly 60 different conditions comprise the disease known as arthritis. Much of the same thing is true of stroke. We are finding that patients are left with various levels and patterns of disability following a stroke."

Dr. Perry is guardedly optimistic about the future of peripheral nerve stimulation. For one thing, the causes of paralysis have changed from the time when most stroke victims died and when polio was a major crippler. "Polio destroyed nerves," she points out, "so there wasn't much we could do for polio patients. But the stroke patient is left with the peripheral motor system intact, opening the possibility of electronic stimulation. Our next goal is to try stimulating the nerves that influence the muscles that extend the hip."

Right now, the Rancho team is beginning a study of 20 more stroke patients using the peripheral nerve stimulator. Equipment design has been standardized, says Dr. Perry. so patients will have comparable units. Moreover, patients with closely similar disabilities have been selected for the test.

Dr. Perry thinks there is a future in medicine for electronic stimulating of leg and hip nerves and muscles. "We're going to get more and more people walking in this fashion," she predicts. "We're probably even going to be able to help patients with some types of spinal cord injury. Right now, we have the equipment developed to a point where it may cost about $1,000, which is not inexpensive, but it is a realistic figure. We no longer talk in terms of highly expensive equipment costing thousands of dollars. This is a reasonable direction in which to go."

Still another team at Case Western Reserve University School of Medicine has published preliminary reports on its attempt to implant electromyographic sensors directly into neck and shoulder muscle of severely paralyzed patients with high-level spinal injuries.

According to an engineer connected with the project, the Ohio team currently finds it possible to control one muscle at a time. "But human movement is a highly complex interrelation between various groups of muscles" he points out, "so you can see we're still in a very early stage."

This caution is echoed again and again by clinicians and technicians at various rehabilitation centers. One researcher groaned when shown a newspaper photograph of Dr. Wernher von Braum, the National Aeronautics and Space Administration's rocketeer, reportedly demonstrating "a sight-switch-controlled wheel chair."

"I wish NASA would give us a couple of their engineers for our hospital, to work with patients," the researcher said. "Maybe those fellows could make some real contributions in a real hospital setting, work with real patients, instead of blue-skying this stuff out of think tanks or blowing it up out of lunar dust."

Yet progress has been significant. A case history of hope vs realism in one new electronic rehabilitation aid lies in the electronic device known as the sight switch that powered Dr. von Braun's wheel chair. According to a NASA booklet, "the sight switch, designed to be worn on standard eyeglass frames, actuates electrical control devices by sensing variations in reflected light. The light source is a low-intensity beam directed into the white of the eye. A photodetector mounted adjacent to the light source senses the intensity of light reflected from the white of the eye." When the eye moves, the darker iris intersects the beam, a sudden decrease in reflected light is sensed by the photodetector, and a signal is generated to initiate an action.

However, because of differences in iris pigmentation, reflectivity of the sclera, and other reflective differences of the area around the eyes, the sight switch must be calibrated for each operator. Once the sight switch is adjusted for the individual operator, says NASA, no further adjustments are required.

This is fine, in theory, but unfortunately further adjustments are constantly required, according to Anthony Staros, director of the VA Prosthetics Center in New York City. The center performs research, development, and evaluations of various prosthetics, orthotics, and orthopedic aids for 166 hospitals in the VA program. Engineer Staros reports that changes in the ambient light—the light that differs from room to room—can activate the sight switch so erratically that the quadriplegic may lose control of the wheel chair. VA tests also found that the chair does respond to the inadvertent eye motion, again causing the patient to lose control of the chair. One of the quadriplegics who volunteered to test the chair, reportedly needed a couple of days of bed rest after his experience. Nevertheless, the VA has not abandoned the principles. A sight switch prosthesis is now in the hands of engineer Ron Lipskin, at the Manhattan center, who is currently testing the instrument and conferring with engineers in government and industry in an effort to make the sight switch

work as well for paralyzed veterans as it does on NASA drawing boards.

What's more, Lipskin already has a variety of electronic successes to his credit. One concerns an intra-oral tongue-activated electronic device that controlled a powered wheel chair.

The quadriplegic who tested the device complaint that the switches were too small and too close together, because the box had to be tiny enough to fit inside his mouth. The patient despaired of ever learning to differentiate among the tiny, close packed switches. He also found that the unit caused him to salivate more than usual and later he reported getting electrical shocks because saliva had somehow seeped into the mechanical appliance.

But those few days in the motorized wheel chair had also triggered the patient's desire to be up and about. He asked Lipskin to figure out some kind of electronic switch for him. Lipskin did. He converted the tiny compact to an external unit that could be activated by the patient's chin. The quadriplegic then joined the dozens of others whooshing through the Bronx VA corridors.

Lipskin, an earnest young man with degrees in biology, chemistry, and engineering, uses this case history to pinpoint the stage at which most electrical prostheses are at the moment in this country: Just about every powered prosthesis has to be custom-made for each patient, or at least it has to be custom-adapted. In addition, the service provided by some well-known wheel chair manufacturers can be compared to the service provided by some well-known automobile manufacturers—generally, far from ideal. "What can a patient do with an electrical device that malfunctions?" Lipskin asks rhetorically. "Malfunctions bug us, and we're set up for them. Most hospitals are not." The need right now, he says, is for American or European manufacturers to come up with an electrical wheel chair that can be repaired by a trained, semi-skilled worker.

"Or perhaps motor units might be made in a simple, take-out unit, something like a battery-pack that is put into a flashlight The patient could buy two units: one to run the wheel chair, and one to use as a spare for the time when the other is sent to the factory for repairs."

For each of Lipskin's problems, there is an eventual success story: One quadriplegic enthused with the success of learning to use a powered wheel chair, decided that he would spend much of his time exploring the streets of the Bronx around the VA hospital. To help him in traffic, Lipskin fitted him up with a chin-controlled back panel of flashing red lights. To help keep him supplied with the water that a quadriplegic's kidneys need, Lipskin ran a thin plastic tube, also electrically controlled, from a water dispenser on the back of the chair.

Meanwhile, Dr. Stauffer points out that most of these patients are in their late teens or early twenties when they are injured. "With medical knowledge now available, we can give them and their families a prognosis of looking forward to a relatively normal life span. With this possibility of longevity goes the responsibility of improving the quality of life. These patients deserve and require the skilled medical care necessary to prevent and correct medical complications. It is not justified merely to keep them living."

Medical priorities for such patients include maintaining a bacteria-free, automatically emptying urinary tract, Dr. Stauffer says. There is increasing evidence that surgical techniques like hypothermia and myelotomy may be effective in reversing some early stages of pathophysiology that can progress to spinal cord destruction. Steroids may also be effective.

But at the present time, says Dr. Stauffer, no clinical studies indicate that early surgical procedures produce more benefit than closed reduction and traction treatment of the fractured spine. At the present time, skeletal traction for reduction and healing is the preferred method of treating fracture dislocations of the spine.

In some instances, where prolonged recumbency enforced by traction therapy is not desirable, it is possible to stabilize the spine surgically, and allow the patient to be mobilized out of bed soon after his injury. This can eliminate the complications of long periods of bed rest: muscle atrophy, skin-pressure ulceration, and joint contractures. Meanwhile, the patient is rapidly taught to be as functionally independent as possible.

This type of concentrated, special care is most effectively accomplished in specialized centers with personnel skilled in aiding these patients Dr. Stauffer points out. And even after they are discharged from these special centers, such patients must be examined at least once each year for complications. The patients must also be checked to make sure that they are getting the help they need to adjust to their new lives.

For the family physician, perhaps the greatest hazard is thinking that a patient has been "rehabilitated" because an operation has saved his life and a prosthesis has been successfully fitted. Much more needs to be done. The prosthesis may need read-adjustment, which may require a number of visits. The patient must be taught to use it with self-confidence, which may take months. Sometimes, the entire process has to be repeated several times, until the happy combination clicks into place—the right prosthesis and the right attitude on the part of the patient.

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AMPUTEE, NOW MD, TEACHES OTHERS TO SKI

The ways of reaching into a patient's psyche, and tapping hidden sources of strength and endurance that may lie there, are infinitely varied. One young surgeon who knows this from personal experience is Dr. Michael B. Mayor, clinical instructor in orthopedics at Dartmouth Medical School. Now 34, Dr. Mayor was just 17 when his right leg was amputated because of a recurring tumor.

A tall, intense young man, Dr. Mayor vividly recalls the psychological stresses and strains. The hardest problem for his father, a highly intelligent man, was to resist the temptation to seek out "medical miracles" and to accept his son's amputation. And for the son, the hardest problem was to accept the fact that his leg was gone. He had had some months to realize that the amputation was inevitable. Still, he never truly realized what the word amputation meant until after the actual operation.

But Dr. Mayor found the strength necessary to finish high school, college, and medical school, and he was aided by a mechanical artificial leg. Currently, he wears an above-knee, artificial limb with a Gracinger foot and ankle, and a Du Paco hydraulic swing-phase control unit.

In addition to his immediate family, Dr. Mayor found emotional support from an orthopedic surgeon who was a family friend. Consequently, Dr. Mayor functions today in spite of his handicap and, reminiscent of his family's physician and friend, he is anxious to help other amputees to find their way to a new life. Dr. Mayor is hoping to set up a course in the Dartmouth area to teach amputees to ski. Unlikely as it may sound, the young orthopedist taught himself to ski. And when he lived in Cleveland, prior to accepting the appointment in Hanover, N.H., he conducted such a course. Moreover, skiing holds numerous pleasant memories for Dr. Mayor: The exhilirating rush down the slope, the sense of participation and even competition. There is still another nice memory: He met the woman who is now his wife while returning home from a skiing trip.

"THE CASE AGAINST ABORTION"

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HOGAN. Mr. Speaker, as a long-time opponent of liberalized abortion laws, I was pleased to note a particularly well-thought-out article called, "The Case Against Abortion."

The article appeared in To the Point, a South African news magazine, and was written by Mrs. Jill Knight, a British stateswoman. Mrs. Knight systematically debunks the various proabortion arguments and emerges with a firm foundation for the case for the universal right to life.

Mr. Speaker, at this point I insert Mrs. Knight's "The Case Against Abortion" into the RECORD:

THE CASE AGAINST ABORTION

Abortion is the subject of controversy all over the world today. It is a pity that few people who are not personally involved bother to give the subject more than a cursory glance, because more careful consideration would completely reverse much of the superficial opinion surrounding the matter today. Mention the evils of illegal abortion—the sleazy operator, the frightened girl, the doubtful instruments—and the horrified listener usually takes the view that abortion had better be legalised, so that this ghastly state of affairs can be ended.

The whole subject is unpleasant, and not one on which most people like to dwell; which is precisely who legalized abortion reached the Statute Book in Britain in 1967. Most MPs did not vote on it, and the majority of those who did, admitted that they knew very little about it, but were merely anxious to end illegal abortions. The Labour government of the day refused to make any assessment of this immensely complicated matter, or even to take a look at the experience of other countries which had already made abortion legal. Thus the Act slid into British law with only a few protesters, and no hint of the vast difficulties which it was to bring in its train.

There are many religious arguments against abortion, but I leave those to others to employ. I do not know when souls enter bodies, and I doubt that anyone else does either. My concern is with the practical, down-to-earth objections to too-easy abortion; with the actual experience of what has happened in Britain since we brought it in; and with the need to help other countries to avoid the troubles into which we so carelessly blundered.

Our first mistake was to think that abortion figures would not rise because the procedure had received the blessing of the law. In fact, abortions have soared in Britain since the Act was passed. There were about 10,000 per year before 1967; today there are about 138,000 per year—nearly 380 a day—and the numbers are still rising.

This should have been foreseen, partly because it has been the experience of all countries and states which have made abortion legal, and partly because, while once there was a stigma attached to having one's baby aborted, now the process has been made socially acceptable by the highest authority in the land. Women who would never have dreamed of getting abortions before 1967 are now doing so with no more qualms of conscience than getting a tooth extracted.

Any doctor knows that it is a perfectly natural phenomenon of early pregnancy for a woman to go through a period of depression and rejection. Perhaps she feels sick all

the time, perhaps she regrets spoiled holiday plans, perhaps, she did not intend to start a baby just then. Nevertheless, before the Abortion Act, it would never have entered her head to trot along to her GP and ask to have the pregnancy ended, and within a few weeks she would not only accept her condition, but usually begin to look forward with pleasure to the baby. Now, with the possibility of abortion firmly before her, the knowledge that even Parliament thinks nothing of it, *and* the fact that her temporary period of rejection coincides exactly with the most propitious time for a pregnancy to be ended, off she goes.

Parliament, at the time, thought the Act would mean abortion would be available on demand. In fact, the sponsors were anxious to assure fellow MPs that it would not. But it was found impossible to use too closely-defined wording in the Bill, and the resultant woolliness of the legislation is used to mean just what different doctors *want* it to mean, and anyone in Britain today who wants an abortion can get one.

The rising tide of abortions, not surprisingly, has put hospitals under a severe strain. No extra money has been allocated to the National Health Service for termination of pregnancies, and the gynaecological wards are so busy that women who need other kinds of obstetric care are often kept waiting for months, because abortion patients automatically go to the top of the queue.

Recently the Royal College of Obstetricians and Gynoecologists voiced concern about this, citing the cases of two patients, one of whom when finally admitted turned out to have been suffering from early cancer of the cervix.

"But a woman has to go into hospital to have a baby, anyway—so she isn't taking up any *more* hospital time if she is there for an abortion instead," say the pro-abortionists. Experience, however, has taught us that a woman can have two or even three abortions in the time she would take to have one baby; and furthermore NHS consultations on abortion candidates take far longer than the straightforward maternity case, for the NHS doctor will want to go carefully into precisely why the woman is seeking an abortion, and judge whether it is the right course for her.

Many senior hospital doctors strongly detest abortion operations. Some markedly leave this work to their juniors. Today rising numbers of young men who apply for hospital appointments do not get the job unless they declare that they have no objections to carrying out abortions.

Constant reports speak of the distress of nurses at having to take part in these operations. Disposal of a recognisable baby, however small, is a wretched business for a girl whose chosen vocation is to preserve life. Recently a nurse came to see me to tell me that she had decided, after months of indecision, to quit her job. She said she had made up her mind the day before, when she had been given the now-routine task of getting rid of an aborted baby. This one was a 25-week baby boy. In the premature baby unit she also had a 25-week baby boy. "I looked at the little live aborted child, and I just couldn't see how it was right that I should get rid of him, and yet do all in my power to save the other one—for no better reason than just the mother of first doesn't want him, and the mother of the second does," she said.

The effect of all this on recruitment of both doctors and nurses in the midwifery field is worrying both the Royal College of Nursing, and the Royal College of Obstetricians and Gynaecologists. Those who campaign for legalised abortion must face the fact that, without limitless funds for a hospital service, and a limitless supply of doctors and nurses, their aims will mean monumental problems. Almost all those who advocate easy abortion say that the unborn baby is just a blob—a messy bit of nothing. Yet by the time most abortions are carried out the "blob" is quite recognisable as a baby. In the first three years after the British Abortion Act was passed 528 babies were aborted at over six months gestation. One made the headlines when he cried as he was put into an incinerator.

London has become the abortion capital of the world. Foreign girls from the continent, Denmark, Holland, Sweden and even from America pour into Britain. Scotland Yard has had to take action against taximen at Heathrow Airport who regularly "touted" for some of the private abortion clinics. These private clinics have mushroomed to cope with the ever-rising demand, and their charges are steep. Usually it costs about £150 ($385), through some are as high as £250 ($687), while others, (operating, unbelievably, as registered charities) charge as little as £50 ($137). In Birmingham you can pay for your abortion on deferred terms. For doctors without strong principles about preserving life, the inducements to work in some of the private abortion clinics are strong. Full time aborting can earn even the recently-qualified doctor around £200,000 ($825,000) a year.

Because of the heavy emphasis on money, the question of the standard of care for the patient in some of these clinics is currently being investigated. Reports indicate that the first question asked of a patient has nothing to do with her medical condition. "Have you got the money, and is it in cash?" makes the priority clear. There have been many reported examples of poor or inadequate medical care, and some of the clinics have subsequently been closed.

Surely, contraception is the answer to family planning problems, not abortion. Yet because abortion is legal in Britain, there is a growing tendency not to bother with contraception. Understandable, in a way. To some it is a nuisance; to others it "destroys the mood." "I might not get pregnant anyway," thinks the woman, "and if I do, I can always have an abortion." Almost all our abortion candidates, when questioned, will admit that they were taking no precautions when they became pregnant. Family Planning Clinics in Britain today sometimes actually list abortion as a method of family planning. Yet contraception has never been so easy, or so foolproof, as it is today.

There are many facets to the abortion problem. What about handicapped children? Many kind and sympathetic people think that if a child is liable to be handicapped, it would be better to have it aborted. But do only perfect physical specimens have the *right to life?* I have worked with blind and crippled children, and with mentally handicapped ones, too, and I know that, while these youngsters cannot experience life as we can, they do find their own way to enjoy it. Life is a truly wonderful thing; because fate has denied them the ability to take all its advantages, ought man to deny them life itself? In advocating their cause, I am not saying that their mothers should be left to cope with all the problems of looking after them. That is something else again. Surely any civilised country must understand, and help with facilities—bear the burden of caring for its less fortunate members, not get rid of them.

Sometimes the argument advanced is the Women's Lib one: "I have a right to do what I want with my own body. I am a free agent; if I choose to undergo an abortion, it is no-one's business but my own." Well, of course she has a perfect right to lead her own life, and use her body however she wishes. When she has an abortion, however, it is not just her body that is involved—she is destroying another human being. One who has no possible chance of defending itself. These days we do not even kill murderers—how can it be right to kill the most innocent of all living things? And if it *is* right to destroy the child just because the mother does not want it, would the mother think it equally right that any other child of hers, when grown, should destroy her if, as old people sometimes do, she gets troublesome, or cantankerous, or makes work?

"Every child has a right to be wanted" has a fine, humanitarian ring about it. The pro-abortionists often use this argument. Yet how on earth can anyone tell *before a child is even born* that no-one is ever going to want it, or that it will lead a completely useless and miserable life for the next 60 or 70 years? Some women who did not want their baby at the start change their minds when they see the child. Others do not; but who would be arrogant enough to claim that they could tell, when the child was first conceived, that it was going to be so unlovable that it ought never to see the light of day?

There are still other points which should be considered. What about the psychological effect of abortion? Many women, as I know from my post-bag, go through a nightmare of conscience afterwards, particularly if subsequently they find they cannot have any more children. And the physical effects frequently lead to just this. It is a proven fact that the more abortions a woman has, the less likely she is to conceive when she wants to do so.

What about the demographic effects? There is talk of a population explosion, though there again that is a problem which ought to be tackled by birth control, not abortion. But we should consider carefully what *type* of people have the education to take ecological considerations into their plans as to the size of their families.

Russia was the first country to legalise abortion, in the early 1920s. The numbers of abortions rose to such high figures that the authorities began to be worried at the effects upon Soviet population. Amendment after amendment did nothing to check the rise, and finally the law was reversed. Today it is far from easy to get an abortion in the USSR. Japan's Prime Minister told his parliament last year that the growing disregard for the sanctity of human life, as epitomised in the abortion figures in that country, was "endangered the very survival of Japan." "We are," he said, "killing off our work force."

When human life is regarded as deliberately expendable, and no longer sacred, society is on a slippery slope indeed. In Britain, a Bill to bring in euthanasia was introduced very shortly after the Abortion Act went through. Luckily, we defeated it, but the writing is on the wall. Even the pious hope that legalised abortions, however unsavoury, would end back-street abortions, has not been realised. Because of the high cost of abortion in a private nursing home, and the necessity of giving one's name and address and personal details in an NHS hospital, back-street abortions still continue.

Barren women have, in the past, been able to adopt babies. There has just been an announcement in Britain that childless women had better resign themselves to taking up a hobby, or a job, for now there are no babies to adopt, largely because of our abortion legislation.

A Labour Cabinet Minister, speaking in the House of Commons in 1969, declared himself very satisfied with the working of the Abortion Act because, "had it not been passed, we should have had 120,000 more illegitimate babies alive today." And that, perhaps, finalises the argument. If, like him, you think that is a good thing, possibly you may think it a good Act. If, like me, you feel that society ought to help and accept illegitimate children instead of killing them off, then you will not.

DO WE NEED THE SPACE SHUTTLE?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ASPIN. Mr. Speaker, I would like to include an article from the New Leader, March 20, 1972, by Norman F. Smith in the RECORD today. It is entitled "Checking the Arithmetic: Do We Really Need the Space Shuttle?" and is particularly pertinent in view of the forthcoming vote in the House on the space shuttle program.

The author has served as Assistant to the Director of Engineering and Development at NASA's Manned Space Center in Houston. He raises the issues and questions that still stand in need of examination and hard answers.

I commend this article to my colleagues:

CHECKING THE ARITHMETIC: DO WE REALLY NEED THE SPACE SHUTTLE?

(By Norman F. Smith)

The space shuttle has been "readied for launch" by NASA, the aerospace industry and President Nixon, but the real mission director—Congress—has not yet pushed the final "go" button. Whether the six-year development project is approved or aborted will ultimately depend upon how well it is understood by the American people and where it is ranked in the order of the nation's priorities. Whatever the outcome, it is certain to rouse the hottest debate heard thus far about our relatively uncontroversial space program.

The shuttle obviously represents an enormous step in space technology and, not so obviously, a commitment to undertake greatly increased space activities in the future. Proponents see it as opening the door to space; critics, as opening the door to the treasury. NASA currently estimates the cost of developing the system at $5.5–6.5 billion, including two orbiters ($250 million each) and four boosters ($50 million each). That figure, however, excludes launch expenses—i.e., propellant, pad services, refurbishment between flights, etc.—and the price of the payloads that the shuttle will haul into orbit.

Because the shuttle is largely reusable rather than expendable like present spacecraft, NASA argues that it will provide "airline-type service" into space "for a small fraction of today's costs." Designed to ferry men and material between the ground and earth orbit, the vehicle has been under sporadic study by NASA, the Air Force and industry for several years. A recent intensive effort funded mainly by NASA has distilled dozens of preliminary designs into one that looks like a fat airplane with an oversized fuselage, tiny wings, and a huge rump stuffed with rocket engines. It *is* a plane, we are told, within the atmosphere, but a spacecraft once it enters the vacuum of space. Roughly the length and span of a Douglas DC–9 jet transport, it contains a payload bay capacious enough to swallow a Greyhound bus.

This airplane-shaped orbiter would mount piggyback on a launch vehicle, resembling a large airliner stuck to the side of a Saturn-sized booster. The six rocket engines of the first stage would lift it to an altitude of 35 miles and accelerate it to 3,500 miles per hour before being discarded. As the empty booster fell back to earth, some kind of landing aid—probably parachutes—would drop it gently into the sea. Waiting ships would tow the floating booster back to the launch facility to have it refurbished for another flight.

Meanwhile, the orbiter would have ignited its three engines, fueled by liquid hydrogen and oxygen propellant from a large tank strapped to its belly. Upon reaching orbit, the empty tank is to be cut loose; what does not burn up in reentry should flutter harmlessly down into the ocean. Once the orbiter's mission was completed, retrorockets would slow it into a descent trajectory. Air friction in reentry would then further reduce its speed until it could glide to its landing site. Each orbiter would be designed to make 100 round trips, while the boosters would be reused perhaps only 10–20 times, and the throw-away fuel tank would have to be replaced for each launch.

The shuttle, designated the Space Transportation System (STS) by the Air Force, naturally invites comparison with the supersonic transport (SST), whose defeat in Congress last year sent a cold chill through NASA and the aerospace industry. A larger, more expensive scheme with far more tenuous possibilities of financial return, the STS will inevitably receive the same hard scrutiny that scuttled the SST. In responding factually and futilely to the nebulous, emotion-laden charges of environmental damage, the industry missed by a supersonic mile the main point of the SST furor: the fact that it was the first major nonmilitary pie-in-the-sky program that the public could get its hands on since the popular eruption of social concern. The SST seemed unrelated to today's needs, a kind of "hobbyshop" effort, to use the term engineers sometimes hurl at projects pursued more for fun or excitement than practicality or necessity.

The SST's hobby-shop image was inadvertently highlighted by disclosure of aerospace proposals for a *hypersonic* transport, or HST. This one would travel at twice the speed of the SST, with passengers sitting inside a fuselage loaded with liquid hydrogen propellant, looking out at wings glowing red hot from air friction. "If you like the SST," quipped the *Wall Street Journal*, "you'll love the HST." NASA may not have done the shuttle a favor by linking it with the hypersonic transport through spinoff. "The shuttle," said NASA's Bob Voss, "will lead to future development of a . . . transportation system . . . capable of reaching speeds of perhaps Mach 12 and above."

From a strictly technical standpoint, NASA's decision to make the shuttle a priority project is backed by solid logic. It is a bold attempt to solve several central problems that were simply too great to tackle during the first decade of space flight, including the reusability of hardware. From the beginning of the space age, rocket men have grieved over the loss of their expensive boosters after only one quick firing. Still, every scheme to save their fragile craft from a watery grave entailed intolerable payload penalties or unjustifiable development costs. The agency now proposes to use stiff, heavy propellant tanks and simple rocket engines to make recovery and reuse more feasible, but one official admits that "we really don't know . . . the number of flights [to] expect out of these systems."

Another pressing problem is the replacement of helpless parachute drops into the ocean with pilot-controlled landings on solid ground. This would both eliminate the expensive recovery effort by the Navy and facilitate reuse of the spacecraft. Yet the winged configuration that is best for landing would create horrible difficulties during the fiery descent into the earth's atmosphere, while a simple cone-shaped design for easy reentry could hardly be worse when it comes time to land. As one might expect, the more a vehicle resembles an airplane, the harder it is to protect in reentry, and consequently the heavier and more expensive it will be.

The size and cost of the shuttle project has given it a turbulent history within NASA itself. During early studies, the agency went all-out for a full solution to all problems at once. The result was a monster vehicle, at least on paper. Weighing over 5 million pounds, it was similar in size to a Boeing 707 mounted vertically on a Boeing 747 or Lockheed C5A for a rocket-type launch. Between them, the orbiter and booster had 14 large engines for space propulsion, 48 small thrusters for attitude control, and 14 airbreathing jet engines for flying back within the atmosphere to an airplane-like landing.

Estimates of development costs generally ranged from $8–15 billion, not counting flight vehicles ($400 million per pair), launch and payload. When James Fletcher took over NASA in 1971, he saw that the shuttle, as then conceived, required too great an advance in the "state of the art." Under pressure from the Office of Management and Budget, he ordered a retreat from the all-recoverable two-airplane configuration to a less exotic partially recoverable version. With $5.5 billion as a target, the booster became a more conventional launching rocket designed for a parachute-and-tow-back recovery, and the orbiter was considerably reduced in size by strapping on a throw-away fuel tank. It is on this model that NASA now pins its hopes with the Administration and Congress.

How much support the White House gave the project during the planning stage is not at all clear. After the President's special task group, chaired by Vice President Agnew, mentioned the need for a shuttle in its 1969 report, the Administration was silent on the subject for over two years. Then last January 5, Nixon announced his decision to proceed with the development of the shuttle.

The full possibilities of space, the President said, "can never be more than fractionally realized so long as every single trip from earth remains a matter of special effort and staggering expense." The new system "may bring operating costs down as low as one-tenth of those for the present launch vehicles," he continued, and seems likely to "take the place of all present launch vehicles except the very smallest and very largest." He also spoke of technological and employment benefits, and the opportunity for international cooperation.

Reduced cost has long been NASA's chief sales pitch for the shuttle. Officials claim that in contrast to a conventional booster, a reusable one would lower the expense of placing a payload in orbit from $700–1,000 per pound to about $100 per pound, "with potential for an even lower figure." To reach that estimate, the agency divided the expected launch cost of $7–8 million by the vehicle's full payload capacity of 65,000 pounds. This is misleading on several scores.

First of all, the comparison is not really accurate. Because the Saturn boosters are not resuable, NASA has appropriately included their price in calculating conventional launch costs. Its estimate for the shuttle, on the other hand, does *not* take the cost of the resuable orbiter or booster into account. Whatever the reasoning here, it would seem appropriate to charge one-hundredth of the $250 million orbiter ($2.5 million) and one-twentieth of the $50 million booster (by coincidence, also $2.5 million) to each flight. Adding this $5 million brings the total expense of a launch to about $13 million—or roughly $200 per pound, if the shuttle is loaded to full capacity.

Secondly, NASA's figures fail to incorporate the $5.5 billion development cost of the shuttle. Accepting the agency's projection of 445 flights over 10 years, the development cost per mission comes to $12 million; adding the true launch and hardware cost of $13 million, each flight budgets out to $25 million. Of course, if the shuttle flies more than 445

missions, the per-flight cost decreases; with fewer missions, it rises accordingly.

Thirdly, it is unrealistic to presume that the shuttle will carry a full load on every flight, and with lighter cargoes the cost per pound increases in direct ratio. For a capacity load, a $25 million launch runs about $400 per pound; at half-capacity almost $800 per pound, in the same ball park as large throw-away boosters like Saturn and Titan III. If the shuttle lofted a single satellite of, say, 2,000 pounds (most are not even this heavy), the cost would be a disastrous $12,500 per pound. The agency has not said what proportion of the system's capacity it expects to utilize on the average, but to bring any real savings in space transportation, the shuttle will have to make frequent flights with very heavy loads.

Little support for such heavy traffic into orbit can be found in our past space program. NASA's annual unmanned satellite launches numbered about 18 in 1968 and 1969, down to about 14 in 1970 and 1971; the total since the program began in 1958 is approximately 200 (excluding booster development flights). The Mercury, Apollo and Gemini manned missions account for another two dozen launches.

Given that many satellites weigh only a few hundred pounds, it may be more important to look at the total weight placed in orbit. Except for Apollo, no satellite approached as much as a tenth of the capacity of the shuttle, and the annual weight of all NASA satellites for 1966–70 averaged about 15,000 pounds—less than a fourth of the system's capacity for one flight. At the agency's projected rate of 45 launches a year, the shuttle could lift into orbit nearly 3 million pounds annually.

In its guarded and very general prediction of space traffic, NASA has stated that 80 per cent of the shuttle's cargo will be unmanned satellites. The agency expects to save money on satellite development because the shuttle's great weight-lifting ability will permit the use of cheaper, heavier materials and "off-the-shelf" instrumentation, instead of exotic materials and expensive miniaturized gear.

Satellites have earned a permanent place in the skies, and their uses are expanding. But many of the suggested applications—such as spotting fish, forest fires, and pollution—are so far only interesting ideas. Neither the technology nor the need for attempting these things from orbit has been established.

Moreover, the shuttle cannot be counted on to do the entire job by itself: To retrieve or place a satellite, it would have to rocket its own great mass into the precise orbit desired, a maneuver requiring a tremendous quantity of propellant. Thus a small tug (carried into orbit by the shuttle) has been proposed for the task of chasing satellites. Not yet designed or developed, the tug is considered a possible venture for European participation in the project.

In any event, taken at face value, NASA's estimates for the shuttle imply an incredible amount of satellite traffic. If its 3-million-pound annual capacity is to be 80 per cent satellites, a fully loaded shuttle (necessary to maintain low operating costs) would haul 2.4 million pounds into orbit every year. Even if its load averaged only 50 per cent capacity (thereby raising hob with the cost per pound), the total would come to 1.2 million pounds—over 80 times the average weight put into orbit each year from 1965–71. At the going satellite price of $2,000–7,000 per pound, the cost would run in the billions of dollars.

The Shuttle's over-capacity for NASA's purposes (it originally desired a 25,000-pound payload limit) reflects the high price the agency paid for Air Force support. Although no details have been released on the type of cargoes planned, NASA has indicated that about 30 per cent wil consist of Defense Department equipment. Colonel John G. Albert, Director of Space Operations for the Air Force, has said that his service is planning to use the Shuttle for all of its future launch needs and that no new space boosters are being developed beyond the present Titan III.

A crucial question is whether the use of military payloads in space, whatever they may be, will lower or raise world tensions, promote or hinder arms limitations. If the shuttle could serve a surveillance system operated by an international authority for the benefit of all countries (an idea advocated by many, including Edward Teller) it might become a world-wide priority. To date, however, there has been no move in that direction.

No sooner did President Nixon endorse the shuttle in early January than the battle lines began to form. Senate Majority Leader Mike Mansfield denounced the project as a "misplacement of priorities" and predicted a major election-year fight over the space budget. Democratic Presidential hopefuls Edmund Muskie, George McGovern and John Lindsay have joined the opposition, while Henry Jackson and Hubert Humphrey are backing NASA. Senators Walter Mondale (D.-Minn.) and William Proxmire (D.-Wis.), leaders in the fight against the SST, are doing business at their old stand. Mondale has compared the shuttle's satellite repair function to "building a fleet of gold-plated Cadillacs to go out and fix a wheel on a wheelbarrow." Press reaction, meanwhile, has been generally favorable, but some writers are closely examining NASA's cost estimates Bill Hines, a columnist for the Chicago *Sun Times*, has declared flatly that "the goal of $100 per pound cannot be met."

The question of whether the shuttle is a legitimate requirement or a hobby-shop project cannot be answered in isolation. The design now proposed is an honest solution to the most pressing problems of space flight, though NASA may have weakened its case by overstating the argument of economy. It has also failed to acknowledge that the shuttle will save money only if the nation undertakes a vastly expanded space program. Therefore the program itself must first be defined and then examined to determine how well it pertains, directly or indirectly, to society's goals today.

Spokesmen for science and technology have always contended that "progress" must be allowed to continue unimpeded, lest our spirit as a people stagnate. Yet the critical issue, it would seem, is to channel the drive for progress toward solving the specific, urgent problems impairing the quality of life in the country. This is the issue that shot down the SST—and that not only the shuttle but the entire space program now faces.

STEVEN CIPOLLA IS FINALIST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DULSKI. Mr. Speaker, I am pleased by the fact that a Buffalo youth, Steven J. Cipolla, Jr., of 55 Manchester Place, has placed third among 10 finalists in the 26th annual "Boy of the Year" competition sponsored by the Boys' Clubs of America.

Steven represented the New York region in the finals and made a creditable showing.

Mr. Speaker, as part of my remarks I include an article on the contest from the Buffalo Evening News of April 12:

BUFFALO YOUTH PLACES THIRD IN U.S. "BOY OF YEAR" EVENT

WASHINGTON, April 12.—A Buffalo youth today placed third among 10 finalists in the 26th annual "Boy of the Year" competition sponsored by the Boys' Clubs of America.

He is Steven J. Cipolla Jr., son of Mr. and Mrs. Steven J. Cipolla Sr. of 55 Manchester Pl. A member of the Massachusetts Unit of the Boys' Clubs of Buffalo, he represented the New York region in the finals.

Steven and the other regional winners received $500 awards at a breakfast meeting today.

A co-captain of the Seneca Vocational High School football team, Steven spent 10 weeks as an exchange student in Ecuador last summer and was credited with organizing that country's first boys' club.

Steven was accompanied here by Nick Mortellaro, director of educational and cultural activities for the Buffalo Boys Clubs.

Winner of this year's competition was Rodrigo Guerra Jr., 16, of Pasadena, Calif., who receives a $4000 award.

JUVENILE CRIME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill to establish an independent Institute for Continuing Studies of Juvenile Justice. As a cosponsor of the bill, I strongly urge its passage as a necessary tool in reversing the upward trend of juvenile crime.

Over three-fourths of the juvenile offenders arrested this year will return to our criminal justice system within the next 5 years. We must provide the necessary tools by which these aberrant youth will not travel down the tragic road to a life of crime. Clearly, we must reverse the juvenile crime cycle and not allow that first youthful offense to become a take-off point for a life of arrest and imprisonment. This legislation provides the means to accomplish this worthwhile objective. It does not provide just another study of the problem, for example, but real action as well. It is obvious that our juvenile justice system is deficient in coordination and could be made to function more efficiently. I am certain that few in this body would question the urgency of legislative action that will review and strengthen our policies and practices in the areas of juvenile justice.

This bill provides a two-pronged action attack on juvenile crime. First, it provides a centralized source for pertinent information on control of juvenile delinquency. Second, it will be a training center for those who will deal with juveniles in the criminal justice system.

The closest parallel we have to this proposed institute is the Federal Bureau of Investigation Academy. No one will dispute the effectiveness of this academy in disseminating information and expertise on law enforcement techniques to our State and local law enforcement agencies. It has been well received on all levels of government as an important tool in the overall attack on crime.

Now we wish to extend a similar tool

to the problems of juvenile crime. With proper training, law enforcement officers, corrections officers, social workers, and court personnel who come into contact with juvenile offenders will have a better opportunity to turn these youths away from a life of crime. Also by strengthening our local and State ability to deal with juvenile crime they will become a more potent deterrent force.

Mr. Speaker, this measure deserves the unanimous support of this body, I sincerely hope all my colleagues will vote for it.

BOMBING AND MORALITY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MINSHALL. Mr. Speaker, today's lead editorial in the Washington Daily News regarding our retaliatory strikes against North Vietnam is the most perceptive I have seen:

[From the Washington Daily News, Apr. 18, 1972]

BOMBING AND MORALITY

President Nixon's renewed air strikes against North Vietnam predictably have brought charges from the antiwar movement that he is acting in an "immoral" way.

For example, Sen. George S. McGovern, D-S.D., declared that Mr. Nixon is guilty of "a moral outrage" and has descended to "a new level of barbarism."

Since Sen. McGovern is now the left's leading contender for his party's presidential nomination, his views on Vietnam deserve attention. We long have been disturbed by their one-sidedness.

Sen. McGovern and others in "the movement" behave as if anything the North Vietnamese do anywhere in Indochina is moral, patriotic and justified, but anything done to resist them is immoral, dictatorial and unjust.

The Vietnam War has roots going back a generation, and this isn't the place to discuss which side was "right" or "wrong" at the start—if it makes any difference at this stage.

What is clear is that there is a country called South Vietnam, whose sovereignty is recognized by most major non-Communist nations, and that its people have the right to be left alone. Whether they wish to be governed by President Thieu we're not able to say, but they obviously don't want to live under communism imposed by Hanoi.

If the Viet Cong had anything remotely approaching majority support in the South, it wouldn't need the services of almost the whole North Vietnamese army to defect the Thieu regime.

For years North Vietnamese regiments have marauded where they don't belong—in the innocent-bystander nations of Cambodia and Laos and in regions of South Vietnam many hundreds of miles from the North.

They have shelled cities, mined buses filled with peasants, massacred villages, mortared market places, murdered school teachers in front of their pupils and committed many other crimes too sickening to retell.

In all this, Sen. McGovern and his backers in the "peace" movement, some of them wavers of Viet Cong flags, fail to see immorality.

But when anything happens to disturb the sacred soil of North Vietnam, it is "a moral outrage."

When Hanoi's regular army, with the most modern tanks, self-propelled artillery and missiles, crunched thru the demilitarized zone separating the two Vietnams, it threw away the fiction of a guerrilla war. It was an invasion, patterned on World War II blitzkrieg techniques.

President Nixon's agonizing decision to bomb the northern supply bases that support the invasion was entirely justified. It war not "a new level of barbarism." Sen. McGovern's charge, however, may be a new level of poltical hypocrisy.

BONN-MOSCOW TREATY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. RARICK. Mr. Speaker, people are wondering who is responsible for the President's agenda. His visit to Moscow is so important to the Soviets that even the bombing of Russian ships in the Haiphong harbor does not seem to affect his plans for his Moscow visit in May. Many are suspicious that the Moscow trip must therefore be vitally important to the Russians.

It just so happens that the West German Government, presently controlled by the arch-socialist Willy Brandt by a very narrow coalition margin, will be voting on the so-called Bonn-Moscow treaties during the month of May. Ratification of the Moscow treaty by the Bonn government could well have serious consequences on the West Germans to the extent of involving the Bhreznev doctrine and irrevocably starting them on the road to reunification of all of Germany under communism. The Bonn-Moscow treaty is so important to the Brandt-Moscow coalition that the Russians first tried the public appeal persuasion by offering unprecedented Easter visitation rights for West Germans to visit their East German relatives. Communist spokesmen have even offered favorable trade agreements to induce popular support of the treaty. Having failed, the latest Soviet reaction has been to threaten the West German Government should it fail to ratify the Bonn-Moscow treaty.

Consideration of the Bonn-Moscow treaties commences on May 3 and 4, with a vote in the Lower House which is expected to be favorable. Thereafter the treaty will be considered on May 19 by the Upper House, which is considered to have a one-vote majority against the treaty. Should the treaty be defeated in the Upper House, a conference committee between the two Houses is expected to convene in early June and the Lower House can override the Upper House action by an absolute majority. An Unpredictable event which could well affect the close vote on the treaty is the elections in Baden-Württemberg scheduled for April 23 which could change the vote in the Upper House.

In the meantime, not only has President Nixon reaffirmed his plans to supply the Communists with accommodation propaganda by his determination to be in Moscow near the time of the treaty vote, but he recently announced as his new U.S. Ambassador to West Germany, Martin J. Hillenbrand, who is expected to be in Bonn to reassure the Germans during President Nixon's talks at the Kremlin.

In the meantime, the average West German citizen who has lived 27 years under occupation of foreign troops is rightfully concerned that his freedom and that of his children may be sold out to appease the Soviets and make way for future U.S. concessions to the Soviet Union.

I have just returned from Germany where I spoke at a national rally attended by delegates to the Deutsche Volksunion. These Germans reminded me of my own people inasmuch as they felt that neither the Brandt Social Democrats nor the minority Christian Democrats represented their best interests nor those of the German people.

The average German on the street is well aware that at the time the Nationalist Chinese were expelled from the United Nations to make way for the Red Chinese, President Nixon's personal advisor Henry Kissinger, was in Peking. They reaffirmed their desired goal of a reunified Germany, but not at the cost of communizing all Germans, they felt that the proposed visit by President Nixon to Moscow at the time of the all important Bonn-Moscow treaty vote was far too reminiscent of the U.N.-Peking deal merely to be a coincidence.

I include my speech to the Volksunion and related news clippings:

SPEECH BY HON. JOHN R. RARICK

Dr. Frey, members and friends of the Deutsche Volksunion, ladies and gentlemen, I am indeed privileged to have this opportunity to be in Germany and to address you. Twenty-eight years ago I came to Germany as a member of the United States Army. I was taken prisoner of war and worked in an arbeit commando in nearby Wurburg. In fact, April 1st marks the 27th anniversary of my escape while enroute to Nuremberg.

The last time I came to Germany to fight Nazis—this time I've come to fight Communists.

Some may wonder why as an American of German descent who fought the German Government and had been a prisoner in Germany in World War II, I would be interested in returning to speak to the German people. I do so because I am a free man and the mission that my country undertook following World War II has not been fulfilled; that is, a free unified Germany under a representative government of all the German people. This is especially tragic when we consider that today there are Germans 27 years of age who were not even born until after the war between your country and mine, yet there has been no formal negotiated peace settlement, to end the war. We must place the blame for this failure to achieve a formal peace settlement on the Soviet hierarchy who still regards the war as continuing and will continue doing so until they occupy and suppress freedom in all of Germany. I feel it is my duty to do all in my power to remove the seeds of discontent between our two countries.

As one of the many American minorities assimilated into the American majority, I am aware of the many great contributions the German people have made through the centuries and their influence on western culture, which is also the culture of the majority of Americans—in science, music, math, medicine, aviation, and our space program,

which saw our Americans of German descent put a man on the moon far in advance of the Soviets of German descent.

I say in all honesty and sincerity that our mutual interests and aspirations far exceed our differences.

Like many of my fellow countrymen, I am aware that the image of America that your people receive accentuates the negative because we of the assimilated majority are presently dispossessed of the positions of control in our own country. We Americans are burdened under many of the same impediments that you experience here in Germany—suppression of unbiased facts, the dissemination of half truths, a national weakening process which favors an ever-growing menace of international communism. We Americans, like the majority of you German people, want peace—not peace Soviet style, that political vacuum which can be realized only when all anti-Communist opposition is suppressed—or to put it in another way, when all freedom is destroyed.

The peace we seek is the peace of mind in being left alone. The truths we seek are proven facts obtained in adversary proceedings and news that informs rather than opinonated theories used to condition and mold public opinion.

In our country, as in yours, disgruntled minorities and manipulate classes continue to disrupt our peace as they react to exploitation from the phoney promises of the communists to achieve class equality and sharing of the wealth. Those of the silent peaceful majority tolerate this hoping that by refusing to dignify them with resistance or confrontation, the challenges to freedom will extinguish quicker and without leaving residual scars.

Unfortunately, programmed assaults on freedom have developed into a nightmare as the peaceful citizenry despair from the psychopolitical war of nerves. The informed American can still separate manipulated communist exploitation of the masses from true oppression, deprivation and injustice.

It is truly unfortunate that the totalitarian leaders of Soviet Russia misinterpret our individual liberties, our free speech, and our tolerance of dissent as signs of weakness rather than freedom. If the Kremlin misjudges our resolute determination as free people, it will repeat the same mistake made by other dictators in the not so long past.

Today, around the world in almost every free country, class, youth, sex and racial turmoil are promoted for communist exploitation under the guise of achieving peace, justice, and freedom. Violence and turmoil are experienced in all countries except the Soviet Union and the colonies of the Soviet bloc. In the Soviet Union and her colonies, demonstrations are only tolerated in support of the communist system.

Those of you in Germany, especially those who have been to the Berlin wall or beyond, to the East, need not be reminded of the lies and hypocrisy of the revolutionists who can only find repression in the free world. For the difference between West Germany and East Germany is proof enough of the conditions existing in a country where the citizens of all classes are exploited and where repression of freedoms exist.

Those of us who have been born free or who have tasted that individual liberty which gives us some free voice in our present and future want no part of the Soviet plan. Yet, the Soviet masters continue to explain their weaknesses and shortcomings with the excuse that only after the world community is under complete communist domination, abolishing individual liberty, dissent, or opposition, can communism achieve its proposed aims—the Utopian classless state, the ant hill.

The majority of Americans who once thought that co-existence agreements with the Communists would result in peace are now realizing that to the Communists co-existence was but another battle in the long war for world conquest. Co-existence was but one step forward to consolidate its holdings from which to prepare for future aggression—all in the name of peace.

The American people, despite what you hear and have been led to believe, have never retreated from the front lines marking the co-existence barriers, South Vietnam, Korea, Nationalist China, and here in Germany, America's young men continue to serve on the frontiers that separate the free from the Communist police state. Nor has there been any retreat by the Soviets, who supply the weapons of war to North Vietnam and invade and subjugate Czechoslovakia and Poland, and who have armed Castro's Cuba.

Informed Americans are very aware that you in Germany live and work in the shadow of the co-existence front line in the long struggle to contain bolshevism from overrunning the heartland of Europe—the wellspring of national origin of the majority of American people. Your destiny is also ours—our freedoms as Americans are as dependent upon yours as yours are upon ours. For as Germany goes, so goes Europe, and eventually the world.

The American people who also suffered great losses and hardship in World War II want to be friends of the German people—for anyone to even suggest that Americans want Germany to go Communist is preposterous.

I speak to you today simply as one American citizen and not in any official capacity of my Government, nor my political party, nor any organized group. I say this because this is your country and the decisions are yours and not ours. I have no more right telling the German people how to run their country than you do mine. And to those who are anti-American, I would say the quickest way to send the American troops in Germany home is for ratification of the Bonn-Moscow Treaty. Something which would please some Americans as well as Moscow.

I feel it is fair and honest to tell you that our American President has likewise made no official statement nor adopted any policy toward Germany in this regard because he wants the political decisions to be yours. But just as he has not publicly disapproved the Bonn-Moscow Treaties, neither has he supported them. Don't confuse American politics with American foreign policy.

In the meantime, your people can expect to be bombarded by every conceivable propaganda method of persuasion, and diplomatic pressures to mislead your governmental representatives to play a German role of Neville Chamberlain in an attempt to achieve peace in our time.

Is the shakey promise of reunification of Germany such a bargain that it must be purchased at the price of Sovietizing all Germans? We the people of the world truly stand at the threshold of a new era, which way our leaders take us or we allow them to commit us remains for time alone to determine.

The Soviet Union in its imperialistic policies continues to overextend its political and economic controls. No country can occupy or sustain the world without creating dissatisfaction and losing control at home. As the Soviets extend, they weaken their home bases as their people continue to be exposed to new ideas and provocations. Every totalitarian form of government contains in its systems the seeds of its own destruction. The weaknesses of the Russian system are its undeliverable promises to its people and its violations of human rights to its own people.

In the ultimate, the decision to hold firm this bastion of freedom on the co-existence frontier rests with the dedicated efforts of you and other free German people like you.

Although we of the free world have no Brezhnev-type doctrine providing that any country which is free must remain free, Americans believe it is in the interests of free people to maintain rather than weaken psychological, political, legal, moral, economic, and military defenses against the Communists. Speaking bluntly, the decisions of the West German people could strengthen or weaken the free world. In the treaties in question, the existing Soviet domination over Central and Eastern Europe confirms the Communist system.

Although German Ostpolitik is said to be motivated by and directed towards decreasing tensions in Europe, reconciling differences with eastern neighbors and the hope for lasting peace and security in Europe, it has thus far but reinforced the status quo and strengthened the Soviet foothold in Europe.

Treaties concluded with the Soviet Union have failed to bear fruit in the past—in fact the Soviets comply only with treaties which further her purposes—yet, our leaders naively talk of hope for future success. Any successful implementation of pro-Soviet treaties cannot be predicted. However, judging the future from the past, we must constantly be aware of the consequences and must consider whether words on paper will change the present situation in Europe for the better, or whether they will only reaffirm European divisions and further complicate any sort of beneficial solution for the people. Germany must not be forced to play the role of the European balancer, nor become the object of confrontation between the East and the West. Ostpolitik initiatives are symbolic of Germany's and the world's desire for peace, yet symbolic gestures can be manipulated and exploited. Because of Germany's strategic location and important role, the decisions of your government will have great impact on the peace in Europe and the world. Consider the effect on Greece, Spain, Turkey, Portugal—to say the least.

Furthermore, the free world must be reawakened to the ever continuing Communist threat. As I said earlier, the Communist manner in attaining its imperialist goal of world domination has changed within the past years. We have seen a move towards diplomatic measures projected with so-called peaceful goals in mind, yet the ultimate, ever present Communist goals and motivations can clearly be seen behind the facade.

A new cover on a book does not change its contents; it just changes the initial impression until the page is turned. A Communist willingness to negotiate on problems which have plagued the free world for so long, must be viewed with the same caution as before. We must not be taken in by pleasing words and slogans. The road to slavery remains the same even if the road is renamed. The nations of the free world offer the only hope of eventual freedom to the peoples in Communist occupied countries. We have an obligation to continue this hope.

World War II was fought in order to eliminate a tyrannical force which subjugated the heartland of Europe. The post war years were spent reconstructing a shattered Europe and we can all be proud of the finished product—achieved by your efforts and America's aid. The differences between West Germany and East Germany should be obvious to all.

It is our common duty as citizens of the free world, Americans and Germans alike, to continue as a people united against Communist tyranny and aggression. Our united determination must be to maintain and perpetuate our cultural birthrights and our national institutions against the Soviet-Russian imperialism.

I compliment Dr. Frey and you members and friends of the Deutsche Volksunion for your efforts and leadership in the much needed reconciliation between our countries and our peoples.

Your struggle is our struggle.

[From the Washington Post, Apr. 18, 1972]

NIXON ADDS WARSAW TO FOREIGN TRIP

(By Carroll Kilpatrick)

Both the White House and the Kremlin indicated yesterday that preparations for President Nixon's summit meeting in Moscow are proceeding on schedule despite the heightened conflict between the two powers over Vietnam.

While some observers were speculating that the Soviet meeting would fall victim to the bombing of Hanoi and Haiphong, Polish Ambassador Witold Trampczynski called on the President to deliver an invitation to visit Warsaw.

Press secretary Ronald L. Ziegler said Vietnam was not discussed during the Polish ambassador's meeting. The President will visit Poland May 31 and June 1 after visiting three Soviet cities and Teheran, Iran, the White House said.

Official sources made it unmistakably clear, however, that Mr. Nixon is deadly serious in his determination to prevent a Communist victory in Vietnam.

He is convinced that the American people support him in the actions he has taken and that they would not support him if he stood by while the Communists overran South Vietnam, the sources said.

Ziegler emphasized repeatedly in answer to questions that the President will take "whatever action is necessary to thwart this invasion" by North Vietnam of the South.

He even indicated that a congressional resolution calling on the President to halt the bombing would be ignored at the White House. Ziegler said critics are "aiming at the wrong target" when they criticize the President; they should aim at Hanoi, which is responsible for the escalation of the fighting, Ziegler said.

A few hours before the Polish ambassador called on Mr. Nixon, a White House advance team headed by the President's military aide, Brig. Gen. Brent Scowcraft, took off for a planning trip to the cities the President is scheduled to visit. It is expected to land in the Soviet Union Wednesday.

In Moscow, at about the time the Soviets were formally protesting the Haiphong attack, which they said hit Soviet ships, it was reported unofficially that the President will also stop in Leningrad and Kiev.

From Kiev, he plans to fly to Teheran and then to Warsaw. As Vice President in 1959, after visiting four Soviet cities, Mr. Nixon flew to Warsaw for one of the largest and most emotional welcomes he has ever received.

Further indications that both Moscow and Washington are trying to conduct business despite the new crisis were the start here yesterday of Soviet-American negotiations on a lend-lease settlement and in Moscow over maritime issues.

Also proceeding on schedule was the visiting Chinese table tennis team, which the White House announced will call on the President at noon today.

United Press International quoted "diplomatic sources" in Moscow as saying that the President and Mrs. Nixon will stay in the Kremlin Palace, a guest house within the red brick walls of the ancient fortress, during their four days in the Soviet capital.

The President is scheduled to arrive in Moscow May 22. The White House said last week that he would spend a day or two in Salzburg, Austria, resting after the transatlantic trip before flying to Moscow.

The White House yesterday confirmed reports that the President intends to nominate Martin J. Hillenbrand to be ambassador to West Germany. Hillenbrand has been Assistant Secretary of State for European Affairs since February, 1969.

[From the Washington Post, Apr. 15, 1972]

NIXON CHOOSES HILLENBRAND AS ENVOY TO BONN

(By Dusko Doder)

President Nixon has chosen Martin J. Hillenbrand, assistant secretary of state for European affairs, as U.S. ambassador to West Germany, it was learned here yesterday.

The West German government has reportedly already approved the choice.

Hillenbrand would succeed Kenneth Rush, 61, who left Bonn in February to become deputy secretary of defense.

The selection of a top career State Department official with long experience in East-West affairs to the sensitive Bonn post appears to be administration recognition that the search for a settlement with the Communist half of Europe will continue to be at the center of German affairs for the foreseeable future.

Since he was appointed to his present job in February 1969, Hillenbrand has been intimately involved with the intricacies of Soviet-American relations. He backstopped the negotiation by Rush of the four-power agreement on Berlin last fall.

Earlier, Hillenbrand served as ambassador to Hungary in 1967–69 and as deputy chief of mission in Bonn from 1963 to 1967.

Hillenbrand's nomination comes as Chancellor Willy Brandt's policy of reconciliation with Eastern Europe is being severely challenged in West Germany's Bundestag.

A parliamentary defeat of Brandt's nonaggression treaties with Moscow and Warsaw could profoundly affect Europe's future and cause domestic political upheaval in West Germany.

Approval of the treaties, however, would place Hillenbrand in the midst of complex negotiations on such subjects as mutual balanced reduction of forces between NATO and the Warsaw Pact alliances and preparations for a conference in European security.

Hillenbrand, who is currently with Mr. Nixon in Canada, had been expected as senior official in European affairs to travel with the President to Moscow in May. But is now a distinct possibility that Hillenbrand would go directly to Bonn to be on hand to reassure the Germans during Mr. Nixon's talks at the Kremlin.

Hillenbrand, who has been coordinating Mr. Nixon's trip to Moscow, went to Brussels last month to brief the NATO allies on questions the President intends to raise in Moscow.

Hillenbrand's nomination is expected to win quick Senate approval. He is a familiar and respected figure in Congress, where he has frequently appeared as a spokesman for the administration. He is also highly regarded by Western diplomats, many of whom consider him one of the most competent American diplomats.

[From the Washington Post, Apr. 18, 1972]

SOVIET OFFICIAL WARNS BONN AGAINST FAILURE TO RATIFY PACT

Moscow.—Mikhail Suslov, a leading Soviet Communist Party official said yesterday that if west Germany failed to ratify its treaty with the Soviet Union it would lose its significance as a serious economic partner for his country.

Suslov, the 69-year-old top ideologist of the party, was addressing a joint meeting of the two Supreme Soviet (parliamentary) foreign affairs commissions.

It must be said with absolute certainty, he stated, that failures to rarify the treaty would have "extremely negative consequences, above all for the Federal Republic of Germany itself and its people."

Suslov's speech, reported by the Soviet Tass news agency, wound up the commissions' discussion of the treaty, which ended with a recommendation that it be ratified.

It now passed to the presidium of the Supreme Soviet for final approval.

[From the Wall Street Journal, Mar. 15, 1972]

JITTERY GERMANY: LEGISLATORS ENDANGER BRANDT POLICY OF EASING EAST-BLOC RELATIONS—IF PACTS WITH POLAND, SOVIET COLLAPSE, SHUFFLING IN BONN AND MOSCOW COULD RESULT; A FOE WHO "LOOKS TOO NICE"

(By Bowen Northrup)

BONN.—Is Rainer Barzel nervous?

"No, no." Then a loud laugh and a nonchalant wave of the cigar emanate from the opposition leader and would-be federal chancellor of West Germany, along with a gibe: "It is the government that is nervous."

Actually, everybody in this capital city is on edge. "Ostpolitik," Chancellor Willy Brandt's policy of seeking reconciliation with the Soviet-dominated Eastern bloc, is in peril. Specifically, there is growing danger that the Bundestag, or lower house, of the West German parliament will decline to ratify the treaties negotiated by Mr. Brandt last year with the Soviet and Polish governments.

That automatically puts Mr. Brandt's coalition government in peril. Much more than that is at stake, however. The Russians have indicated that they won't sign the final protocol for the Berlin treaty also negotiated last year unless Bonn approves the Moscow and Warsaw treaties.

By the same token, the U.S. and other Western nations have indicated that if Moscow doesn't sign the Berlin protocol, then they won't be eager to sit down for the broad-scale European security conference that the Russians have been seeking.

EFFECT ON SOVIET LEADERSHIP?

Diplomats anxiously wonder what effect a Bonn rejection of the treaties would have on President Nixon's scheduled trip to Moscow in May—and on Bonn's relations with its other allies. Soviet leaders Leonid Brezhnev and Alexei Kosygin invested a good deal of personal prestige in the negotiations with Bonn—in the expectation that the German parliament would approve the pacts worked out by Mr. Brandt. Some observers speculate that rejection of the treaties might even precipitate an upheaval in the Soviet leadership, with "hard-liners" emerging in control.

The debate in West German politics, in other words, has assumed alarming significance for the entire fabric of East-West relations. That, in turn, has focused growing attention on the person and policies of Mr. Barzel, leader of the opposition to Mr. Brandt's treaties.

Mr. Barzel is a stocky and smooth-faced man of 47 with a deep tan, an assured manner and a natty wardrobe. As leader of the Christian Democratic Union, he has taken firm control of an opposition bloc that also includes the Christian Socialist Union.

Above all, Mr. Barzel vehemently disclaims the role of wrecker in the crisis besetting Mr. Brandt's Ostpolitik. "Brandt knew our position before he signed the treaties," Mr. Barzel says. "If they fail, he alone must bear the responsibility." On the danger of upsetting the Soviet leadership, the opposition leader again zeroes in on Mr. Brandt: "I deplore the fact that the chancellor has involved the prestige of the Soviet leaders in his policy, although he knew he might not have a majority for that policy."

A WAVE THAT COLLAPSED

Until recently Mr. Barzel's views might not have been considered crucial in the East-West debate. Although he has been long considered a "comer" in the CDU, he became chairman

of the party and "shadow chancellor" only last Oct. 4.

A few months ago, no one could have foreseen that Willy Brandt would be in trouble. The chancellor was riding high on a wave of domestic and international popularity capped by the award last year of the Nobel peace prize. He looked invulnerable.

But now the parliamentary arithmetic is menacing. The opposition has a 21–20 majority in the Bundesrat, or upper house. By exactly that margin, the Bundesrat declined to ratify the Moscow and Warsaw treaties in a "first reading," or initial consideration, of the treaty legislation Feb. 9. Final consideration isn't expected for several months.

THE CRITICAL LOWER HOUSE

That margin is likely to continue, meaning that Mr. Brandt's coalition of his own Social Democrats and the Free Democrats must maintain an absolute majority in the lower house to overrule the Bundesrat and carry the treaties.

An absolute majority is 249 votes. Mr. Brandt's government began 30 months ago with a majority of eight, but this has declined steadily. Two deputies in Mr. Brandt's coalition defected earlier this month and joined the opposition, reducing his tally in the Bundestag to only 250. Various right-wing publications constantly warn of impending new defections.

Mr. Brandt claims, with heat and some justice, that his treaties would "open a new chapter in the postwar history of Germany." They would recognize the Oder-Neisse line in Poland and the frontiers of Communist East Germany as permanent borders. These pieces of territory have been in dispute since the end of World War II. The treaties also would include pledges of nonaggression.

Opposition leader Barzel is at pains to point out that he, too, supports the notion of rapproachment with the East. But he contends that Mr. Brandt hastily negotiated treaties giving the Russians and the Poles almost all they wanted while extracting very little for West Germany. In a recent parliamentary debate, he called the proposed treaties "incomplete, unbalanced and ambiguous."

Mr. Barzel wants the Soviet treaty to include mention of the possible future reunification of the two Germanys. And he contends that it doesn't obtain enough in the way of "human easements" for the people of the two Germanys. "There should be free movement of people, information and opinion," he says.

Mr. Barzel's third objection is that the treaties don't include explicit recognition of the Common Market. "People who deal in commerce can't bypass the Common Market," he says. "They must work through it."

The issue of free movement is emotive. Hundreds of thousands of West Germans have relatives in East Germany. In one recent critique of the treaties, Mr. Barzel said that "even if they did become effective, people in Leipzig would still not be able to travel to Cologne nor people in Hamburg to Dresden."

With that theme Mr. Barzel seems to have struck a receptive chord. "There has always been an undercurrent of opposition here to Ostopolitik—a suspicion of Soviet motives," one diplomatic analyst says.

The Russians lately have compounded the problem, through warnings in the state-controlled press of dire consequences if the treaties fail. "These are the kind of heavy-handed tactics that no one needs right now," the analyst says. Western diplomats have quietly been urging the Russians to lay off.

Last week the political debate here sharpened noticeably, amid speculation that Mr. Brandt might have to resign and call a general election well in advance of the scheduled ballot in September 1973. In a sarcastic speech last week, Mr. Brandt indicated that for the present he will soldier on.

"The chancellor has no intention of retiring," Mr. Brandt told a Social Democratic gathering. "I am not going to let myself be irritated by incidental difficulties."

Accepting the treaties, Mr. Brandt said, would mean a new era for West Germany and East-West dealings. Rejection, he warned would leave West Germany isolated in world politics, damage its relations with its Western allies, and imperil, among other things, the current talks with East Germany on access to Berlin.

In this great debate, Mr. Brandt said, the opposition has only one thing to offer: a "nein." The chancellor indicated that he would press on, expecting a "small but sufficient" majority in the Bundestag.

BRANDT'S PERSONAL POPULARITY

Some analysts think that Mr. Brandt might substantially increase his majority if he did call a snap election. Samplings of public opinion show about a 50–50 split on the issue of Ostpolitik, but Mr. Brandt's personal popularity remains high. A polling of 2,000 persons published last week by a Munich magazine showed Mr. Brandt with an 18% lead over Mr. Barzel.

Mr. Brandt has a rough-hewn quality that seems to inspire trust among German voters. The immaculate and quick-spoken Mr. Barzel, on the other hand, suffers from a reputation of being considered too smooth and glib, despite his obvious ability at debate.

"He just looks too nice," one analyst here says. Curiously, women voters seem sensitive on this point. A member of the Barzel camp recently confessed that women tend to turn the television set off when Mr. Barzel appears on the screen but maintained that women who meet him at a dinner party find him charming.

"But how," asked the Barzel intimate, "do we invite 30 million women to dinner?"

Although Mr. Brandt's popularity is strong, his administration's standing has been damaged by domestic setbacks. The economy has been in recession, although it has shown some signs of perking up recently. Inflation continues high. Tax reform has been postponed. There is concern about crime in the streets. Personal bickering in the Brandt cabinet recently surfaced amid reports that Karl Schiller, the "Supremo" minister for economics and finance, had come close to resigning.

Diplomats suspect that Mr. Barzel might breathe a sigh of relief if Mr. Brandt actually got his slender majority on the Ostpolitik treaties, so the opposition could fight a general election later on domestic issues. Indeed, Mr. Barzel seems most confident and voluble on domestic matters.

PROBLEM OF INFLATION

Mr. Brandt, he is told, has confessed failure so far on tax reform. Mr. Barzel laughs heartily. "I agree," he says. Tax reform, he maintains, must be integrated with other aspects of the financial and economic situation. In the meantime, Germany must conquer the problem of inflation.

"The same things apply to the state as to a private person," he says. "If I go into debt so that I can go on holiday, that is unreasonable." Invoking the memory of a Christian Democratic chancellor who presided over Germany during boom years of the 1960s, Mr. Barzel declares, "I would apply the pragmatism of (Ludwig) Erhard to the economic situation."

On the issue of peace and relations with the East, Mr. Barzel again is eager to place himself in the Christian Democratic tradition. "We are the party of (the late Chancellor Konrad) Adenauer," he reminds.

Although he opposes the Brandt treaties, Mr. Barzel says he, too, would seek agreements with the Russians. He insists that "the time will come when we can reach a reasonable compromise" despite the suspicion among diplomats that the Russians won't want to negotiate for a long time if the present treaties fail.

Mr. Barzel notes that he visited Moscow last December and talked with the Soviet leadership. "I explained our fears," he says. "The Soviet leaders know our objections to the treaties, and they know they can talk with us at any time."

Complicating the already tense German political scene is the fact that several months remain before final legislative consideration of the Ostpolitik treaties. The final "reading" of the legislation probably will take place in June.

Is Mr. Barzel really ready and eager to fight a general election now on the issue of Ostpolitik? "The opposition must be ready to fight a general election and take over the government at any time," he says. "We are ready to do both."

What does he expect to happen? "I am not the great oracle," he replies. "The only certainty is that things will continue to change."

[From the Washington Post, March 20, 1972]

BONN PARTY DEALS BLOW TO BRANDT

BONN, March 19.—West Germany's ultra-rightest National Democratic Party announced last night that it is withdrawing from the pivotal state elections to be held April 23 in Baden-Württemberg.

The National Democrats' chairman, Martin Mussgnug, said the withdrawal was intended to help prevent ratification of Chancellor Willy Brandt's treaties with the Soviet Union and Poland. The aim, he conceded, is to divert possible National Democrat votes to West Germany's principal opposition party. The Christian Democratic Union continued control of the Baden-Württemberg state government in the southwestern part of the country is vital to the Christian Democrats' hopes of defeating the treaties in the federal parliament.

This is because the Christian Democrats now have a 21-to-30 majority over Brandt's Social Democrats in the upper house of Parliament, the Bundesrat. That chamber's membership reflects the governments in the 10 West German states.

The Social Democrats and their coalition partners, the Free Democrats, are trying to win Baden-Württemberg in April to reverse the Bundesrat majority in the government's favor.

If the Christian Democrats retain control, the Bundesrat can be expected to maintain its present opposition to ratification. Then, Brandt could override its decision only by mustering an absolute majority in the lower house, Bundestag, a feat that many think beyond the capacity of the government coalition.

The Christian Democrats are expected to poll more votes than any other party in Baden-Württemberg. But, because of the possibility that the government parties might jointly win enough votes to control the legislature, the Christian Democrats will probably require an absolute majority of the popular vote to retain their hold on the state.

For the National Democrats, frequently charged with neo-Nazi sympathies, the withdrawal also marks their remover from Representative government. Baden-Württemberg is the last state where they are represented in the out of all the other states where it held seats.

During the 1960, the party won state parliamentary seats in seven states. Over the past two years, it has been wiped out of all the other states where it held seats.

[From the Washington Post, Mar. 20, 1972]

PROMISED REFORMS YET TO MATERIALIZE: BRANDT'S DOMESTIC POLICY HIT

(By John M. Goshko)

BONN, March 19.—At a time when foreign policy disputes have him fighting for his political life, Chancellor Willy Brandt is finding his fragile government coalition threatened from another quarter.

The trouble stems from rising dissatisfaction with Brandt's domestic programs. Many politicans here regard it as even more dangerous to his survival than the current struggle over ratification of his treaties with the Soviet Union and Poland.

Some even think Brandt would be wise to use the treaty controversy as an excuse to resign and seek new national elections this summer.

This, they argue would at least allow him to fight a camapign that would be largely a referendum on his policy of seeking detente with the East (Ostpolitik)—an issue where he seems to have public opinion in his favor.

By contrast, if he wins the treaty fight and survives until the elections scheduled for late 1973, the opposition Christian Democratic parties would be better able to challenge him on domestic issues. And, in such a campaign, the odds currently give them a very good chance of winning.

BRANDT'S PLEDGE

Brandt is vulnerable now because he won the chancellorship in 1969 by appealing to the large segments of the electorate unhappy with the inequalities of German life. When he was sworn into office, he made the now famous pledge that he would be "the chancellor of internal reform."

All of West Germany then settled back to see how he and his Social Democratic Party would translate their program of moderate, pragmatic socialism into a reality. After two and a half years, the country is still waiting.

The big reforms promised by Brandt in education, taxation, social welfare and equalization of opportunity have yet to materialize. At the same time, there is growing feeling within the electorate that the government has been unable to maintain West Germany's economic stability and is letting the country drift toward a unacceptable rate of inflation.

Lately, the rumblings about inflation have become especially ominous. As usual, they have been directed against Economics and Finance Minister Karl Schiller, the autocratic czar of the government's economic policy.

SCHILLER'S POLICIES

Schiller's policies have been subjected recently to harsh questioning and criticism by powerful figures within the Social Democratic Party and by Brandt's junior coalition partner, the Free Democratic Party.

Some political sources think that the storm building around Schiller is due less to discontent over his policies than to some well-publicized side issues.

In the last two weeks he has been embroiled both in personnel difficulties within his ministry and an alleged nepotism scandal involving his brother-in-law.

There is some truth to this. But it also is true that a lot of people who voted Social Democratic in 1969 because of faith in Schiller's ability to control the economy are starting to feel disappointed.

And, this disenchantment is spreading to other areas of domestic concern where the government's list of achievements is even more sparse.

It is not correct, as some charge, that the Brandt domestic record is "the worst" in West German history. In many fields—governmental reorganization, environmental protection, lowering the voting age, improving the rights of tenants and workers—his government has made some promising beginnings.

But, even when full allowance is made for these successes, they still fall far short of the sweeping overhaul of German life promised by Brandt in 1969.

To a large extent, the failure has been due to circumstances beyond his control.

UNEXPECTED BREAKTHROUGH

Although Brandt entered office intending to give priority to domestic programs, the unexpected break through of his reconciliation policy toward Eastern Europe immediately forced his government to concentrate a disproportionate amount of time and talent on foreign affairs.

Then, there is the fact that the government coalition has always been handicapped by a thin parliamentary majority—presently a minuscule four votes.

Perhaps most important of all is the fundamental incompatibility between extensive reform, which would cost a lot of money, and the need to assuage the almost obsessive German fear of inflation. As interpreted by Schiller, the fight against rising prices means the imposition of strict limits on governmental spending.

The way in which these factors come together to frustrate reform is illustrated by Brandt's problems with education—one of the areas of German life most sorely in need of overhaul.

SCHOOL SYSTEM

The government is pledged to introduce a more nationally uniform school system, mainly to give poorer children greater educational opportunities.

At present, most children from poorer families are destined to leave school after nine years, and only 5.7 per cent of West Germany's half million university students come from working class backgrounds.

But, control over the schools rests largely with the individual states. Of the 10 states, half are governed by the Christian Democrats, who jealously resist any attempt at loosening their control.

And Brandt's parliamentary majority is far too small to enact the legislation and constitutional changes necessary to give the federal government greater leverage over education.

The recalcitrant states could be won over somewhat with promises of greater spending on education. But here, the budgetary clamps decreed by Schiller come into play, with the result that the current federal budget fails to authorize any significant new spending on the schools.

This stalemate led to the resignation earlier this year of Brandt's education minister. Hans Leussink. His successor, Klaus von Dohnanyi is considered one of the most dynamic of the younger Social Democrats, but no one concedes him any real chance of breaking the impasse over education reform.

OTHER DOMESTIC SPHERES

In every other domestic sphere—housing, improved medical care, equalization of tax burdens—a similar situation exists. Government sources concede privately that even if Brandt does manage to finish out his term there is no longer any chance of a major breakthrough on any of these problems.

Instead, the present government strategy seems based on the hope that his Ostpolitik will succeed sufficiently to give Brandt a bigger victory in 1973 than he received in 1969. Then, with a strengthened parliamentary majority, he theoretically would be able to make a bigger push on reform in his second term.

This approach also presupposes that the economy will be in good shape by 1973, since that would be the single biggest campaign issue after the foreign policy battle is over. Here, the government must stand or fall with Schiller, and it is for that reason that the Social Democratic parliamentary caucus last week felt obligated to give him a vote of confidence.

Actually, Schiller did steer the economy through last year's international monetary crisis with considerable skill, and it has come through in better shape than many thought possible.

The question now is whether Schiller can steer a course leading to both full prosperity and sharply decreased inflation by next year. The answer is very important to the parallel question of whether Brandt is going to have a second chance to prove that he can indeed be "the chancellor of internal reform."

EXCERPT FROM ANNUAL REPORT OF FEDERAL-MOGUL CORP.

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BROOMFIELD. Mr. Speaker, Federal-Mogul Corp., a major domestic and international manufacturer located in Southfield, Mich., recently issued its annual report to its shareholders.

As in all reports of this type, there is the usual amount of facts and figures which describe in detail the corporation's past performances and prospects for the coming year. However, the distinguishing aspect of Federal-Mogul's report, an aspect which I feel merits its reproduction in the CONGRESSIONAL RECORD, is that it leaves the world of finance for a brief moment to express a sense of social responsibility and commitment to the community in which it operates.

Mr. Speaker, at a time when it has become increasingly apparent that all of us, government, business, and labor, must work together for the common good. it is refreshing to find a major corporation pledge itself to such standards.

As Thomas Russell and Samuel MacArthur, president and chairman of Federal-Mogul, respectively, have written:

It is imperative that the U.S. government, labor unions and industry set aside self interests and work together to structure plans and programs to enable us to meet the international competitive challenge.

I might add, Mr. Speaker, that that is also sound advice for the challenges which we now confront on the domestic scene.

Every management has a heavy responsibility constantly to evaluate products, markets, and the domestic and global competitive environment in light of immediate and long range trends. Part of this decision process prompted us, as we advised you earlier, to begin phasing out of the passenger car original equipment market for tapered roller bearings. It was this decision that resulted in a one-time write-off of $10 million or $1.81 per common share. At the same time in order to concentrate on the higher growth segments of the large size tapered roller bearing market, your Board of Directors approved a $20 million capital investment program to be used for a new facility and the expansion of existing facilities.

In this program, as in all present operations, Federal-Mogul is mindful of its responsibilities to the environment. As new or expanded Federal-Mogul facilities are planned and then designed, our own sense of responsibility plus the many new governmental regulations serve as guidelines. It must be pointed out that many of the new

regulations regarding industrial pollution were written in haste and with inadequate, incomplete research. New legislation means additional expenditures. The consumer must eventually pay this cost or individual investors—such as you—will see companies post smaller earnings.

We consider the world to be our marketplace and this annual report, in other sections, reflects that stance. Our investments, therefore, are made around the world. We make these investments because there are opportunities for us to use our proven capabilities within a marketplace where a demand can be met profitably, or because a particular growing market can best be served competitively by placing our manufacturing facilities near our customers. Overseas investments in facilities are not generally made, as some would have you believe, in order to use cheaper labor—thereby increasing unemployment in the United States. Legislative efforts to decrease foreign investments by United States companies on such grounds are grave mistakes and are based, in great part, on misinformation. Income taxes collected in the U.S. and our national trade balance are greatly increased by income from overseas investments. Federal-Mogul, like many manufacturers, imports very little into the U.S. from our foreign-owned manufacturing operations.

On the subject of employment, it is noteworthy that more and more jobs in the U.S. are being lost because of unreasonable demands by labor and labor legislation. An example is minimum wage legislation which prices unskilled labor out of the market each time the minimum is raised.

The fundamental social responsibilities of business will, and must be met. Business will get the job done quicker and more efficiently if the shrill special interest groups, many of which disagree with each other, will turn their energies to more constructive pursuits.

While overseas markets are, in many cases, growing at a faster rate than those in the United States, and cannot be served competitively from U.S.-based operations, the picture for American business on the international front is filled with growing difficulties. In Japan—which each year becomes a more formidable competitor—there is a unity of purpose. Government, labor and industry all act together for the common good. This same unity will be evidenced in the expanding European Common Market. Additional international competition is arising from the opening of trade relations with the Russian bloc countries and with mainland China.

It is imperative that the U.S. government, labor unions and industry set aside their self interests and work together to structure plans and programs to enable us to meet the international competitive challenge. It is impossible to maintain acceptable standards of living in America, in comparison with what we have now, behind tariff barriers that restrict trading with the United States. We must export to survive and consequently we must therefore import.

We are now in the midst of an election year. Heavy spending at the Federal level has become a way of life and will continue. Unfortunately, fiscal responsibility seems to be out of style and of little concern. The Federal debt service cost $21 billion in 1971 and is growing. Social programs continue to mushroom with no regard for the fiscal well-being of our country.

We are concerned that the investor and the worker are not making their true feelings known to their elected officials. Special interest groups, which always tend to be very vocal, are dictating social change. Many of these changes are against the best interests of the majority. This year gives all of us great opportunity to make our feelings known where it counts—in the election booth.

REPRESENTATIVE HARRINGTON URGES NATIONAL HEALTH INSURANCE COVERAGE FOR HANDICAPPED CHILDREN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. KOCH. Mr. Speaker, at present there is a debate being conducted throughout the country as to what we, as a nation, should do to alleviate the severe health crisis that we face today. This debate has shed some much needed light on the huge inadequacies of the present system of health care. The debate has also illuminated the fact that there exists widespread misunderstanding on the part of the public, and legislators as well, concerning the problems of handicapped and exceptional children. All too often these children are nothing more than another forgotten and ignored segment of our society. Because of their differences, they remain isolated from the mainstream of life, which thus adds social problems to the omnipresent physical and/or mental problems they already face.

Congressman HARRINGTON, of Massachusetts, has written an excellent article, appearing in this year's February/March issue of the Exceptional Parent, which shows his unusual understanding and rare insight into the plight of the exceptional child. His article, entitled "National Health Insurance Ignores Your Children," urges the parents of exceptional children to launch a campaign to educate the general public and public officials as to the realities of the problems they and their children face. He has also recommended that his readers press for the inclusion of long-term custodial and halfway house care in any national health insurance program enacted—as well as payments for the cost of special training and education of the mentally and physically handicapped. I wholeheartedly support this suggestion, and I insert his article for the benefit of our colleagues at this point:

NATIONAL HEALTH INSURANCE IGNORES YOUR CHILDREN

As exceptional parents you bear many burdens. You have the problems of finding adequate education and training for your children, of providing adequate care for the children, and of paying the exorbitant medical costs necessary for their well-being.

You have an additional burden—the problem of educating a somewhat unwilling public including Members of Congress to a knowledge of the problems of the millions of exceptional children in our scolety. Once they understand the problems, some of the financial pressures *may* be lifted from you. Because so little is known in the Congress about special needs of the physically and mentally handicapped child, little is done for them in terms of legislation or appropriations for national programs. You have a unique opportunity *now* to get some of the help you need for your child.

This opportunity is available because of the debate presently raging in the Congress about National Health Insurance. At the end of 1971, the House Ways and Means Committee finished hearings on the various national health insurance proposals. The Committee has begun to write its own national health insurance bill. The Senate Finance Committee will then consider the subject and report out a bill to the Senate.

Many bills have been introduced to provide adequate health care. These bills range in concept from the retention and expansion of private insurance coverage with a system of tax credits to give some relief to the consumer, to a major overhaul of the entire health care system designed to make the government the insuror and to pay for the costs of medical care from employer and employee taxes. This latter proposal constitutes the Kennedy-Griffiths bill.

I have co-sponsored the Kennedy-Griffiths bill because I believe the problem of health care is so acute that only a comprehensive, compulsory national health insurance system will solve it. The abysmal failure of the present system to give proper health care to the poor, the elderly, and the middle class at reasonable costs necessitates a dramatic change. The Kennedy-Griffiths bill starts in the right direction. I commend Senator Kennedy and Congresswoman Griffiths for the leadership and initiative they show on this critical matter. Yet, even this excellent legislation does not cover long-term chronic illness—particularly in providing custodial care. Senator Kennedy would be the first to acknowledge this lack, but the omission is caused by two factors: cost, and our definition of "health care."

A FALSE NATIONAL IMAGE?

The image currently conveyed to the American public via the media is that the Congress is seriously considering legislation which will provide comprehensive health benefits for everyone. That image is false. It is very clear that these bills do *not* cover everyone. What is even more disgraceful is that those needing custodial care and home care are not *even being considered* for coverage under *any* of the national health insurance proposals.

If it is indeed too expensive, as some claim (although no reliable cost figures are available), to provide these individuals with adequate health coverage, then now is the time to admit to the American people that there will be strong limitations in the National Health Insurance program. That is, everyone cannot be covered because the cost is too great.

The proposals currently being debated would cover a wide range of illnesses. But some people have illnesses other than those covered. These people generally have the least political clout—the mentally retarded, the mentally ill, and the physically handicapped. Children, of course, are the weakest political group in the country.

In my discussions with medical groups, Congressional committee staffs, and members of Congress, I have become increasingly aware that custodial care for chronic illness is not considered a health problem. Our society consistently differentiates between health services and social services. According to the policy planners of our government, your children's problem is a "social" one. Health care is defined as the curing of illnesses over a relatively short period of time. Those who are disabled—those who will never be completely "normal"—are considered "social problems."

HEALTH, OR SOCIAL SERVICE?

The time has come to reevaluate our national priorities, and to recognize that the various health services and social services are not necessarily divisible. Some have defined custodial care as a social service. To me, such care is a medical service. No one in government has fought to change the concept. If adequate federal funding were allowed for the various custodial care centers, then decent treatment could be provided in such centers. At this time, no federal funds go to the maintenance of patients in institutions.

States, suffering under crippling tax burdens, struggle to maintain a minimum level of care in most of their institutions. If our *Federal* dollars could be used to pay for the care and treatment of the disabled who require custodial care in institutions, the quality of their treatment could be considerably improved.

On the other hand, better, and less expensive, health care may come for many in a middle ground between home and hospital. For instance, an estimated 10 per cent or more of the chronic long-term patients in the Massachusetts state mental hospitals could be released if they had halfway homes to which they could go, homes where adequate medical supervision is available at all times. Studies of the severely retarded have demonstrated that with adequate training and education, most can learn to function in protected, non-institutional settings. Yet, we spend twice as much as we need to keep such individuals in state facilities simply because we lack the funds and imagination to look for and use the alternatives.

Education and training for handicapped children and adults have also been relegated to the "social" service category, where few funds are available. Education of exceptional children has always been a difficult and expensive task. Nevertheless, this education *remains* the responsibility of the school systems and society.

I fail to see why education and training of the exceptional child is not a health problem, particularly if we define health care as the attempt to improve the well-being of a physically or mentally disabled person. The current education and training systems are both chaotic and inadequate, and are a severe emotional and financial burden for the parents of exceptional children. The October 7, 1971 landmark decision by the Pennsylvania Supreme Court [see *The Exceptional Parent,* DEC/JAN '72, PP. 8–12] has required that the public school system admit the mentally retarded.

But what of the physically or emotionally disabled child who is unable to go to a public school? Is he to be deprived of the education he needs to lead the best possible life? Is he to be deprived of this essential training because he has a "social" problem? The answer is no.

Schools for these children are tremendously expensive, and no federal funds provide their maintenance. If we pay for occupational therapy in a Veterans Hospital, why should we discriminate against needed services for exceptional children in special schools—residential or day? The answer of course is that we should not. A system of national health insurance should pay the costs of this care.

WHAT CAN YOU DO TO GET A FAIR SHAKE?

First, make very clear to your Congressman and Senators that you want your children covered under *any* national health insurance program considered and passed by the Congress. Write to the Congressman for your district at: Name, House of Representatives, Washington, D.C. 20215.

Write to both of your U.S. Senators at: Name, United States Senate, Washington, D.C. 20510.

Write also to Congressman Wilbur Mills, Chairman of the House Ways and Means Committee and to Senator Russell Long, Chairman of the Senate Finance Committee. These two men will have the most influence over the contents of national health insurance because they chair the Committees considering the legislation. Congressman Mills' and Senator Long's addresses are the same as above.

Here is a list of my suggestions taken from my testimony before the House Ways and Means Committee. I welcome your letters with additional suggestions. I recommend:

1. That national health insurance provide unlimited custodial care;

2. That national health insurance provide for transient and permanent halfway house care;

3. That national health insurance pay for the care of the severely and mildly retarded and that such insurance cover the cost of special training and education;

4. That national health insurance be redefined to include social services necessary for decent health care;

5. That the chronically ill, not in custodial care, be provided with the at home, constant services, medication and equipment they require to maintain themselves, and that such services be provided to everyone regardless of ability to pay;

6. The structure of the health care system and any requirements of the financial support mechanism must be subject to the needs of the patient whether they be physical, mental, emotional, or socioeconomic.

The main problem is that legislators are not sufficiently aware of the costs of care, the costs and problems of education, and the difficulty of getting any assistance as a result of the run-around between agencies. With health care one of the major political issues of the coming year, now is the ideal time for exceptional parents to undertake the job of educating Congressmen and Senators. These legislators must be informed of the needs and problems of adequate home care, custodial care, and education. These are the fundamental rights currently being denied your children. Your representatives in Washington should know it.

As individual parents of disabled children, your most effective tool in influencing legislators is your own experience. Let them know both the emotional and financial difficulties you face. Many Congressmen will be shocked at the actual cost and hardship you endure. I have received many letters from parents of autistic and brain damaged children. These letters opened my eyes to the extent of the problem, and I am sure that they will do so for others. These letters also serve another function. In a Congressional office most of the correspondence is bureaucratic, boring, statistical and intellectualized. But the letters from parents showed me the human side of the problem, a side too often neglected by government. Such letters do not allow your representatives to hide the reality of the situation by burying themselves in numbers.

The best action is collective. Letters by Presidents or Directors of groups are fine, but their effectiveness is increased by additional letters from members of the organization. Tell your Congressman and Senators the needs not only of your children, but of your group. Offer proposals. You know better than he does what needs to be done in this area. The proposals do not have to be in the best prose, nor need they be in legal form. Your representatives have staffs skilled in writing legislation. His biggest problem is in knowing what kind of legislation is needed. You have had the experience to point to the shortcomings of present programs.

I also suggest that letters be brief and to the point. Congressmen and Senators receive a large amount of correspondence daily. A concise letter is often read and answered much more quickly than a lengthy, rambling one.

Encourage professionals and para-professionals to write to the Congress with their recommendations. Many Congressmen and Senators are unaware of the types of treatment involved in the care of the mentally and physically disabled child. Some have no knowledge of what the diseases are, or of their effects. Parents and professionals make a powerful combination.

Arrange an appointment to talk with your Congressman. If you cannot easily come to Washington, remember that all of them have offices in the district they represent.

Invite your representatives to see the facilities available to your children. If the representative cannot go, ask one of his staff. They will never forget the experience.

When writing or talking with your Congressman or one of his staff, always remain polite. You may be faced with abysmal ignorance of your problems, but by losing your temper you lose the battle. By quietly and forcefully presenting your views, you may not prevail the first time, but you will gain a lot of respect and will be well-received the next time.

Because National Health Insurance will be a presidential election issue, I urge you to make your views known to the candidates of both parties. No candidate can afford to ignore the views of the public on health care and I would, in addition, make their responses known to your friends and relatives, and to the members of whatever organizations to which you belong.

Contact your delegates to the Democratic and Republican conventions, make them aware of your stand on health insurance and ask them to vote for the plank which best embodies your feelings on this matter. Delegates are rarely directly contacted by interested parties and could benefit by your comments and analyses.

Contact the members of the drafting committee for the party platform at the conventions. Let them know how you feel and get them to tell you their stand. Communicate that stand and your support or rejection of it to your delegate. The Republican and Democratic platform committees are appointed in the spring.

Contact your *state* senators and representatives. They also can influence the Congress.

Write to the President and tell him how you feel. This may not be the most effective technique, but it has its effect if the volume is large enough.

Make your views known to Elliott Richardson, Secretary of Health, Education, and Welfare, 330 Independence Avenue S.W., Washington, DC 20201.

Contact the press in your area and the newspapers of the city nearest you. Present them with a finished statement or release. Local papers will often print the statement or release verbatim, and this will get your views to a wider audience.

The contribution you have to make in this effort is very important. I cannot stress enough how much your experiences can affect the outcome of legislation. National health insurance is but one of many—albeit the most important—pieces of health legislation before the Congress and your efforts could be broadened to the whole field. Special legislation might be offered for your assistance if coverage under national health insurance should fail. The struggle will not be an easy one and recognition will not come swiftly, but I do believe that your tenacity will pay off.

THE "BOYS" AND THE "GIRLS"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. JACOBS. Mr. Speaker, the following are an editorial from the Indianapolis Star on April 16, 1972, and an excerpt from an article written by Sanford Ungar in the Washington Post on April 11, 1972.

Could there be a connection?

[From the Indianapolis Star, Apr. 16, 1972]

OH, COME NOW

The Equal Employment Opportunities Commissioon has ruled that a cosmetics firm is guilty of sex discrimination because it

made official references to female employees as "girls."

The commission reasoned that since male employees invariably are called "men" the term "girls" implies female inferiority.

Evidently the commission is unaware of the fact that the females of the species in conclave at kaffeklatch, club meeting or bridge party often refer to themselves as "girls."

And, if the reasoning of the commission is to be followed, does it mean that the male members of a family may no longer have a night out with "the boys?"

[From the Washington Post, Apr. 11, 1972]

ITT EXECUTIVE DENIES HE GOT BEARD MEMO

(By Sanford J. Ungar)

The hearing room broke into an uproar at the end of the day when Merriam said, "I have 18 people working for me, plus 14 girls."

As the laughter subsided, Merriam corrected himself to say "18 men and 14 girls." Then he added, "At least it wasn't boring this afternoon."

"OLD POLITICS" DEFEATS PUBLIC AGAIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DINGELL. Mr. Speaker, the Washington Evening Star of April 8, 1972, carried a column by Milton Viorst relating to the recently approved water pollution control legislation, S. 2770, which I would like to share with my colleagues. Therefore, I ask that the text of the column appear at this point in the CONGRESSIONAL RECORD:

"OLD POLITICS" DEFEATS PUBLIC AGAIN

(By Milton Viorst)

Now and then, I indulge myself a little—and take bits of scattered evidence to mean that the American government, or at least Congress, is beginning to shift from being a coalition of venal private interests to a guardian of the public weal.

Like a few months ago, the Senate passed a bill that promised, indeed, to do something important about water pollution. And passed it unanimously. Unanimously. All those senators seemed to care about cleaning up our rivers.

So, armed with such evidence, I flew to a small college in upstate New York and lectured the students on the "new politics," in which I argued that the system was reforming itself and that it might, after all, still save us.

And you know what those students did? With varying degrees of courtesy, they declared that I was an incurable jerk if I believed that, and if I didn't I shouldn't be lying to them. I was, I must confess, stunned by the depth of their cynicism.

And then, last week, POW!, along came the kind of evidence which suggests that they were right and I was wrong.

By an overwhelming majority, the House of Representatives rejected the Senate's rigorous water pollution bill and, in one of those "old politics" masquerades, passed by a 380–14 vote a piece of legislation that has all the force of day-old dishwater.

I wondered how that could happen. It's become a cliche that the environment is above politics, and as sacred as motherhood—and, yet a House majority dared vote against it.

Well, the answer is that the old venal private interests—having been caught unprepared a couple of years ago by the sudden surge of public concern for ecology—have now regrouped, retailored their tactics to reflect current public goals and are counterattacking fiercely.

Business Week magazine has pointed out, for example, that such major industrial concerns as B. F. Goodrich, Kennecott Copper and Gulf & Western have recently established Washington offices, while other big companies have contracted new ties with Washington legal and public relations firms.

No one doubts that among the major objectives of these unprecedented efforts is the defeat of effective antipollution legislation.

Characteristic of this kind of lobbying was the telegram sent to congressmen by U.S. Steel, one of the country's largest polluters. Unable to oppose environmental legislation outright, U.S. Steel asked for a vote for the "tough House bill," which it called "eminently fairer than that passed by the Senate earlier."

Of course, there is nothing "tough" at all about the House bill—but enough congressmen receive campaign contributions from the U.S. Steel executives that they paid attention.

The National Association of Manufacturers also put on a big campaign, addressing a plea to 20,000 local companies to apply pressure on their congressmen.

The House bill, said the NAM letter, "would establish a tough but realistic program for progress in water pollution control, whereas (the Senate bill) could actually impede such progress (by) imposing tremendous costs to manufacturers."

It's touching to know that the NAM wants progress against water pollution—as long as it doesn't cost industry any money.

As for the congressmen, it's the old story of their responding to highly concentrated, money-backed pressure against the amorphous, uncrystallized public interest. That's what the "old politics" is all about.

But it's also about how the House itself operates. This bill came out of the Committee on Public Works, whose chief preoccupation is the distribution of the contents of the congressional pork barrel. Pork barrel projects generate close committee ties with both big industry and labor.

The committee's attitude toward pollution legislation, then, is hardly affirmative. Yet, any congressman with an interest in the pork barrel—and who has not?—will think twice before disputing the committee's judgment.

It's committee's ties with labor that explain the indifference of the AFL–CIO to the Senate pollution bill—and, of course, it's the President's ties with business that explain why the administration fought the Senate bill ferociously.

So, the public lost again. And I wonder whether it's wishful thinking to hold that democratic politics—at least, before public officials are divorced from private money—can ever turn the country around.

THE TREATMENT OF WOMEN OFFENDERS IN THE DISTRICT OF COLUMBIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. FRASER. Mr. Speaker, consideration of the problems of our correctional system usually focuses on the treatment of male offenders. Rarely do we give special attention to women offenders. However, the D.C. Citizens Council for Criminal Justice last month issued a very informative report on "The Treatment of Women Offenders in the District of Columbia."

The report notes that little is known about women offenders, except that they are young, poor, undereducated, lacking in skills, heroin users, and often the products of a disintegrated family. While typically their crimes involve neither violence nor victim, their treatment is frequently harsh and even discriminatory. Realistic programs of correction, rather than mere punishment, are lacking.

The report recommends a number of reforms, many of which are aimed at diversion of the offender from institutional incarceration, and particularly pretrial detention. Among these are increased reliance on citation referrals in lieu of arrest, expanded use of third-party custody release, and review of criteria for conditional release which appear discriminatory. Other suggested reforms include improvement of the collection and analysis of data concerning woman offenders; establishment of a neighborhood resource center as a halfway facility housing 130 to 150 sentenced female offenders yearly and aiding another 100 to 120 probationers and voluntary clients in readjusting to an active community role; and institution of an "ombudswoman" program for the redress of women offenders' legitimate grievances.

The executive board of the D.C. Council for Criminal Justice includes several experts on criminal justice. Among them are Ronald Goldfarb, a lawyer and the author of many books and articles on criminal justice; M. Robert Montilla, an administrator in the corrections field for 14 years who has specialized in the development of community based corrections; David Austern, a lawyer and the executive director of the Office of Criminal Justice Plans and Analysis; and Phyllis Lake, the executive director of the Friends of the Superior Court. While their report concerns the District of Columbia, I suggest that my colleagues will find it useful in considering the treatment of women offenders in other jurisdictions as well.

I include the report at this point in the RECORD:

THE TREATMENT OF WOMEN OFFENDERS IN THE DISTRICT OF COLUMBIA

The D.C. Citizens Council for Criminal Justice is a not-for-profit corporation founded in June, 1970, after the LEAA-funded Shenandoah Conference on Crime and Corrections. It was formed as a citizen-based private group to work for the improvement of the criminal justice system; to promote sound methods for the prevention of crime and delinquency; to assist in deriving schemes and programs for the rehabilitation and adjustment to society of delinquents and offenders; to work toward developing community-based correctional services; and to foster programs of public education designed to increase the general understanding of problems of crime and its prevention.

I. INTRODUCTION

A pattern of neglect marks the treatment of women offenders in the District of Colum-

bia. Guilty, in the majority, of such victimless crimes as prostitution and drug abuse, women generally receive second-class treatment in all phases of the at best flawed correctional process—from the pre-trial period through imprisonment to post-release support. They do less, but pay more.

The neglect is discernible in the following findings of an intensive study conducted during the last four months by the D.C. Citizens Council for Criminal Justice:

The Women's Detention Center is woefully overcrowded; built in 1956 as a temporary holding facility for no more than 55 women, it now houses a daily average of 95.3.

One third of those in the Center are awaiting trial; they are in detention simply because they cannot afford bail or meet bond conditions.

Personal recognizance release for women is harder to obtain than for men because women offenders generally are considered to present higher "risks of flight" before their trial. A housewife, not regularly employed, has fewer chances of pre-trial release than someone with a regular job.

The only outdoor recreational facility at the Women's Detention Center is a small, grim courtyard; indoor programs are extremely limited and crowded into inadequate space. Drug counselling is minimal.

The Detention Center is unable to segregate convicted women (two thirds of the overall population) from those awaiting trial.

Statistics about women in the Center are extremely sparse. Precise data on the treatment of women by the Bail Agency or the probation authorities do not exist.

Women sentenced to long terms of imprisonment are sent, when possible, to the Federal Reformatory at Alderson, West Virginia, far from Washington, and without significant pre-release access to the community to which they eventually will return. Presently 60 District women are at Alderson, either serving time or undergoing extensive pre-sentence investigations in narcotics or Youth Act cases.

Probation for women convicts has not yet developed into a viable alternative to imprisonment because Superior Court probation officers, with a 1971 average of 167 cases each, are overburdened, and because the probation program has no counselling services, clinical support services or day-care facilities which would be necessary for women probationers.

There is only one community correctional center for women in the District, and that halfway house is inadequate; it holds only 15 women, for whom there is no resident job counsellor and educational programs with extremely limited impact.

Pre-release work with women offenders to ease their return to the community is limited to one staff member of Efforts from Ex-Convicts working at the Women's Detention Center. A new program, One America, at Alderson and in the District is projected; it would include 30 women by September, 1972, and would provide job placement and counselling services.

The pattern of neglect is pervasive and discriminatory. To reverse it and begin a comprehensive correctional program emphasizing treatment and rehabilitation, the Council makes the following recommendations:

1. The establishment of a neighborhood Resource Center capable of housing between 130 and 150 sentenced females yearly and of aiding another 100 to 120 out-clients, among them both probationers and voluntary clients. This new halfway house would provide intensive individual, group, and family counselling, job placement help, referral to neighborhood education, training and assistance programs and drug treatment. Additionally, special health and child care will be provided by the facility while it concentrates on readjusting women offenders to an active, self-supporting community role.

The Council believes the new Center could operate at a cost below the present daily per capita cost of keeping a woman in the Detention Center, can make offenders into taxpayers even while they are serving sentences and, for an estimated investment of $340,000 can serve a more humane and efficient correctional purpose than can be achieved by the present plan to spend the same amount of money just to build a fourth floor on the Women's Detention Center in an area in the city slated for complete urban renewal by 1976.

2. A thorough, on-going statistical analysis of the treatment of women offenders in the District to provide the information without which present programs cannot be assessed, and from which new remedies and programs can be designed.

3. Expand and standardize the use of citation referral, and the issuance of a summons to appear in court, for women in misdemeanor cases in lieu of arrests that too often result in unnecessary pre-trial detention.

4. Expand third-party custody to increase the number of women who would be eligible for conditional pre-trial release to persons or organizations.

5. Provide expanded access to women of diversionary treatment programs whose success, before sentencing in individual cases, could lead to a dismissal of charges.

6. Lower the casework ratio for District probation officers and expand the social services offered through probation.

7. Improve conditions, facilities, and services at the Women's Detention Center while working for a long-range goal of totally discontinuing or at least minimizing the use of the Center for women offenders.

8. Transfer the long-term women offenders from the Federal facility at Alderson, West Va., to the women's prison at Jessup, Maryland, or to some new local facility nearer to their families and the community they will have to reenter and to possible work-release programs.

9. A full immediate, impartial evaluation of the performance, policies, programs and house rules of the Washington Halfway House for Women, now criticized by both its staff and clients.

10. Establish an ombuds(wo)man program for women offenders to redress prisoner grievances through arbitration, mediation, and conciliation, and when necessary, the slower processes of litigation and legislation.

II. BACKGROUND

The pattern of female criminal behavior in the District of Columbia is heavily weighted toward misdemeanors and those crimes which usually have no victim other than the offender herself. In fiscal 1970, for instance, women were charged with approximately seven per cent of the major crimes in the District. That year, 598 charges (of a total of 8,975) were filed against women offenders for the seven major crimes that make up the FBI Crime Index.

Excluding drunkenness and traffic offenses, a total of 3,359 charges against women for uniform crime offenses were filed here in FY 1970. Of these 71.9% were for misdemeanors and 28.1% were for felonies. The largest category (626 arrests or 18.7%) were prostitution arrests. Petit larceny (492 charges or 14.7%) came next, followed by disorderly conduct—usually streetwalking where charges for soliciting for prostitution cannot be proved—(465 charges or 13.8%); assaults (369 charges or 11.0%) and drug abuse (222 charges or 6.6%.)[1]

After arrest, another pattern emerges—that of confinement of women misdemeanors before trial. Of the 3,129 women arrested on misdemeanor charges in 1971 without a warrant, 544 (17.3%), spent varying lengths of time in the Women's Detention Center before preliminary court proceedings. These women were excluded from the citation release program for various reasons.

Of the others arrested in 1971, 1,056 (33.7%) posted collateral immediately and 435 (13.9%) received prompt citation releases. The remaining 675 (21.6%) were sent to court right after their arrests.[2] Statistics in 1969, the most current ones available, show that approximately 2,800 adult women spent an average of 6.7 hours each in detention at the Center before they either payed fines and were released, posted bond and were released (9%), or were released to the Superior Court (71%). In the latter category are many who return to the Center to await trial rather than obtaining bond or other arrangements for pre-trail release. Lack of data leaves unanswered the duration of these women's pre-trial detention.

Those in the Center—an average daily population in 1971 of 95.3 in a facility built in 1956 as a temporary lockup for no more than 55 prisoners—present a familiar profile of D.C. criminality. In the first six months of last year, approximately one Center resident in three was awaiting trial because, in most instances, the detainee could not meet bond conditions set by the court. Of those sentenced, nearly 30% were convicted of prostitution, 9% of disorderly conduct, approximately 17% of drug abuse and 5.5% of petit larceny.[3]

The population of the Women's Detention Center is approximately 84% black. Almost 70% are between the ages of 17 and 24, yet 86% are mothers. Of these women in jail 66% lack high school diplomas and 78% admit to having used drugs within the three years prior to their arrest.

Just over half (54%) were unemployed when arrested, and over half of the residents have prior criminal records. Eliminating women admitted for the first time, the WDC inmates have been admitted there a median number of four times.[4]

The sentences being served by the two-thirds of the population at the Center range from one month to life, although the ideal, according to WDC administrators, is to send offenders with sentences longer than one year to the Federal Reformatory at Alderson, W. Va. Since there are delays in getting space there through the aegis of the Federal Bureau of Prisons, many long term offenders stay at the Center. In February, 1972, 29 of the 63 sentenced women at WDC were serving sentences longer than one year, while another 60 were at Alderson either sentenced there or undergoing pre-sentence testing. Two District women sentenced under the Youth Act are confined at the Morgantown, W. Va. youth facility.

A survey of women in the Detention Center showed a pathetically low self esteem; 56% see their brothers and sisters as better off than they; nearly three-fourths (74%) believe they were better off five years ago than now. Yet, only 18% perceive the avoidance of crime as a problem they will face on release, and the major problems they list confronting them once they return to the community are employment (56%), drugs (34%) and family adjustment (26%).[4]

Neither the Center itself nor the alternate options proposed to date in the District of Columbia address these problems of women offenders in a significant remedial manner. The following sections of our report will detail the shortcomings we found and recommend the specific improvements we believe must be made.

III. PROBLEMS: ANALYSIS AND RECOMMENDATIONS

The thesis of this report is that the existing correctional procedures and facilities for

Footnotes at end of article.

women offenders in the District of Columbia are inadequate and misdirected. In this section we will analyze the separate failures of the system: bail, probation, detention, and halfway house practices, and offer recommendations for correcting specific abuses and mistakes. In the final section of the report, two new recommendations are offered and discussed.

A. Information gathering

Analysis: In the course of the study summarized by this report, the Council was disheartened to discover the paucity of statistics relating to the treatment of women offenders in the District. The generally notorious inadequacy of record keeping in the field of corrections only hampers efforts to help offenders. The Women's Detention Center had no official record-keeping process at all before July, 1971. The Bail Agency keeps no records, even now that distinguish between the sexes; and probation officials, similarly, do not maintain separate records on their male and female clients.

Recommendation: All agencies of the Superior Court, the Metropolitan Police Department and the Department of Corrections must begin compiling accurate data specifically on the women offenders they handle. The information should disclose, among other things, the success of parole, the pre-trial disposition of cases, conviction rates, availability and conditions of probation, length of sentences and parole as well as instances of revocation of probation and parole.

There can be no objective judgments about the success of our practices until we know what we are and are not accomplishing. At present, we are operating in the dark.

Without such data, including some reference to the status of the offender's children, designs will have to be determined by the instincts and whims of the officials responsible for the existing conditions. When, for example, we cannot find out how well or how poorly women offenders do on probation or precisely what extra obstacles they face in seeking bail, it is next to impossible to present convincing programs of remedial action in these crucial areas. The number of women offenders is small enough so that a comprehensive system of analysis can be quickly instituted and, once at work, would aid officials by illuminating the process they are administering.

B. Citation release

Analysis: The Council discovered that in 1971 only 435 (13.9%) of the women arrested on misdemeanor charges without a warrant were given citation releases, freeing them on their personal recognizance to await trial in the community instead of in detention. Citation releases do not require a money deposit and are determined, with information from a Bail Agency interview, by the sole judgment of the desk sergeant or the magistrate that the defendant will appear in court.

Recommendation: The Council believes, along with the 1971 Deputy Mayor's Committee on Alternatives to Incarceration, that the Metropolitan Police could profitably expand its use of citation referrals for non-violent misdemeanors charged to men and women. The tendency now is to make an arrest rather than issue a summons to appear in court, where the second determination—release or incarceration before trial—is made.

C. Personal recognizance

Analysis: The largest conditional release category administered by the Bail Agency is that of personal recognizance release. D.C. Bail Agency personnel conduct the interviews that largely determine the possibility of personal recognizance release, and although they keep no statistics on the basis of sex, officials from the Agency admitted that women are considered to pose a higher "risk of flight" than men. A far greater percentage of women than of men, they said, is required to post money bonds, and many women offenders are unable to meet those money requirements.

The standards of the landmark Bail Reform Act appear to allow an unsuspected bias toward women offenders. The Act empowers a judge (the Bail Agency has the operative power) to substitute less tangible ties to the community—employment, family and friendship associations and residence patterns—for money as indicators of a suspect's reliability and likelihood of appearing in court. Because so many District women offenders are jobless and show the fluid living patterns characteristic of prostitution, they are considered poorer risks for conditional release.

Recommendation: The Council recommends a review of the criteria used in determining conditional pre-trial release to assess whether existing practices do discriminate against women. We believe that they do and that the discrimination can be corrected without endangering the process of criminal justice.

D. Third party custody

Analysis: Individuals and organizations like the Washington Pre-Trial Justice Program, Bonabond, and Blackman's Development Center offer the possibility of presentence release of offenders using third party custody as a condition of personal recognizance release. The organizational programs vary in the range of services offered from the actual release to counselling and the provision of shelter and food for persons placed in their custody.

Too few women are involved in the programs of third party custody release, and existing organizational programs do not include supportive services geared toward women offenders (childcare facilities and the like).

Recommendation: The Council recommends that steps be taken to expand the use of third party custody as a condition in the release of women on personal recognizance. We urge that existing organizational third party custody programs develop supportive services for women offenders, and that they increase the number of women involved in the programs as an alternative to pretrial incarceration.

E. Diversionary programs

Analysis: Organizations such as the Narcotics Treatment Administration, Project Crossroads and the Offender Rehabilitation Project offer the possibility of releasing presentence women offenders into diversionary programs. The system permits release for persons charged with misdemeanors who enter supervised treatment programs while the court grants a continuance in their cases.

The NTA included only 15 women in its drug therapy program in 1971. Project Crossroads, aimed at educating, counselling, and finding employment for first offenders, currently handles 55 women and involved 193 women out of a total of 531 intakes between February, 1971 and February, 1972. The Offender Rehabilitation Program, with 25 female clients and 314 men, uses public defenders to provide social, psychological and vocational services drawn from all available community resources to indigent persons between arrest and sentencing. These projects demonstrate that many of their clients can become contributing members of the community instead of prison inmates. Not enough women are involved in them.

One problem is time. Another is a lack of day-care facilities. In Project Crossroads, for example, a 90-day continuance is regarded as too short a period in which to train an unskilled women offender for productive, self-supporting work. Lacking day-care facilities, Project Crossroads and other counselling and training programs cannot effectively bring women offenders with children to participate in education and work projects.

Recommendation: We urge the adoption of such diversionary programs to handle more women offenders charged with non-violent misdemeanors. In the diversionary programs aimed at bringing offenders back into the community as useful citizens, we believe that success in treatment can be a guide to judges in deciding whether, at the end of a continuance, it is possible to dismiss the original charge. The expansion of diversionary programs, with the addition of day-care facilities where necessary, will cost money. But we feel that such funds would be better spent than what is now wasted on jailing prisoners under conditions which give them little help in adjusting to their real problems.

We further urge the adoption in the District of the special American Bar Association—Narcotic Treatment Administration proposal for women offenders. Too many women offenders with drug problems—60% of the 700 defendants studied by the ABA's Special Committee on Crime Prevention and Control—end up with overworked probation officers, receiving no treatment or help for their addiction, and almost inevitably, returning to criminal behavior. The ABA–NTA project proposed last December to the U.S. Attorney's office is an excellent diversionary program and we recommend that quick progress be made in setting the criteria for eligible defendants and the time period for treatment so that the project can be implemented soon.

F. Probation

Analysis: Lacking records that distinguish between the sexes it is impossible to measure the success of probation for women offenders in the District. Like other convicted persons, they may be released under suspended sentences to the supervision of the court probation officers for specified periods. We do know, however, that Superior Court probation officers already carry average caseloads nearly three times as high as the ratio of the U.S. District Court Probation Office, 167 cases per officer instead of 63.

Recommendation: It is clear that the Superior Court must continue and intensify its efforts to lower the casework ratio for probation officers if probation is to become a viable alternative to incarceration. It should further improve the quality of its pre-sentence investigations. And, the Probation Office should add child-care facilities for women offenders at the same time it improves counselling and clinical support services. Along with the development and the use of a probationary halfway house, the Office also must develop an adequate research and statistical unit.

G. Women's detention center

Analysis: The physical inadequacy of the central facility for women offenders in the District is not just a matter of overcrowded living space: 47 small rooms, 2 dormitories, 2 control centers, and one sick bay for an average daily population of 95.3 residents. Living conditions are unhygenic. Lighting is dim. Those convicted are housed with those awaiting trial. Sick women and healthy ones, lesbians and heterosexuals are crowded together. The stresses are great; the reliefs minimal.

One community room serves as the canteen, indoor recreation area, party room, and space for visitors. Interviews with lawyers must be conducted in a tiny room. The library is the only place for group counselling and the vocational, work training and drug counselling programs, and the GED programs and law seminar. Listing these programs make them sound more impressive than they can actually be with the Center's high turnover rate precluding any sustained participation. About one third of the Center's population actually takes part in

any of the educational and vocational programs—typing, the monthly food budgeting course, the bi-monthly sewing class or the weekly health and drug seminar—and only 19% of the residents attend counselling sessions.

Along with the censorship of incoming and outgoing mail, including request for books and educational material,[5] the Center's rules for punishing misconduct appear primitive. Written rules, in fact, are not readily available to advise women what not to do so that they will not be put in dirty, poorly furnished "control cells", without access to regular baths, recreation, reading material, vocational training or telephone calls. Confinement in these cells is inflicted without the woman receiving adequate notice of charges, representation by a counsel or other spokes-person, confrontation of their accusers, the right to cross-examine or written records of the confinement hearing.

Regulations permit inmates two one-hour visits per week with social visits restricted to persons on an approved list and no special arrangements are made for the residents' children. All visitors are separated from the residents by a glass partition and must talk to them by telephone.

Recommendations: The Council, while urging the long-range goal of greatly reducing the Center's population by expanding the use of pre-trial and post-trial alternatives to imprisonment, endorses the objectives set out in the class-action suit filed in January, 1972, against the Department of Corrections officials on behalf of five Center inmates. The suit was filed by lawyers from the Public Defenders Service, The Lawyers Committee for Civil Rights Under Law and the Georgetown Legal Interns.

It proposes that living quarters in the Center be kept in safe and sanitary conditions, that no cell ward or dormitory exceed its designed capacity, that alcohol and drug abuse programs be instituted, that rehabilitation programs be developed for short-term offenders, that special consideration be given convicted and accused prostitutes, that prisoners receive essential preventive medical care and adequate and sound medical, dental, and mental health treatment, that the library be equipped with current legal materials and that decent comfortable private visiting conditions be established without limiting the persons a woman can see and communicate with.

The Council further urges the application to the women at the Center of the terms of the consent order entered in *Campbell* vs. *Rogers*, Civil Action No. 1462-71, U.S. District Court for the District of Columbia, applying to men confined in the D.C. Jail. That order states that men in the D.C Jail cannot be placed in treatment segregation unless the safety of one or more persons is threatened and without the inmate's receiving an administrative hearing within 24 hours of his confinement. At the hearing the inmate is entitled to representation, and his representative is furnished in advance with a brief description of the events which led to the confinement. Rules applicable to the rights of male offenders should also clearly fit women in a similar situation.

The Council regards as wasteful and misdirected the present plans of the Department of Corrections to spend $340,000 already appropriated by Congress to build a fourth floor on this inadequate facility with space for 32 more inmates. Adding to a terrible facility—when the goal should be its discontinuance—in an urban renewal area where buildings are marked for total demolition by 1976 is pointless and amounts to diverting efforts and resources from the real search for valuable alternatives to prisons.

The Dillingham Corporation in a report studying the existing correctional facilities in the District and including recommendations for improvements and new facilities said in December that: "The Women's Detention Center is overcrowded and lacking in space for recreation, counselling and medical services. Remodelling has been necessary to ameliorate the most pressing problems; extensive remodelling or additions, however, would be a poor investment." [6] We urge City Council to take steps to avoid this catastrophic error.

The Council is heartened to learn that officials have at least temporarily shelved plans to convert a warehouse at 4th and Edgewood Sts., N.E. into a facility for women offenders awaiting sentence. Projections showed the conversion would cost an estimated $500,000, and the facility, with a staff of 91 and a capacity of 100 women, would cost approximately $750,000 a year to operate, with little to show in improved programs or conditions.

The Council in principle approves the long-range plans to establish a halfway house for women under Project New Hope, a demonstration work-training and counselling program at WDC which has faltered in getting started inside the Center. Project New Hope was designed as a program for short-term offenders, and funded with a grant of $266,347 from the Department of Labor in June, 1971. A December, 1971, progress report by the Department of Corrections outlined the numerous planning and staff problems that have virtually halted the development within WDC. As of February, 1972, with an estimated $80,000 spent, the program is still in an embryonic stage with, at most, nine residents enrolled. The criteria for resident enrollment continue to change, program goals are vague, and the development of drug treatment programs, job commitments and child-care facilities is inadequate and incomplete. The Council feels that the handling of Project New Hope is a perfect example of the bureaucratic misdirection and misuse of funds which has characterized even the few innovative programs for women offenders in the District.

The Council is encouraged by the Department of Corrections' plans to open Jackson House, just outside the main gates of the Lorton, Va. reformatory complex, in April, 1972, for 15–20 women offenders serving 12–18 month sentences. The women, some of whom may be transferred to Lorton from Alderson, W. Va., will have access to the programs of treatment and rehabilitation conducted for male offenders at Lorton, and will be nearer their ultimate homes.

H. The Alderson facility

Analysis: Women serving long sentences or being tested before sentencing—60 as of February 10, 1972,—are now housed at the Federal facility at Alderson, W. Va., far from the District and from the community to which, on release, they will have to return and adapt. A closer facility for offenders with long sentences and those being tested exists at Jessup, Md., where it would be easier for prisoners to participate in education and work-release programs, maintain contact with their families and friends and demonstrate, if possible, their capacity to use supportive community and family ties. At Alderson, in a relative vacuum, such evidence of potential rehabilitation is far harder to obtain.

Recommendation: We urge the transfer of long-term offenders from Alderson to Jessup, where there is space for them and where costs would not differ markedly from those in the Federal prison.

The Council urges the Mayor, City Council, and Department of Corrections officials to use all possible influence to persuade the Maryland legislature—which we believe to be more receptive to the suggestion now than on two previous occasions it was unsuccessfully broached—to let the District contract to use space at Jessup until the city has proper facilities of its own.

I. The Washington halfway house for women

Analysis: The only halfway house for women offenders in the District was opened at 1816 19th Street, N.W., in March, 1971, as a work-release center with a maximum residential capacity of 15 women. All the residents are addicts, referred from the Women's Detention Center, and remain at the house for an average of three to six months. Initially funded with LEAA and NTA grants, the Washington Halfway House for Women is now operated under the contract to the Department of Corrections by the Washington Halfway House Association.

Most of the residents are employed. Few seem interested in participating or are encouraged by the staff to participate in educational programs available through the Roving teachers. There is no job counsellor on the staff of the house, and individual counsellors use Efforts from Ex-Convicts (EFEC) and the Department of Vocational Rehabilitation to obtain jobs for the residents, who are usually qualified to work only as maids or waitresses. One staff member told the Council that residents must often find employment themselves.

Along with the mandatory drug counselling sessions twice a week—accompanied by the taking of urine samples for analysis—the halfway house imposes strict limits on its residents' free time. Required to return to the house immediately after their work, they are entitled to see visitors for two hours Sunday afternoons and, depending on evaluations of their performance by the Senior Counsellor, to take eight-hour passes Saturday and Sunday. According to one staff member interviewed, these rules—far more restrictive than those applied to men in similar D.C. facilities—encourage defeatism.

"Snitching is encouraged at all levels of the house operations, both intra-staff and intra-residents," a Council investigator was told. "Volunteers including the YWCA, home economics teachers, church groups and the like have called to offer services to the residents, but they have been discouraged from conducting programs in the house."

The residents themselves have complained of these conditions including the policy that keeps them from using the second floor, reserved for the director, although the director, for some inexplicable reason, does not live at the house. Ten residents wrote a letter of complaint about the lack of privacy and the lack of leadership from the director last June to the Department of Corrections. Staff members say residents' morale is extremely low, and some residents—older than the staff and usually repeat offenders—say they would prefer to stay in the Womens' Detention Center.

Recommendations: With the expiration of the first year's LEAA and NTA funding ($145,355) this June and the good possibility that a new grant of $114,000 from LEAA will be refused (because it is in competition with regional diversionary requests from several states), the promise and problems of Washington Halfway House for Women require urgent attention. We recommend a full and searching evaluation of its policies, programs, house rules and staff be promptly conducted.

The Council strongly supports the development of community correctional facilities and is anxious that the desperate need for such facilities for women not be jeopardized by the poor direction and inadequate programs of the sole halfway house for women in the District.

J. St. Elizabeth's Hospital

The lengthy report by Rev. Albert Broderick [7] published the situation of offenders judged criminally insane and confined to the John Howard Pavillion at St. Elizabeth's Hospital. Twenty-three women offenders—16 from the District—presently are detained there with little attempt for treatment and

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subject to vague and inadequate criteria for release.

The Council can do more than urge a thorough investigation of the conditions at the John Howard Pavillion and the swift development of extensive legal criteria to ensure proper treatment and prompt release of those not mentally ill.

IV. RECOMMENDED NEW PROGRAMS

This report has shown the neglect and prejudice, under existing conditions, suffered by women offenders in the District and made suggestions on improving practices and facilities that now contribute to the poor functioning of the correctional system. Believing that the District must emphasize pre- and post-trial alternatives to imprisonment, must drastically improve the conditions of those incarcerated and must develop more and better community correctional facilities, the Council offers two recommendations for new initiatives in treating women offenders.

Ombuds(wo)man

The idea of non-judicial remedies to redress prisoner grievances has been tried successfully abroad and is taking hold now in the United States, in Philadelphia, Oregon, Hawaii and several other places. Correctional ombudsmen try to resolve prisoners' grievances by dealing with the administrators involved, only recommending the slower processes of litigation or legislation when necessary, but attempting arbitration, mediation and conciliation first.

There is no question of the need for such a person—preferably an independent and private citizen, not a governmental official—in the District correctional system. The Council urges that the first ombudsman program here be established for women offenders, a smaller percentage of the criminal population and hence an ideal experimental group. Having been neglected so long women offenders now deserve some preferential treatment. Indeed, we see no reason why the first appointee—, in a trial which may well aid the whole system—should be a male. Why not an ombudswoman.

The neighborhood resource center

Rehabilitation can be tested only in the community. Many women are needlessly confined in a security facility. Future official plans offer no viable alternatives for women offenders.

With these three unchallengeable statements in mind, the D.C. Citizens Council for Criminal Justice has developed its own proposal for a community center for sentenced women which it would operate under a contract to the D.C. Superior Court and the Department of Corrections. Residential in nature, the Neighborhood Resource Center also would maintain programs of support and help to probationers and voluntary clients; it would be capable of servicing an estimated 130–150 residents yearly and 100–120 out-clients in premises similar to those of the Youth Project House at 1719 13th Street, N.W., a community center with room for 32 residents.

With professional and paraprofessional staff as well as volunteers—including former offenders—the Resource Center would handle as residents both those misdemeanants referred by the court as an alternative to traditional incarceration and long-term sentenced women being moved halfway back into the community for rehabilitation. Probationers could either be residents or out-clients. In either case their involvement with the Resource Center would work to reduce the punishing overload of cases on the probation workers. Finally, through programs of voluntary involvement, the Center would reach out to those hundreds of District women desperately in need of guidance and assistance to to help them avoid future direct conflict with the system of criminal justice.

To all of them, the Resource Center would offer the services of caseworkers and counsellors in programs of individual, group, and family counseling, job placement, drug treatment and referral to neighborhood education, training and assistance programs. Additionally, with emphasis placed on utilizing community agencies with which women will maintain contact after release, the Resource Center would provide specialized health and child-care and counselling services for women with special needs.

The involvement of volunteers as counsellors and as clients fits the basic design of a community-based facility conceived as a demonstration that a single facility can serve as a resource center for the free community as well as its sentenced members, and can deter individuals from criminal behavior and prevent them from repeating it.

The Resource Center also benefits from a simple cost-effectiveness rationale. While reducing capital expenditures for incarceration (for example the planned $340,000 fourth floor on WDC would not be needed), the new program should be able to operate spacious and comfortable quarters for residents at $24–$28 per capita daily, at least one dollar below the steadily increasing per capita cost (now about $29.00) for those in the Detention Center. The savings to taxpayers annually would be significant.

Moreover the Resource Center would expect all its residents to create additional taxpayer savings by being or becoming self-supporting. Women in the house either would be employed or in community programs of academic or vocational training leading to employment. Except for those earning less than $50 a week, each resident would pay $2 for subsistence every work day after the first thirty days of residence, and these funds—running perhaps to $15,000 yearly—would be turned into the D.C. treasurer to be used as tax payments, payments to dependents, and even partially, as payments toward the room costs at the house.

A further tangible saving produced by the Center originates in its dual-purpose concept: community center and halfway house. Rooms used during the day for clients' children can be used at night for the children of community members engaged in Resource Center activities. The residential kitchen by day can cater to local groups at night, and meeting rooms for group activities need not be idle in the evenings. A public resource will give the public maximum use.

As part of the Metropolitan community, the Resource Center should seek to draw on existing service organizations, neighborhood groups, schools and churches both to aid its clients and to use its facilities in a way that no prison can. A neighborhood advisory council could be formed to facilitate this two-way involvement, another contribution to restoring offenders to regular community activity. Similarly, a citizens' advisory board for the Resource Center could have the dual function of bringing outside expertise to the house and interpreting the programs and activities to the general public.

As projected in a detailed outline which the Council will soon make public but not thought appropriate for inclusion in this short report, at overall economic savings the Resource Center staff would include the following trained personnel: a director and assistant director, a community placement specialist, two caseworkers, three counselors, a nurse, a cook and an assistant administrative aide.

This staff would provide residents—who would be accepted for a minimum stay of six weeks—and the changing group of 20 out-clients the services they need to re-adapt to a community in which they once failed. The house itself would contribute to that adaption process by making its residents responsible for maintaining their own quarters, their own clothes and their grooming. While meals would be provided, residents who stay in during the day will be expected to take an active part in their arrangement, from shopping through preparation.

With the projected ratio of staff to clients, it should be possible to give women in need the individual attention and encouragement that is crucial to their successful readjustment. With the interaction between the normal community and those temporarily outside it, the Resource Center should be able to bridge the gap between the regular life of the majority and the criminal pattern of the minority.

This Council was depressed and outraged by what we learned in our study of how women offenders are treated in the District of Columbia's so-called correctional system. We were depressed by the neglects and prejudices of the past; what is worse, we were outraged by the community's little attentions to and its misguided notions about the future. Thus, we present this report less as a sad history than as a hopeful prologue. Our hope is that serious and wide attention will be paid to this subject hereafter and that our proposals for reformitive improvements will be heeded. The present way is no longer tolerable.

Kathleen Gilligan, staff director, D.C. Citizens Council for Criminal Justice.
Ronald Goldfarb, president.
David Austern, vice president.
Robert Montilla, treasurer.
Phyllis Lake, secretary.
Mary Carroll Potter, board of directors.

FOOTNOTES

[1] Metropolitan Police Department: *Uniform Crime Reporting Program*, FY 1970.

[2] Metropolitan Police Department: *Citation Release Program Report*, Annual, 1971.

[3] Women's Detention Center Records, 1971.

[4] Information gathered February, 1971, for in-house planning purposes based on interviews with 50 women, approximately half of the daily average population of the Women's Detention Center.

[5] Inmates' Information Bulletin, February, 1971.

[6] Dillingham Corporation: *Summary Report*, December, 1971, p. 3.

[7] Broderick, Albert: *Justice in the Books or Justice in Action*, Catholic University Law Review, Vol, 20, No. 4, Summer, 1971.

TOASTMASTERS ADDRESS DEDICATED TO SENATOR EDMUND S. MUSKIE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. KYROS. Mr. Speaker, I am proud to commend to the attention of my colleagues a winning toastmasters address, dedicated to Maine's Senator EDMUND S. MUSKIE, which was recently given at the Woodfords Toastmaster in Portland, Maine.

This address, written by Portland Attorney Paul K. Stewart and entitled "A Man To Match Her Mountains," is a fitting tribute to our distinguished junior Senator, and an accurate lyrical portrait of those qualities which have made him one of Maine's and the Nation's, outstanding men. It demonstrates that the much-publicized comparisons between ED MUSKIE and Abraham Lincoln go far beyond the superficialities of appearance

and manner to the very core of each man.

I know that my colleagues on both sides of the aisle will be interested in this excellent address:

A MAN TO MATCH HER MOUNTAINS

Nathaniel Hawthorne, one of the great storytellers of our New England heritage, recounts the legend of "The Great Stone Face." He tells how one afternoon, when the sun was going down, a mother and her little boy sat at the door of their cottage, talking about the Great Stone Face. They had but to lift their eyes, and there it was plainly to be seen, though miles away, with the sunshine brightening all its features.

"Mother," said the little boy, while the titanic visage smiled on him, "I wish that it would speak, for it looks so very kindly that its voice must needs be pleasant. If I were to see a man with such a face, I should love him dearly".

"If an old prophecy should come to pass", answered his mother, "We may see a man, some time or other with exactly such a face as that".

"What prophecy do you mean, dear mother" eagerly inquired the little boy. "Pray tell me all about it!"

So his mother told him a story that her own mother had told her, when she was a little younger than her little boy; a story, not of things that were past, but of what was yet to come; a story, nevertheless, so very old, that even the Indians, who formerly inhabited this valley, had heard it from their forefathers, to whom as they affirmed, it had been murmured by the mountain streams, and whispered by the wind among the treetops. The purport was, that at some future day, a child should be born hereabouts, who was destined to become the greatest and noblest personage of his time, and whose countenance should bear an exact resemblance to the Great Stone Face.

"O mother, I do hope that I shall live to see him", the little boy exclaimed. Wistfully, she only said to him, "Perhaps you may."

Scarcely a giant step away, in the same parallel of latitude, in the neighboring State of Maine, less than a century after this tale of Hawthorne, a body grew up in Rumford who resembled the lad in our story, a body who was quiet and studious, the son of an immigrant tailor who had early imbued this lad with the love of freedom and an appreciation of the opportunities of his father's adopted country. The boy increased in wisdom and stature. His rise from those simple beginnings to a position in the forefront of our nation's leaders has shown the finger of God, the hand of destiny. Valedictorian of his high school class, lead debator in a school famous for its forensic skill, a law school student who achieved despite working his way through school, occupant of a small law office, then honorable service in his country in time of war, a seat in the legislature, then the first Catholic Governor of Maine, the first Catholic Senator from Maine, then, the sweet reasonableness of his style in debate led to a candidacy for Vice-President in 1968, and then, resembling the prophet who admonished a king, in 1970, on the eve of the National Election, the wisdom and statesmanship of this man stood out in stark contrast to the strident rhetoric of the President. This lad who studied Lincoln's speeches in his youth, seemed a reincarnation of the man who said in a spirit of reconciliation "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in."

Intuitively grasping the thought of Lincoln that a "house divided against itself cannot stand", he voiced the gospel of reconciliation and healing, even at the risk of the accusation of inconsistency. This man who exemplifies the spirit of reason and reconciliation is in accord with Lincoln's letter that states: "I shall try to correct errors when shown to be errors; and I shall adopt new views so fast as they shall appear to be true views."

He has shown an acceptance of the views of another statesman who led his nation in battle, who stated "A war, even the most victorious, is a national misfortune," although he did not shrink from duty when honor called, when his nation called for men; nevertheless, he shared the view of Eisenhower that "our nation should never become mired in an Asian War," and of the Eisenhower farewell address which stated: "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex." This *man to match our mountains* of whom I speak tonight has told us that never a night has gone by since our Asian War commenced (against the admonition of our late Republican President) that he hasn't agonized and had foremost in his thoughts and study at his bedside table a concern for those who have given their lives, and for those still struggling in the quick-sands of Asiatic combat, and prayed that we may bring home our sons with honor.

God give our nation's highest office such a man. "A time like this demands strong minds, great hearts, true faith and ready hands. Men who possess opinions and a will, men who have honor, men who will not lie."

Such a man whose character is as the granite of the New Hampshire hills, whose kindliness and sun-topped grandeur match the winsome features of the Great Stone Face, who in these times that try men's souls has shown re-incarnate the majesty and magnanimity of a Lincoln, this Hawthorne legend prophetically come true in our day, this man whose greatness is camouflaged by his engaging smile and kindly disposition, this man for all seasons, but especially for the golden era before us, such a man will usher in the coming age of brotherhood. I give you this prophet of peace with honor, this man from the heart of Maine—*our own*—Edmund Sixtus Muskie.

THE CENTURY DIVISION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MAZZOLI. Mr. Speaker, in observance of the fact that April is "Army Reserve Community Month," I would like to take this occasion to call attention to the outstanding record of a unit in which I once was honored to serve, the 100th Training Division, headquartered at Louisville, Ky.

Best known to its many friends and members in the Louisville community as "The Century Division," this proud unit has compiled a laudable record of diverse accomplishments of great value to the local citizenry.

And back in the fall of 1961, the citizen-soldiers of the 100th Division, some 3,000 strong including my own brother, demonstrated their high state of military readiness when called to active duty during the Berlin crisis.

The "Centurymen," deployed for a full year at Fort Chaffee, Ark., performed admirably in their active-duty mission of training new Army recruits. The "100th" was the first reserve division placed on active duty for the Berlin crisis and is the only division-size unit of the U.S. Army Reserve called to duty since World War II.

Accordingly, I think it is most appropriate to submit for publication in the CONGRESSIONAL RECORD the following history of the 100th Division compiled by Division Information Officer William Willis:

KENTUCKY'S 100TH TRAINING DIVISION, U.S. ARMY RESERVE

The 100th Division was formed on paper July 28, 1918. In October 1918, at Camp Bowie, Texas, the first Centurymen were chosen and organization of the Headquarters and Headquarters Company began. But before the unit was fully formed, the Armistice came, and on November 30th the 100th was demobilized, its hour to come in another war.

In 1921, the Division was reconstituted as a unit in the Organized Reserves, with headquarters in Wheeling. Its units included the 400th Infantry Regiment in Louisville, organized in 1922.

On November 15, 1942, at Fort Jackson, S.C., the 100th was reborn for combat and began to ready itself for its place in history.

Under command of Major General Withers A. Burress, the Century Division arrived in France in October, 1944. Less than a week after the 100th's final elements arrived at the front, the Division became the first American unit to crack the German winter defensive line near Raon l'Etape. Two weeks later, the Century Division helped breach the German defenses in the Vosges Mountains.

On New Year's Day, 1945, a smashing German counterattack was aimed directly at the 100th Division sector. For several days the thin lines of the 100th Division were under heavy attack from three sides.

But the 100th Division, directly in the path of the German counteroffensive, was the only division in the entire Seventh Army front to hold its original ground. When the Nazi drive ended, the Century Division sector protruded beyond the rest of the American front.

In March, 1945, the 100th shattered military tradition by capturing the heavily fortified city of Bitche—the first time in 200 years that the French city had fallen in combat.

For their actions during 146 consecutive days in combat with enemy forces, Centurymen received 6,125 individual combat decorations, including three Medals of Honor.

After the war, in October 1946, the Division once again became part of the organized reserves—as the 100th Airborne Division, with headquarters in Louisville. In 1959 it was redesignated the 100th Training Division.

The 100th served its second tour of duty from September 1961 to August 1962 when it was the only Army Reserve Division called up by President John F. Kennedy in the Berlin Crisis. On that tour of duty, the Century Division activated Fort Chaffee, Arkansas, where it trained more than 30,000 soldiers. The Commanding General then was Maj. Gen. Dillman A. Rash.

President Kennedy expressed his appreciation to the 100th in these words:

". . . From the time when it was first alerted . . . the Century Division has achieved an exemplary record—one in which you may take great pride . . .

"The response and accomplishments of the Century Division have more than lived up to the reputation of the Division, and have been worthy of the fine tradition of the Army Reserve as a "citizen-soldier" emergency force . . .

"To you and your families, and to the communities from which you came, may I say, as Commander-in-Chief, 'Well done!' "

The Century Division continues to maintain its great traditions by innovations in inactive duty training throughout each year. In 1969 the 100th initiated a unique ROTC

field leadership training program which today involves eight universities. The program is mutually beneficial for the ROTC students as well as the reservists. All ROTC students are given an opportunity to test their classroom instruction in the field on weekends. The Centurymen are provided an opportunity to give training similar to that which they would give if mobilized. The results have been an outstanding success as indicated by comments of ROTC students and the high reenlistment rate of the 100th. The unique program attracted Gen. W. C. Westmoreland, Army Chief of Staff, who visited the 100th on "Century News Day" in August 1970.

"Such cooperation between elements of our military establishment—in full view of the local inhabitants—," said Gen. Westmoreland, "is particularly commendable considering the problems ROTC is weathering on campus and the importance of ROTC to the Army. . . . The 100th Division has proved to be a valuable asset to ROTC in Kentucky. Their example is worthy of emulation. Indeed, I would hope that these types of programs can be conducted in ever-increasing numbers by both National Guard and Reserve units."

Recently, the 100th Division Commander, Maj. Gen. J. B. Faulconer, was called upon to brief the Reserve Forces Policy Board, which advises the Secretary of Defense on Reserve matters. Among those attending the February 1972 meeting was Army Secretary Robert F. Froehlke.

There are other areas the 100th is pioneering. The close association of the 100th and the Kentucky Army National Guard is illustrated by the fact that while Centurymen attend the Kentucky National Guard Officers Candidate School in Frankfort, National Guardsmen are receiving instruction in a Noncommissioned Officer's Leadership Development Course conducted by the 100th.

With these 100th Division projects as well as many other initiatives, the Men of the Century are constantly preparing themselves to answer the call if needed again.

PROF. PETER F. DRUCKER DISCUSSES THE ENVIRONMENT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. WHALEN. Mr. Speaker, in the Sunday, April 16, edition of the Washington Post, there appeared an article by Peter F. Drucker, professor of social sciences at the Claremont Graduate School, Claremont, Calif., and professor of management at New York University. This commentary on the environment was excerpted from the January 1972 issue of Harper's magazine by special permission.

In view of the great interest in this subject, I am inserting Professor Drucker's statement in its entirety. I believe his appraisal will add to the environmental dialog:

ECOLOGY: "ENVIRONMENTALISTS MAY BE AMONG THE CHIEF WRECKERS"

(By Peter F. Drucker)

Everybody today is "for the environment." Laws and agencies designed to protect it multiply at all levels of government. Big corporations take full-color ads to explain how they're cleaning up, or at least trying to. Even you as a private citizen probably make some conscientious effort to curb pollution. At the same time, we have learned enough about the problem to make some progress toward restoring a balance between man and nature. The environmental crusade may well become the great cause of the Seventies—and not one moment too soon.

Yet the crusade is in real danger of running off the tracks, much like its immediate predecessor, the so-called war on poverty. Paradoxically, the most fervent environmentalists may be among the chief wreckers. Many are confused about the cause of our crisis and the ways in which we might resolve it. They ignore the difficult decisions that must be made; they splinter the resources available for attacking environmental problems. Indeed, some of our leading crusaders seem almost perversely determined to sabotage their cause—and our future.

Consider, for example, the widespread illusion that a clean environment can be obtained by reducing or even abolishing our dependence on "technology." The growing pollution crisis does indeed raise fundamental questions about technology—its direction, uses and future. But the relationship between technology and the environment is hardly as simple as much anti-technological rhetoric would have us believe.

The invention that has probably had the greatest environmental impact in the past 25 years, for instance, is that seemingly insignificant gadget, the wire-screen window. The wire screen, rather than DDT or antibiotics, detonated the "population explosion" in underdeveloped countries, where only a few decades ago as many as four out of five children died of such insect-borne diseases as "summer diarrhea" or malaria before their 5th birthday. Would even the most ardent environmentalist outlaw the screen window and expose those babies again to the flies?

The truth is that most environmental problems require technological solutions—and dozens of them. To control our biggest water pollutant, human wastes, we will have to draw on all sciences and technologies from biochemistry to thermodynamics. Similarly, we need the most advanced technology for adequate treatment of the effluents that mining and manufacturing spew into the world's waters. It will take even more new technology to repair the damage caused by the third major source of water pollution in this country—the activities of farmers and loggers.

Even the hope of genuine disarmament—and the arms race may be our worst and most dangerous pollutant—rests largely on complex technologies of remote inspection and surveillance. Environmental control, in other words, requires technology at a level at least as high as the technology whose misuse it is designed to correct. The sewage-treatment plants that are urgently needed all over the world will be designed, built, and kept running not by purity of heart, ballads, or Earth Days but by crew-cut engineers working in very large organizations, whether businesses, research labs, or government agencies.

WHO WILL PAY?

The second and equally dangerous delusion abroad today is the common belief that the cost of cleaning the environment can be paid for out of "business profits." After taxes, the profits of all American businesses in a good year come to $60 billion or $70 billion. And mining and manufacturing—the most polluting industries—account for less than half of this. But at the lowest estimate, the cleanup bill, even for just the most urgent jobs, will be three or four times as large as all business profit.

Consider the most efficient and most profitable electric-power company in the country (and probably in the world): the American Electric Power Co., which operates a number of large power companies, including the government's own TVA.

Yet cleaning up American Electric Power's plants to the point where they no longer befoul air and water will require, for many years to come, an annual outlay close to, if not exceeding, the company's present annual profit of $100 million. The added expense caused by giving up strip mining of coal or by reclaiming strip-mined land might double the company's fuel bill, its single largest operating cost. No one can even guess what it would cost—if and when it can be done technologically—to put power transmission lines underground. It might well be a good deal more than power companies have ever earned.

We face an environmental crisis because for too long we have disregarded genuine costs. Now we must raise the costs, in a hurry, to where they should have been all along. The expense must be borne, eventually, by the great mass of the people as consumers and producers. The only choice we have is which of the costs will be borne by the consumer in the form of higher prices, and which by the taxpayer in the form of higher taxes.

It may be possible to convert part of this economic burden into economic opportunity, though not without hard work and, again, new technology. Many industrial or human wastes might be transformed into valuable products. The heat produced in generating electricity might be used in greenhouses and fish farming, or to punch "heat holes" into the layer of cold air over such places as Los Angeles, creating an updraft to draw off the smog. But these are long-range projects. The increased costs are here and now.

REDUCING OUTPUT

Closely related to the fallacy that "profit" can pay the environmental bill is the belief that we can solve the environmental crisis by reducing industrial output. In the highly developed affluent countries of the world, it is true that we may be about to de-emphasize the "production-orientation" of the past few hundred years. Indeed, the "growth sectors" of the developed economies are increasingly education, leisure activities, or health care rather than goods. But paradoxical as it may sound, the environmental crisis will force us to return to an emphasis on both growth and industrial output—at least for the next decade.

There are three reasons for this, each adequate in itself:

1. Practically every environmental task demands huge amounts of electrical energy, way beyond anything now available. Sewage treatment is just one example; the difference between the traditional and wholly inadequate methods and a modern treatment plant that gets rid of human and industrial wastes and produces reasonably clear water is primarily electric power, and vast supplies of it. This poses a difficult dilemma. Power plants are themselves polluters. And one of their major pollution hazards, thermal pollution, is something we do not yet know how to handle.

Had we better postpone any serious attack on other environmental tasks until we have solved the pollution problems of electric-power generation? It would be a quixotic decision, but at least it would be a deliberate one. What is simply dishonest is the present hypocrisy that maintains we are serious about these other problems—industrial wastes, for instance, or sewage or pesticides—while we refuse to build the power plants we need to resolve them.

I happen to be a member in good standing of the Sierra Club, and I share its concern for the environment. But the Sierra Club's opposition to any new power plant today—and the opposition of other groups to new power plants in other parts of the country—has, in the first place, ensured that other ecological tasks cannot be done effectively for the next five or ten years. Secondly, it has made certain that the internal-combustion engine is going to remain our mainstay in transportation for a long time to come. An

electrical automobile or electrified mass transportation—the only feasible alternatives—would require an even more rapid increase in electrical power than any now projected. And thirdly it may well a few years hence cause power shortages along the Atlantic Coast, which would mean unheated homes in winter, as well as widespread industrial shutdowns and unemployment. This would almost certainly start a "backlash" against the whole environmental crusade.

2. No matter how desirable a de-emphasis on production might be, the next decade is the wrong time for it in all the developed countries and especially in the United States. The next decade will bring a surge in employment-seekers and in the formation of young families—both the inevitable result of the baby boom of the late Forties and early Fifties. Young adults need jobs; and unless there is a rapid expansion of jobs in production there will be massive unemployment, especially of low-skilled blacks and other minority group members. In addition to jobs, young families need goods—from housing and furniture to shoes for the baby. Even if the individual family's standard of consumption goes down quite a bit, total demand—barring only a severe depression—will go up sharply. If this is resisted in the name of ecology, environment will become a dirty word in the political vocabulary.

3. If there is no expansion of output equal to the additional cost of cleaning up the environment, the cost burden will—indeed, must—be met by cutting the funds available for education, health care, or the inner city, thus depriving the poor. It would be nice if the resources we need could come out of defense spending. But of the 6 or 7 per cent of our national income that now goes for defense, a large part is cost of past wars, that is, veterans' pensions and disability benefits (which, incidentally, most other countries do not include in their defense budgets—a fact critics of "American militarism" often ignore). Even if we could—or should—cut defense spending, the "peace dividend" is going to be 1 or 2 per cent of national income, at best.

But the total national outlay for education (7 to 8 per cent), health care (another 7 to 8 per cent), and the inner city and other poverty areas (almost 5 per cent) comes to a fifth of total national income today. Unless we raise output and productivity fast enough to offset the added environmental cost, the voters will look to this sector for money. Indeed, in their rejection of school budgets across the nation and in their desperate attempts to cut welfare costs, voters have already begun to do so. That the shift of resources is likely to be accomplished in large part through inflation—essentially at the expense of the lower-income groups—will hardly make the environmental cause more popular with the poor.

The only way to avoid these evils is to expand the economy, probably at a rate of growth on the order of 4 per cent a year for the next decade, a higher rate than we have been able to sustain in this country in the postwar years. This undoubtedly entails very great environmental risks. But the alternative is likely to mean no environmental action at all, and a rapid public turn—by no means confined to the "hard hats"—against all environmental concern whatever.

MAKING VIRTUE PAY

The final delusion is that the proper way to bring about a clean environment is through punitive legislation. We do need prohibitions and laws forbidding actions that endanger and degrade the environment. But more than that, we need incentives to preserve and improve it.

Punitive laws succeed only if the malefactors are few and the unlawful act is comparatively rare. Whenever the law attempts to prevent or control something everybody is doing, it degenerates into a huge but futile machine of informers, spies, bribe givers, and bribe takers. Today every one of us—in the underdeveloped countries almost as much as in the developed ones—is a polluter. Punitive laws and regulations can force automobile manufacturers to put emission controls into new cars, but they will never be able to force 100 million motorists to maintain this equipment. Yet this is going to be the central task if we are to stop automotive pollution.

What we should do is make it to everyone's advantage to reach environmental goals. And since the roots of the environmental crisis are so largely in economic activity, the incentives will have to be largely economic ones as well. Automobile owners who voluntarily maintain in working order the emission controls of their cars might, for instance, pay a much lower automobile registration fee, while those whose cars fall below accepted standards might pay a much higher fee. And if they were offered a sizable tax incentive, the automobile companies would put all their best energies to work to produce safer and emission-free cars, rather than fight delaying actions against punitive legislation.

Despite all the rhetoric on the campuses, we know by now that "capitalism" has nothing to do with the ecological crisis, which is fully as severe in the Communist countries. The bathing beaches for 50 miles around Stockholm have become completely unusable, not because of the wicked Swedish capitalists but because of the raw, untreated sewage from Communist Leningrad that drifts across the narrow Baltic. Moscow, even though it still has few automobiles, has as bad an air-pollution problem as Los Angeles—and has done less about it so far.

We should also know that "greed" has little to do with the environmental crisis. The two main causes are population pressures, especially the pressures of large metropolitan populations, and the desire—a highly commendable one—to bring a decent living at the lowest possible cost to the largest possible number of people.

The environmental crisis is the result of success—success in cutting down the mortality of infants (which has given us the population explosion), success in raising farm output sufficiently to prevent mass famine (which has given us contamination by insecticides, pesticides, and chemical fertilizers), success in getting people out of the noisome tenements of the nineteenth-century city and into the greenery and privacy of the single-family home in the suburbs (which has given us urban sprawl and traffic jams). The environmental crisis, in other words, is very largely the result of doing too much of the right sort of thing.

To overcome the problems success always creates, one has to build on it. The first step entails a willingness to take the risks involved in making decisions about complicated and perilous dilemmas:

What is the best "trade-off" between a cleaner environment and unemployment?

How can we prevent the environmental crusade from becoming a war of the rich against the poor, a new and particularly vicious "white racist imperialism"?

What can we do harmonize the worldwide needs of the environment with the political and economic needs of other countries, and to keep American leadership from becoming American aggression?

How can we strike the least agonizing balance of risks between environmental damage and mass starvation of poor children, or between environmental damage and large-scale epidemics.

AN ENVIRONMENTAL CRIME?

More than 20 years ago, three young chemical engineers came to seek my advice. They were working for one of the big chemical companies, and its managers had told them to figure out what kind of new plants to put into West Virginia, where poverty was rampant. The three young men had drawn up a long-range plan for systematic job creation, but it included one project about which their top management was very dubious—a ferroalloy plant to be located in the very poorest area where almost everybody was unemployed. It would create 1,500 jobs in a dying small town of 12,000 people and another 800 jobs for unemployed coal miners—clean, healthy, safe jobs, since the new diggings would be strip mines.

But the plant would have to use an already obsolete high-cost process, the only one for which raw materials were locally available. It would therefore be marginal in both costs and product quality. Also the process was a singularly dirty one, and putting in the best available pollution controls would make it even less economical. Yet it was the only plant that could possibly be put in the neediest area. What did I think?

I said, "Forget it"—which was, of course, not what the three young men wanted to hear and not the advice they followed.

This, as some readers have undoubtedly recognized, is the prehistory of what has become a notorious "environmental crime," the Union Carbide plant in Marietta, Ohio. When first opened in 1951 the plant was an "environmental pioneer." Its scrubbers captured three-quarters of the particles spewed out by the smelting furnaces; the standard at the time was half of that or less. Its smokestacks suppressed more fly ash than those of any other power plant then built, and so on.

But within 10 years the plant had become an unbearable polluter to Vienna, W. Va., the small town across the river whose unemployment it was built to relieve. And for the last five years the town and Union Carbide fought like wildcats. In the end Union Carbide lost. But while finally accepting federal and state orders to clean up an extremely dirty process, it also announced that it would have to lay off half the 1,500 men now working in the plant—and that's half the people employed in Vienna. The switch to cleaner coal (not to mention the abandonment of strip mining) would also put an end to the 800 or so coal-mining jobs in the poverty hollows of the back country.

There are scores of Viennas around the nation, where marginal plants are kept running precisely because they are the main or only employer in a depressed or decaying area. Should an uneconomical plant shut down, dumping its workers on the welfare rolls? Should the plant be subsidized (which would clearly open the way for everybody to put his hand in the public till)? Should environmental standards be disregarded or their application postponed in "hardship" cases?

If concern for the environment comes to be seen as an attack on the livelihood of workers, public sympathy and political support for it is likely to vanish. It is not too fanciful to anticipate, only a few years hence, the New (if aging) Left, the concerned kids on the campus, and the ministers in a protest march against "ecology" and in support of "the victims of bourgeois environmentalism."

WHERE TO START

Cleaning up the environment requires determined, sustained effort with clear targets and deadlines. It requires, above all, concentration of effort. Up to now we have had almost complete diffusion. We have tried to do a little bit of everything—and tried to do it in the headlines—when what we ought to do first is draw up a list of priorities in their proper order.

First on such a list belong a few small but clearly definable and highly visible tasks that can be done fairly fast without tying up important resources. Removing the hazard of

lead poisoning in old slum tenements might be such an action priority. What to do is well known: burn off the old paint. A substantial number of underemployed black adolescents could be easily recruited to do it.

Once visible successes have been achieved, the real task of priority-setting begins. Then one asks: (1) what are the biggest problems that we know how to solve, and (2) what are the really big ones that we don't know how to solve yet. Clean air should probably head the first list. It's a worldwide problem, and getting worse. We don't know all the answers, but we do have the technological competence to handle most of the problems of foul air today. Within 10 years we should have real results to show for our efforts.

Within 10 years, too, we should get major results in cleaning up the water around big industrial cities and we should have slowed (if not stopped) the massive pollution of the oceans, especially in the waters near our coastal cities.

As for research priorities, I suggest that the first is to develop birth-control methods that are cheaper, more effective, and more acceptable to people of all cultures than anything we now have. Secondly, we need to learn how to produce electric energy without thermal pollution. A third priority is to devise ways of raising crops for a rapidly growing world population without at the same time doing irreversible ecological damage through pesticides, herbicides, and chemical fertiliers.

Until we get the answers, I think we had better keep on building power plants and growing food with the help of fertiliers and such insect-controlling chemicals as we now have. The risks are now well known, thanks to the environmentalists. If they had not created a widespread public awareness of the ecological crisis, we wouldn't stand a chance. But such awareness by itself is not enough. Flaming manifestos and prophecies of doom are no longer much help and a search for scapegoats can only make matters worse.

What we now need is a coherent, long-range program of action, and education of the public and our lawmakers about the steps necessary to carry it out. We must recognize—and we need the help of environmentalists in this task—that we can't do everything at once; that painful choices have to be made, as soon as possible, about what we should tackle first; and that every decision is going to involve high risks and costs, in money and in human lives.

Any course we adopt will involve a good deal of experimentation—and that means there will be some failures. Any course also will demand sacrifices, often from those least able to bear them: the poor, the unskilled, and the underdeveloped countries. To succeed, the environmental crusade needs support from all major groups in our society, and the mobilization of all our resources, material and intellectual, for years of hard, slow, and often discouraging effort. Otherwise it will not only fail; it will, in the process, splinter domestic and international societies into warring factions.

TOWN OF McCOMB, MISS., CELEBRATES 100TH ANNIVERSARY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. GRIFFIN. Mr. Speaker, the town of McComb., Miss., is this month celebrating its 100th anniversary. This prosperous town, founded as a key railroad link to New Orleans, has become a major trade and commerce center of southwest Mississippi.

McComb, in its colorful history has often been theatened with plagues, fires, and other disasters, but each time the hard-working and dedicated people of McComb have risen to the task. And through their great community spirit, which I certainly commend, McComb is a striving and expanding part of our State. I am certainly proud to have the opportunity to represent these fine people in Congress.

Included in my remarks is an article from the publication of the Mississippi State Highway Department, Roadways, telling some of the history of this expanding Mississippi community.

McCOMB CENTENNIAL—1872–1972

If you just happen to drive through McComb this month and you somehow get the feeling that you have just experienced a time change, like 100 years, don't be alarmed—Those people in long dresses and beards are celebrating their city's centennial.

To the casual visitor who enters McComb for the first time, the centennial costumes seem to brighten the drab atmosphere of the downtown area whose buildings are decaying with time. To one who knows nothing about the town he would judge it to be just another Mississippi town created by a railroad many years ago and then forsaken to exist as best it could. But despite its decadent appearance, McComb has all the marks of a progressive town-a new hospital, a youth center and 21 diversified industries. In addition McComb is a major trade and commerce center in Southwest Mississippi, being the center of a densely populated area of small towns and agricultural communities.

Unlike most Mississippi towns which have led a reasonably peaceful existence, McComb has experienced plague, fire and rioting in its 100 years. It has almost been wiped off the map several times yet it has continued to exist despite the hardships.

The people in McComb are woven of a strong resilent fiber, conditioned to adversity and grateful for good fortune. If you're very perceptive you can see this in the faces of the ones who come into town for an afternoon of Saturday shopping or to exchange gossip. Their centennial costumes they adorn are not only a symbol of the past their town has lived through but an optimistic gesture towards a new tomorrow and a 'promised posterity' as their centennial slogan says.

M'COMB'S EARLY YEARS

The Manche Decision in McComb in 1851 set the stage for McComb's beginning which was to occur 20 years later. The Manche Decision designated that a railroad come north and through Pike County. McComb came into the picture in 1872 when Colonel H. S. McComb who was the head of the New Orleans, Jackson Railroad founded the town. He built railroad shops 105 miles north of New Orleans in rural Mississippi so that his workers would not have to pay the high cost of city living in New Orleans.

Only six years after the town's creation, a yellow fever epidemic struck which caused countless deaths. The town was placed under strict quarantine.

After the yellow fever epidemic, the town managed to get back on its feet, only to be met by another tragedy in 1904. A coal lamp was overturned in a chinese laundry. The fire which had started there spread to a nearby livery stable on North Front Street and when the last sparks burned out most of the city's business area was demolished.

The same year Captain J. J. White brought another industry to the town composed mostly of railroad people who worked in the shops. The industry was the McComb Cotton Mills. Earlier White had built a sawmill which employed 500 workers. Other industry was brought to McComb by the McCoolgan Brothers, contemporaries of Captain White. They built a large ice plant which many say was the largest in the south. Strawberries, tomatoes and beans were iced along its ramps with a trainload of cars being iced in sometimes less than an hour.

But peace and prosperity didn't last for long. In 1911 a railroad strike hit every town in America. In McComb blood was shed over the strike and the National Guard remained in the town for six months until peace prevailed. Meanwhile many pioneer families who had been in McComb from its beginning left the town never to return.

Ten years later a modern steel car shop was built by the Illinois Central. At the shop, freight cars were repaired and manufactured and still are today.

Despite McComb's hardships in her early years, she has managed to build back and the future looks bright.

URBAN RENEWAL

The railroad shops aren't utilized as much as they were when the railroad was in its prime, and the town's principal revenue now comes from the downtown business district. McComb officials say that 30% of all tax money comes from the downtown area. Because of this McComb will begin urban renewal in the downtown area as an attempt to improve its tax base. Under the urban renewal program the whole downtown area will be converted into an open mall with colored canopies on each side of the street and benches and drinking fountains in the middle. According to Frank B. Stickney, Urban Renewal Director for the McComb project, all stores will be up-graded with an attempt to keep the appearance of the old buildings as much as possible to preserve the atmosphere. But many buildings beyond repair will be torn down to make room for newer ones. Under the program a two story parking facility which will house 202 cars will be built to take care of the customers who will be unable to park on main street because of the mall conversion.

"As of yet, we have not started on renovation," said Stickney. "We have just recently been funded for the project and our next step will be to acquire property and demolish the old buildings."

Stickney expects the McComb urban renewal program to be completed by 1977.

But there is more to McComb than the downtown area. If you take a leisurely drive on the outskirts of the town, you will find each yard filled with blooming azaleas. Azaleas have always been abundant in McComb and each April the city has a lighted azalea trail and an azalea festival. The town during this month becomes a panorama of color and beauty.

The people in McComb are friendly. According to the McComb Chamber of Commerce, McCombites "love flowers, trim their lawns, support their schools, obey their laws, attend their churches, love their friends and find joy in living."

A phrase has been coined by the people of McComb who love their town and take pride in it. "It is a privilege to live in McComb."

THE U.S. POSTAL SERVICE IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BEGICH. Mr. Speaker, recently I had the privilege of testifying before

the Postal Service Subcommittee on the performance of the new U.S. Postal Service in Alaska. I took that opportunity to describe the inadequate service to many portions of my State and relay the complaints of many of my constituents. Alaska's postal problem is representative of many rural and bush areas in the United States, even though its size and climate is somewhat unique. I would like to submit a copy of that testimony into the RECORD so that it might be shared by my colleagues and constituents:

STATEMENTS ON THE PERFORMANCE OF THE U.S. POSTAL SERVICE BY CONGRESSMAN NICK BEGICH OF ALASKA

Mr. Chairman, I would like to thank the committee for this opportunity to express my feelings on the problems and progress of the new U.S. Postal Service. It was my hope that the new service would be able to avoid the mistakes and difficulties of the old. Unfortunately, they have not.

I believe that a basic problem of the Post Office Department, under the old system in the State of Alaska, was aligning the various agencies and private interests responsible for service and coordinating their activities. Among other agencies, postal service in Alaska depends upon the Coast Guard for delivery to island and coastal villages; upon the many commercial carriers under Post Office contract, and upon the Federal Aviation Administration for a wide variety of services. It was in the realm of the postal service to overcome these inter-agency difficulties, seek to eliminate unnecessary red tape and provide the kind of service that Alaskans deserve. However, after almost a full year of existence, the United States Postal Service has not managed to substantially alter the pattern of bureaucratic noncooperation among contract carriers or to secure dependable branch-post office operation.

There are villages that get mail only one in three months during the winter. Mail from the outskirts of Anchorage and Fairbanks can take as long as ten days to reach the city. In a state virtually without television and very limited radio facilities, mail takes on unprecedented importance. The residents of many communities have an even greater dependence on the mails than just communication. For them, the mails are the only source of medicine and the major source of groceries and other essentials.

This new agency gives the same excuses as the old. "Alaska is too far, too large and too cold," they tell us. "Alaska does not have enough customers, so it is not good business sense to spend money there." I wonder if this agency was designed to exert good business sense at the cost of good service? Must Alaskans be denied regular communication because it isn't profitable? I should say that the old excuses have some merit. Alaska is indeed far away, and very large and very cold in the winter months. While this can serve as the basis for some adjustments, I believe mail service in Alaska must be as nearly equal as possible.

In spite of the difficulties, the need for tremendously improved service cannot be disputed. I would hope that the imagination of the Postal Service could be directed towards coping with those difficulties, using the increased freedom of the new service!

From a file of scores of complaints, I have selected a few cases that serve to show the general situation.

ST. GEORGE ISLAND, BERING SEA

One example of service difficulty is the Island of St. George, population 250. Last year, direct service was by a two-engined carrier under contract with the Post Office Department. It made direct deliveries from the mainland a total of four times. All other deliveries were either by air drop or by boat from St. Paul Island. The Federal Aviation Administration then decided to limit carrier service from the mainland to four engined crafts, too big for St. George's runway. Thus, all air service, including airdrops, abruptly ended. Now, St. George receives no direct mail at all and must await boat delivery from St. Paul. In bad weather, service does not exist. In all, St. George receives letters and parcels about ten times a year, mostly in summer months. This is far more distressing considering that the residents of the island depend upon parcel deliveries as their main source of fruit and groceries, and their only source of medicine. Meanwhile, according to the Postal Service, it would cost only $12,000 to increase service to twice a month, and $25,000 to make delivery once a week.

KETCHIKAN, SOUTHEASTERN ALASKA

The following letter was received in my office from a resident of Ketchikan:

"KETCHIKAN, ALASKA,
"December 6, 1971.

"DEAR NICK: Could you please tell us what has gone so completely wrong with our mail system? Why can't the postal system operate with at least the efficiency that it did 15 to 20 years ago? Now we relaize that in the winter airmail is delayed 2 or 3 days at a time between Seattle and Alaska. We know when the planes land here and when they don't, and we take this into consideration.

"In the old days of the steamships every week or ten days we had first class mail the day after the steamer arrived and packages and the like the second day.

"Now days they get 3 vans of mail a week and the vans are seldom full. The transfer company takes the mail to the post office in a smaller truck yet it sits in the post office for several days.

"One of the Avon dealers in town went to the post office and asked why her order was not delivered as she knew when it was shipped. The postal clerk told her that when it arrived it would be delivered. This woman could see Avon packages with her name on from the counter where she stood asking about them.

"The zip code numbers were supposed to speed up delivery. We have noticed that letters without the zip code numbers get to us quicker, and we get more of other peoples mail in our box than before the zip code numbers were used.

"Now for the local mail such as council, borough, lodge and special meeting notices mailed in the post office from 3 days to a week ahead of time arrive after the meeting night. In days past, these notices mailed one day were delivered or in the PO boxes the next day.

"As far as we are concerned, we would rather have the mail handled in the P.O. the same as it was 38 years ago when we came here. We have always been under the impression that modernizing a system was not to slow down or make it inefficient.

"If a letter with a few hundred names on it to someone in the postal system would help straighten this matter out I assure you it will be quite easy to get.

"Yours truly,

"JEAN and EDWIN MEADER."

THE VILLAGE OF ALAKANUK, SOUTHWESTERN ALASKA

[From the Tundra Times, Jan. 26, 1972]

Rain, snow, sleet, hail delay mail?

Alakanuk Accuses Wein for Not Delivering Mail

Traditionally, neither rain, snow, sleet or hail will keep the postman from his appointed rounds but something sure is delaying him in Alakanuk.

Villagers are so concerned they've passed a resolution on the subject.

During the last several weeks and many periods before that, Wein Consolidated Airlines has been seemingly neglecting regular mail and air freight services to Alakanuk.

There have been many times when the airfield here was open during good weather but Weins didn't come or would send a small chartered plane with the mail instead.

For an example: On January 4, 1972, a council member and about 11 other passengers were waiting for transportation to Bethel. Some had urgent meetings to attend and others were going to the hospital, etc. The airlines canceled the flight for no apparent reason.

That same day, January 4, 1972, there was a flight into Emmonak and they left the mail. This is a distance of about eight miles to the north.

On many occasions when the mail has been left off at Emmonak, thereby laying up for sometimes a week at a time, and the Postmaster here has made many trips up to bring mail back by snowmobile and sled which he is doing at his own will so the people can get the much needed mail. If he did not do this, the backlog of mail would be very great.

This does not make any sense when Wein Consolidated Airlines has the mail contract from the U.S. Postal Service to service the village at a regular schedule.

This is a small example of the very irregular air-service this village has been getting during the past, and this village feels that it is past due for some changes in our service.

This resolution is dated January 8, 1972 and arrived at the Tundra Times post office box in Fairbanks on January 21.

The story of these three villages reflects the situation in much of Alaska. It not only effects general communications, but can seriously impair business operations such as Pictures, Inc. A letter from Dick Norman, General Manager, explains his difficulties and those of other Alaskans similarly situated.

"PICTURES, INC.,
"Anchorage, Alaska, February 15, 1972.

"DEAR NICK: Not wanting to hound you with repetitious information, I have not written you in months regarding the deteriorated U.S. Mail service in Alaska. My silence, however, should not be taken as an indication of improvement in this service. Mail service in the bush continues to be the worst we have experienced since the improvement that followed the end of World War II. It is not uncommon for a motion picture to take four to eight weeks to reach a village after mailing from Anchorage. I attach a copy of a Tundra Times article regarding mail service to Alakanuk, which I feel to be a fair description of the situation in many villages today.

"We regularly provide the Anchorage Post Office with information on specific cases of mail delay and with copies of complaint letters from our customers. On February 9, 1972, we provided a list of 110 motion pictures which had been out more than five weeks to fill a one-day playdate and still had not returned. A few of these had been out more than ten weeks.

"I think it wrong to criticize individuals in the postal system in Alaska in connection with this breakdown in service. Postal officials here, for the most part, are trying their best under nearly impossible conditions. It seems to be the system itself which has broken down. With no postal service officers in Alaska to monitor carrier performance, with postal officials having neither the manpower nor the authority to penalize the carriers for letting mail sit day after day, sometimes week after week, at bush transfer

points, how can one blame the postal officials within Alaska for the collapse in service? I wish to add my voice to those of the people of Alakanuk and other communities in praying that action be taken by the U.S. Postal Service in Washington to give postal officials in Alaska the means to render adequate service.

"Sincerely yours,

"DICK NORMAN, *General Manager.*"

Other villages and businesses raise similar complaints with carriers and post offices. Miss Patricia Oakes of Circle City writes to complain about post office window hours being completely incongruous with the needs of the community. She also complains that Star Route services were cut in mid-winter, cutting the central area of Alaska without warning. Harry K. Evon, President of the Kwigillingok Village Council, complained on January 20th that the air carrier was not only missing pick-ups and deliveries, but that agreed airdrop policies were not being enforced in "freeze-up" conditions. The carrier contracted by the Postal Service was refusing to perform its responsibilities to make drops when landing was impossible.

It is apparent that the postal service is trying to improve on its predecessor's record. In a letter to my office dated March 21, 1972, John W. Powell, Congressional Liaison for the Postal Service, informed me that: "The Postmaster General has stated that the U.S. Postal Service exists to serve its customers . . . Toward this end, a pilot program known as 'Operation Speedy' has been launched in the Western Region, including Alaska, for improvement in our special delivery service." In an enclosed information booklet, items stated that this speed-up project began on February 14, 1972, and that "Operation Speedy" is expected to provide immediate improvements in the processing and delivery of Special Delivery mail in the Western Region.

Much to my disappointment, the following appeared in an article in the February 28th U.S. News and World Report. "Particularly frustrating, some mailers say, is that special delivery seldom seems to speed-up letters." "A West Coast firm recently mailed 68 special delivery letters, matched by first class and air mail letters to the same address. Only two of the 68 specials beat the regular first-class or air mail and 38 arrived in the same delivery with the regular mail. Twenty-eight came later, with two special delivery letters taking two days longer."

Mr. Chairman, the theme of my remarks is simple and straight-forward. I applaud and support the new Postal Service; I believe it promises better postal service in the future. My hope is that improvement comes at the earliest possible time, and I pledge my own cooperation toward that end. Further, I am convinced that, in Alaska and elsewhere, the personnel of the Postal Service is dedicated and hardworking.

Still, I must in all honesty report to this committee that, in my view, the mail service to and within Alaska has not appreciably improved under the new system. In two specific cases, I find this particularly disappointing. First, I believe postal service in Alaska requires flexibility and unique methods, things that a private and independent service should be able to provide.

Second, I believe postal service for Alaska requires a sensitive understanding of the special role mail has in areas where there are no roads, no telephones, and no radios. Again, I believe such an understanding should be forthcoming from the new private and independent service.

Alaskans find it difficult to continue to hear that it is "too far, too large and too cold" to get proper service. They are expecting improvements, and so am I.

THE ALASKA PIPELINE READING LESSON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DINGELL. Mr. Speaker, the Wilderness Society has published a commentary on the environmental impact statement relating to the proposed trans-Alaska pipeline, which I feel will be of interest to my colleagues. Therefore, I include the text of the Wilderness Society's pamphlet at this point in the RECORD:

THE ALASKA PIPELINE READING LESSON

"The Department of Interior feels that another public hearing at this time is not necessary . . . It is the Secretary's view that this complex report [on the trans-Alaska pipeline] needs to be read; needs to be understood; that a public hearing would be a *circus* in comparison to the kind of thoughtful, substantial comment that might come in to the Council on Environmental Quality or other offices.

Public hearings . . . would interfere with a more thoughtful and rational analysis of this complex document."—Statement of William T. Pecora, Under Secretary of the Interior, March 20, 1972.

Done any reading lately? Well, hold your spectacles. Because the Interior Department has just given you the reading assignment of your life.

You have until May 4 to:

Lay your hands on a copy of the nine-volume environmental impact statement on the proposed trans-Alaska pipeline. (Only 600 were printed.)

Read its 3,550 pages.

Render a "thoughtful, substantial comment." (See above.)

This is what the Interior Department considers public involvement in the decision-making process.

We hope you *will* be able to read the statement and render comments, but you should know the following:

1. There are exactly *seven* copies available for public inspection in the "lower 48" states. They can be seen during office hours in certain government agencies in Washington, D.C., Los Angeles, San Francisco, Portland and Seattle.

2. Sets can be purchased through the mail, but they cost $42.50, and delivery time is unknown.

3. The statement is not well organized or indexed, and finding what you're looking for may require days of tedious searching.

4. Secretary of the Interior Rogers C. B. Morton has said he may issue a pipeline permit on or after May 4.

Is it any wonder that conservationists are asking for more time and for public hearings to evaluate this "complex report"?

WHOSE GOVERNMENT IS THIS?

No doubt the seven oil companies which own the Alyeska Pipeline Service Co. are anxious to go ahead and impatient with what they view as delays. But we believe it's time they learned that the government of the United States isn't some third-level subsidiary which they can order around. And the public lands of the United States are not their private domain.

Two years ago they were shocked and outraged that conservationists could force the government to comply with the National Environmental Policy Act. Last year they were offended by the adverse public reaction to the first, abortive environmental impact statement, which had been submitted to them for editing before it was released to the public.

And now, though the new impact statement reveals strong reasons for building the pipeline through Canada rather than south to the Alaskan port of Valdez, they are anxiously awaiting a permit to go ahead with their original plans, using the pipe and equipment already placed presumptuously along the proposed route.

As a person concerned about the environment, *you* ought to blow the whistle on this whole charade of sanctifying previously-arrived-at conclusions. Why should the American people be frozen out of this critical environmental decision? Why, as we asked in an earlier alert, must "the public be damned"?

Note the words of Under Secretary Pecora, above: a public hearing would be a "circus." And note, too, the implication: hearings involving the public are not particularly thoughtful or rational.

WHY PUBLIC HEARINGS ARE NEEDED

Actually, the impact statement itself is one of the best arguments for public hearings. One of the strongest impressions one gets reading through it is of the number of unsolved problems which still exist—problems that the statement openly recognizes and for which it has no answers. These problems relate to untried and untested engineering methods, incomplete environmental research, deficient land-use control and planning, and other matters of critical importance.

Many important aspects of the proposed Prudhoe Bay-to-Valdez pipeline are described for the *first time* in the statement. Without hearings, the many interested scientists not involved in government or oil company research will have no meaningful opportunity to comment on this new material. Or, if they do, their communications can be safely filed away and ignored.

Here are some other reasons why public hearings are needed:

Gas transportation systems

The department says "it seems clear that a single gas line will be built through Canada to the United States markets." (Economic Analysis, Vol. I, p. C–22.) It says such a transportation system is an "essential" element (Vol. 1, p. 50) of any oil pipeline system and states that "less environmental cost would result from a *single* [gas and oil] transport corridor than from two separate corridors" (Vol. 1, p. 273). But no effort has been made to evaluate these savings in environmental cost, and on March 20 a department spokesman said, "We are completing such an analysis from the economic point of view only." Further, impact analysis is limited (Vol. 1, p. 176) because the "absence of any firm gas transportation proposal by the owner companies limits the amount of descriptive information available." (Vol. 1, p. 74.) Apparently Interior didn't even ask the oil companies for information on Canadian pipeline plans—despite the intensive studies going on in Canada.

Congressman Les Aspin of Wisconsin points out *why* the Interior Department hasn't received an application for an Alaska-Canada pipeline. "The same oil companies which dominate the Alyeska (trans-Alaska pipeline) consortium also dominate the Mackenzie Valley Pipe Line Co., and they are hardly likely to submit an application in competition with themselves." However, it's important to note that as recently as March 29 the Canadian government reiterated its long-standing interest in having the oil pipeline go through Canada rather than having tankers carrying oil from Valdez past

and through Canadian coastal waters to the west coast of the United States.

Alternative oil pipeline through Canada

Acknowledging that potenial *gas* pipeline routes through Canada are also attractive *oil* pipeline routes, the report notes that the Canadian routes avoid the maximum earthquake threats, eliminate impacts and hazards to *west coast marine areas,* and have no greater terrestrial impact in many significant respects in spite of their greater overland lengths. (Vol. 5, p. 238.)

The report states that an oil pipeline through the Mackenzie Valley of Canada would be "an equally efficient [economic] alternative" to the trans-Alaska route (Economic Analysis, Vol. I, p. 1) *but also admits it did not consider the additional economies of building an oil pipeline through the same corridor as the gas line.* Economic Analysis, Vol. I, p. C–23.) Obviously, with such economies considered, the Mackenzie alternative would not be "equally" but "more" efficient. This gross error must not be allowed to stand!

Marine transportation system

Volume 3 (449 pages) contains extensive descriptive material on the marine environment and tanker transport of oil between Alaska and west coast ports. The evaluation of oil tanker traffic indicates unavoidable adverse effects from chronic oil pollution in port areas, from intentional ballast treatment discharge at Port Valdez, and from accidental discharge by collision or by negligence. Estimates of accidental discharge are as high as 140,000 barrels a year, but "the impacts of oil upon the various biological systems cannot be predicted in a quantitative manner." (Vol. 4, p. 196.)

Elsewhere the report (Vol. 4, p. 608) says an "irreversible commitment of some marine biotic resources would occur in Valdez Arm as a result of chronic oil pollution." But the actual area or extent can't be predicted. Even so, "permanent and far-reaching effects upon certain forms of plankton would occur," causing a "general decrease in primary productivity, which would in turn affect other organisms of the ecosystem, such as salmon, herring, razor clams, murres, auklets and other species of birds, fish and shellfish."

But all this was known before the statement was written. Is this the kind of solid, substantial and detailed information on which decision-makers can render a sober and objective judgment? With no more than this to go on, how could they know we would gain more than we lost by proceeding with the pipeline-tanker transportation system?

Pipeline breaks and contingency plans

The statement acknowledges that a "no-spill performance" would be unlikely." (Vol. 1, Summary.) It goes on to say that even under emergency shutdown procedures as much as 64,000 barrels (2.6 million gallons) of oil could escape from a pipeline break (Vol. 1, p. 23); and that "minor leaks are practically undetectable" (Vol. 4, p. 11). A "minor leak" turns out to be anything less than 750 barrels (31,500 gallons) a day (Vol. 4, p. 135). In spite of this, the effectiveness of surveillance, monitoring and cleanup procedures has not been fully discussed.

What effect would a pipeline break have on the environment and ecology? Throughout the report there is an unwillingness to quantify the damage. But occasionally one stumbles on a shocker like this: "For example, a significant spill into the upper Gulkana River during the peak of the salmon run would likely cause fishery damages of catastrophic proportions." (Vol. 4, p. 135.) And this is only part of the story, for as one can find in Volume 3, page 311, the Gulkana flows into the Copper River, which supports one of the greatest birdlife concentrations on earth. (Here lies one of the more irritating aspects of the impact statement; you have to search through the massive text and piece together many of its implications—one of the reasons public hearings are so necessary.)

Despite all these dire implications, the recently announced Interior Department engineering stipulations fail to require Alyeska to submit its contingency plans to the government before the construction permit is granted!

The alternative of deferral

Much of this voluminous statement consists of advocacy rather than a careful weighing of alternatives open to the U.S. government. Excluding Volume 6 (comments and attachments) and the three-volume economic and security statement, some 1,850 pages—77 percent of the first five volumes—are devoted to the environmental impact of *granting* the permit. Fewer than five pages—two-tenths of one percent—deal with the alternative of *deferring* the project. (Vol. 1, p. 258; Vol. 5, p. 1 and pp. 8–10.)

Yet the paragraphs devoted to deferral note these advantages: (a) an opportunity for studies of "innovative pipeline technology," (b) "operation of a pilot plant for ballast treatment," (c) "installation and operation of a large-scale hot oil pipeline experiment" in relation to permafrost terrain, (d) "pipeline lead detection research," (e) "more exact definition of the gas transportation system that would be proposed," and (f) more definitive studies of marine and arctic ecosystems.

ENVIRONMENTAL DANGERS CONFIRMED

Until the Interior Department released this statement it was still possible for pipeline advocates to say that conservationists were "extreme," "far out" and "fright-peddlers" when they warned of damage that could be inflicted by the trans-Alaska pipeline. But no longer. Here is what the Interior Department itself has to say about these environmental dangers:

"It is almost a certainty that one or more large earthquakes will occur in the vicinity" of the southern two-thirds of the pipeline. (Vol. 1, p. 97.)

"Construction scars would be visible for the life of the project and for years after the pipeline had been removed." (Vol. 1, p. 211.) These scars would occur at 12 pumping stations, seven airstrips, 26 permanent steel towers for microwave transmission, the main haul road and numerous access roads to the 234 gravel sites and 54 quarries; and 12 construction camps, as well as the pipeline itself. Excluding the Prudhoe Bay field, these would occupy an estimated 40,000 acres (Vol. 4, p. 257) and require nearly 70 million cubic yards of gravel (Vol. 4, p. 68).

In spite of oil industry claims to the contrary, including newspaper and television ads, experiments on revegetating the tundra that will be torn up by pipeline construction have not worked. (Vol. 4, pp. 102–3.)

A year ago conservationists were ridiculed for suggesting that buried pipe carrying hot oil would melt the permafrost, causing the pipe to collapse. Belatedly, Alyeska now plans to elevate 354 miles (44 percent) of the 789–mile pipeline (Vol. 4, p. 16)—compared to its original plan for only 40 miles (5 percent) of elevated pipe. But there is still no definite determination of how many miles of pipe will be buried. And there is an additional, unsolved problem: Wherever protective vegetation is destroyed on the tundra, the underlying permafrost will thaw, bringing drainage and erosion problems for years to come—at supports, construction pads, ditching, roads, buildings, etc.

As wildlife authorities have been saying all along, the report acknowledges that caribou and other animals will die needlessly from loss of habitat, the spilling of toxic substances on forage, and disruption of migration patterns. (Vol. 4, pp. 152, 171, 154–5.)

The report further acknowledges the possibility of catastrophic salmon losses (Vol. 4, pp. 135–36); the likelihood of "pronounced reductions" of grizzly bear populations (Vol. 4, p. 534); the certainty of "considerable" siltation of three rivers noted for their fish resources (Vol. 4, p. 527); the threat of "both locally and internationally significant losses to water-related birds due to oil" (Vol. 4, p. 538); the possibility of increased mortality rates among young moose, mountain sheep and caribou because of aircraft disturbance (Vol. 4, p. 149); the threat of "illegal and wanton shooting of peregrine falcons and the robbing of the young for falconry" arising from access to habitat (Vol. 1, p. 204); and the killing of indeterminate numbers of sea otters and fur seals, which are sensitive to even small amounts of oil. (Vol. 1, pp. 207–8.)

NATIONAL SECURITY AND OIL ECONOMICS

The final three volumes of the report deal with "An Analysis of the Economic and Security Aspects of the Trans-Alaska Pipeline." Congressman Aspin, a former member of the staff of the Council of Economic Advisers, has called the study "pseudo-economics, a sham and a hoax."

As noted above, the economic study fails to take into account the most obvious economy of all: constructing the gas line and oil line in the same corridor instead of separate corridors.

In addition, we note the following:

National Security

The contention is made that the United States can't afford to be dependent on oil from the Middle East. Yet the report admits that North Slope oil (2 million barrels a day) would supply only 9 percent of our projected oil needs in 1980 (22 million barrels per day, according to Economic Analysis Vol. I, p. B–1). Depending on the amount which Canada and South America might be able to supply by that time, we would still need 5 to 6 million barrels a day from the Middle East. (Vol. 1, p. B–12.)

Last year conservationists were ridiculed by the president of Alyeska and officials of the Interior Department when they suggested that some of the Prudhoe Bay oil, allegedly needed for "national security," would end up in Japan. Now we find in the Economic Analysis an admission that some of the Alaskan oil would indeed go to Japan and that British Petroleum (which owns about 50 percent of the Prudhoe Bay reserves) has signed an agreement with Japanese oil companies for marketing Prudhoe Bay crude oil in Japan. What is more, the Interior Department, having professed interest in the "national security" need for Prudhoe Bay oil, has not deigned even to ask British Petroleum how much North Slope oil it has already committed to Japan. (Economic Analysis, Vol. I, p. F–20.)

Can they really have it both ways? Surely the public should have a right to comment on these glaring inconsistencies.

Profitability

North Slope oil is low-cost oil. If delivered to the West Coast by tanker, it would reduce prices theoretically by 70 cents per barrel, saving consumers about $800 million per year. If delivered to Chicago by pipeline, prices could be reduced 40 cents per barrel, with similar savings to consumers. That's what the economic study says (Vol. I, pp. H-3, H-6).

But there's one catch to that argument. As the report itself points out, "Mechanisms of the oil import quota system would keep supply and demand in balance at current price, so that prices would not fall and there would be no consumer saving."

Who then, gets the benefit? The fog of figures is hard to analyze, but the answer is not. If the trans-Alaska route is approved, the profit will go to the oil companies. (Vol. I, p. H-5.)

WHO FAVORS PUBLIC HEARINGS?

For all its weight and girth, the impact statement fails to give deserved emphasis to the tremendous wilderness and wildlife values of Alaska and the menace to these values posed by the unprecedented pipeline project. For this and other reasons most of this country's major conservation organizations have joined in calling on the President to schedule public hearings on the pipeline impact statement. These organizations include: Boy Scouts of America, Citizens' Committee for Natural Resources, Defenders of Wildlife, Environmental Action, Environmental Defense Fund, Federation of Western Outdoor Clubs, Friends of the Earth, Izaak Walton League of America, John Muir Institute for Environmental Studies, National Audubon Society, North American Wildlife Foundation, National Parks and Conservation Association, National Rifle Association, Sierra Club, Sport Fishing Institute. The Conservation Foundation, The Wilderness Society, The Wildlife Society, Trout Unlimited, Wildlife Management Institute and Zero Population Growth.

Similarly, 82 members of the U.S. House of Representatives have joined in signing a letter to the President calling on him to hold pipeline hearings before a decision is reached. And on the other side of the Capitol 23 Senators have made the same request.

Finally, the three plaintiffs in *Wilderness Society et al vs. Morton*—the Alaska pipeline lawsuit—wired the President on March 29 renewing their request for public hearings. Besides The Wilderness Society, the plaintiffs are Environmental Defense Fund, Inc. and Friends of the Earth.

WHAT YOU CAN DO

In spite of this imposing array of conservationists, Congress members and private citizens, the Nixon Administration appears determined to bow to the demands of the oil industry and issue the pipeline permit. Your help is needed and it's needed now.

Unless this decision is reversed and hearings are held, Secretary Morton could ask the federal court on or after May 4 to lift the pipeline injunction and allow him to grant a permit to Alyeska.

We urge you to act today. Send a letter—or a telegram—to the President asking for 90 days to review the statement followed by full public hearings to bring the knowledge and wisdom of the American people into this important decision-making process. Write or wire:

President Richard M. Nixon
The White House
Washington, D.C. 20500

But don't stop here. Send information copies to your congressman and senators. Enlist your friends, neighbors, local clubs and organizations. And inform your local news media—including editorial writers—what you're doing. If you can use more copies of this flyer, ask for them. Get started today!

EUREKA SPRINGS RELIGIOUS CENTER

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, Eureka Springs, in the northwest corner of Arkansas, is the site of some of the most visited Christian shrines in the world

It offers numerous attractions, including the massive "Christ of the Ozarks" statue, a religious museum, and an art gallery which presents more than 400 portrayals of Christ.

Each year, thousands upon thousands of visitors come from around the world, especially for the Passion Play which is presented during vacation months in a huge outdoor theater setting.

An informative article providing additional information about this unique endeavor of the Elna M. Smith foundation is contained in an article, "Oberammergau in Arkansas" by Msg. James J. Harper in the Our Sunday Visitor of April 2, 1972. I commend this report to my colleagues.

The article follows:

OBERAMMERGAU IN ARKANSAS

(By Monsignor James J. Harper)

Eureka Springs, Arkansas, is unique. Named on July 4, 1879, it is scattered over two mountains, and 20 hills. Its streets have more turns than a whirling dervish—238 of them with never an intersection or stop light. Street formations show one "C," 16 "S" 's, 50 "U" 's and 51 "V" 's. Carl Sandburg called it a place "where the hills don't get any higher but the hollows get deeper and deeper." It has 63 springs within the city limits; 1,200 within a radius of seven miles.

It was a favorite watering place for Jesse and Frank James and the Dalton gang. Cary Nation died here. You can still see her home, Hatchet Hall, over on East Mountain. You enter the local Catholic Church, St. Elizabeth's through the *bell tower*. The town was written up no less than five times by Robert Ripley, of "Believe It or Not" fame. The Basin Park Hotel has eight floors, *each on a ground floor*.

Because of the unusual terrain, Eureka Springs has been called by many names: "The Believe It or Not City," "The Stair-Step Town, "The Hill-Billy Capital of the World," "The Little Switzerland of America" (it even has a Lake Lucerne).

But all these things are dust and ashes and the sound of lyres and flutes when compared to this Mona Lisa of the Ozarks. Why?

Because everyone is talking about two things these days: The Christ of the Ozarks on Magnetic Mountain, a statue as tall as a seven story building; and The Passion Play on Mt. Oberammergau.

Both were produced by the Elna M. Smith Foundation, a nonprofit organization dedicated to reminding Americans of their Christian heritage. The prime mover in this activities is Gerald L. K. Smith, after whose wife the foundation is named. Lieutenant of Huey Long (Long died in Smith's arms), former minister, presidential candidate, founder and espouser of rightwing movements, Smith has long been a controversial figure.

I drove up to his home at 36 Eureka Street to see Mr. Smith. He invited me to have breakfast. Smith is big and ruggedly handsome. He has bushy eyebrows and sharp blue eyes. His wife is pretty and greyhaired. Both are 70.

After breakfast I asked him, "What can you tell me about the Passion Play, Mr. Smith?"

Mrs. Smith chuckled and said, "Before he starts, let me tell you a story. When we first started talking about the Passion Play some people thought we were going to put on something salacious."

Mr. Smith laughed, "That's right. Well, Mrs. Smith and I are devout believers in the deity of Our Lord Jesus Christ. We had long been pained that there was no giant statue of Christ in America. Now, thanks be to God, there is. While we were working on the statue, I confided to one of the artists, Adrian Forette, my long-time dream of portraying on the stage the last week in the life of Our Savior. Forette told me that a man named Robert A. Hyde might be interested in this project."

"Did you contact Hyde?"

"He contacted *me*. He came down here and we had a long talk on a wide spectrum of subjects—script, cost, time. But neither of us made any commitment."

"What is Hyde's background?"

"He received his M.A., from Houston University where he majored in the theater and related subjects. He worked in pictures and TV and directed an outdoor drama on the life of Custer. He also produced movies about the Old West. But his burning ambition was to produce a drama on the last days of Christ. Anyway, time went on and Mr. Hyde came down to see me again. This time he had written a complete script. I read it. It was perfect. We commissioned Mr. Hyde. He directs the play and plays the part of the Christus."

That evening I was the guest of Mr. and Mrs. Smith at the play. In a natural amphitheater on Mt. Oberammergau, just east of Eureka Springs, a compact version of the city of Jerusalem and its environs has been created. In a staging area 100 feet longer than a football field and almost as wide, such scenes have been reconstructed as the Temple. Golgotha, Gethsemane, the upper room, the Palace of Herod, Via Dolorosa, the Tomb, and many others.

The dialogue is all pre-recorded by professional actors. So that actually the actors are pantomiming their parts. Thirty-six thousand dollars worth of stereophonic equipment has been installed for this purpose. A cast of 250 persons, mostly towns-people, performs. Some 425 costumes are used. Seats have been installed for 3,500 people. These facilities will be expanded to 10,000. They will be needed.

Of the actual drama itself I can only say, "Magnificent." As the play unfolded with the gigantic statue of Christ looming over us on nearby Magnetic Mountain. I carefully watched the audience's reaction. People were sitting on the edge of their seats completely enthralled. There were occasional sobs. When it was all over, the people just sat there as if overcome by some powerful emotion. They didn't clap. Mr. Cleo Miller, one of the local residents, explained it to me this way, "You want to applaud. But you can't. You feel it's too sacred."

Oh, yes. Some of the members of the cast wanted *me* to be in the play. I declined. I think they wanted me to be a camel driver. I even have trouble *smoking Camels*. I remember when I was in the Spearfish, South Dakota, Passion Play as a member of the mob. After that dramatic triumph one man remarked of me. "That was the most brilliant piece of acting I have ever seen." I'm going to have to quit talking to myself that way. People are beginning to stare at me.

NATIONAL LABOR RELATIONS BOARD ACTION AGAINST THE UNITED FARM WORKERS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. WALDIE. Mr. Speaker, a primary function of government at all levels, is to advance the condition of the powerless

of this Nation through peaceful and orderly means.

After 4 years of orderly and peaceful protest by the United Farm Workers, in which they sought to improve the conditions of powerless farmworkers, the Government now seeks by a strained interpretation of the NLRA to cripple the United Farm Workers in this effort. Again, we are about to push a people to the edge of the cliff which, in turn, might encourage violent protest against the inhumane treatment farm laborers have endured for years.

As you are probably aware, on March 9, 1972, attorneys representing NLRB filed a petition in the Federal District Court of Fresno, Calif., requesting a nationwide injunction against the peaceful, orderly, and effective consumer boycott activities of the UFW union. For years, the interpretation by NLRB of the union was such that the union could not request Government intervention in acquiring minimum wages, child labor laws, or decent working conditions—the benefits of the NLRA.

Now after the appointment by President Nixon of Peter Nash to General Counsel of NLRB, a new interpretation has been made which would make the union subject to the restrictions of NLRB, but still exclude them from the benefits.

This attempt to destroy Cesar Chavez and a union which has held with the highest ideals of nonviolence in attempting to attain fair treatment from their employers is unwarranted, morally suspect, and unjustified. This lonely battle which Cesar Chavez has waged against the growers on behalf of the dispossessed is a striking example of the effect the perserverance one man can have in our democratic society.

I see this action as a response to the enlistment of the American consumer as an ally of the United Farm Workers in their struggle for human sustenance and equality. This enlistment of support through consumer practices, boycotting stores selling nonunion merchandise, is a strong endorsement of the union's activities by the people.

This repressive and seemingly politically motivated reversal of a longstanding position with respect to the status of the UFW deserves a total and complete explanation. Again, keeping in mind the peaceful and orderly approach this union has taken to improve the plight of farm laborers, this action evidences a blatant disregard for lawful, orderly protest. With the American consumer now allied with the UFW in their fight, and progress being seen from Florida to California in acquiring decent working conditions and wages, the inequity of this action is readily evident.

WHAT JEFFERSON MIGHT SAY TODAY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BRAY. Mr. Speaker, my good friend Wayne Guthrie has written a perceptive and enlightening article on Thomas Jefferson and what his reaction would be, today, to the problems we face. It appeared in the Indianapolis News of April 13, 1972:

WHAT JEFFERSON MIGHT SAY TODAY

(By Wayne Guthrie)

This is the 229th anniversary of the birth of Thomas Jefferson, who had a much closer tie with Indiana than many Hoosiers realize.

Although he never set foot in what is now Jeffersonville, he drew the original plat for it and it was named for him.

But if a statement attributed to him that came to hand the other day is true, this anniversary presents an interesting paradox.

That is that many who hold him and some of his philosophies in the esteem approaching that accorded to a patron saint advocate, support and do some things he not only opposed but against which he issued stern warning.

For instance what would he feel or say about deficit spending to which we in America have become so accustomed and which seems to have affixed itself to government like the barnacles on a ship? Quoting from that statement:

"I place economy among the first and most important virtues and public debt as the greatest danger to be feared. To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our choice between economy and liberty and profusion and servitude.

"If we run into such debts, we must be taxed in our meat and drink, in our necessities and in our comforts, in our labors and in our amusements."

At another time he said:

"Never spend your money before you have it."

What reaction might be expected from him with regard to the bureaucracy which, from Washington, dictates what people may or may not do in so many walks of life?

"Were we directed from Washington when to sow and when to reap, we should soon want bread."

How would he feel about the welfare state to which we are heading in the United States—if we are not in it already—at a rate that to many is critical and alarming:

"If we can prevent the government from wasting the labors of the people under the pretense of caring for themselves, they will be happy. The same prudence which, in private life, would forbid paying out our money for unexplained projects, forbids it in the disposition of public money."

What would he think or say about office holders who are guilty of malfeasance through acceptance of lucrative behind-the-back emoluments from private interests?

"When a man assumes a public trust he should consider himself as public property," and:

"I never did, or countenanced, in public life, a single act inconsistent with the strictest good faith, having never believed there was one code of morality for a public and another for a private man."

What would he say about those public officials, who, exposed by newspapers for unethical or questionable acts, complain about unfairness or would seek to curb the press?

"Were it left to me to decide whether we should have a government without newspapers or newspapers without a government I should not hesitate a moment to prefer the latter," and:

"When the press is free and every man is able to read all is safe, and:

"Our liberty depends on freedom of the press and that cannot be limited without being lost."

In a letter once to William Ludlow, Jefferson made clear his feeling about an ever-increasing large government with the resultant mounting number of persons on the payroll:

"I think we have more machinery of government than is necessary, too many parasites living on the labor of the industrious."

If he felt that way then, what would he think today?

CRISIS AT UNIVERSITY SETTLEMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mrs. ABZUG. Mr. Speaker, the University Settlement House, which is located in my congressional district on the Lower East Side of Manhattan, is facing a crisis. Unless it raises $60,000 by June 30 of this year, it will be forced to close, thus ending many years of service to the local community.

The settlement's three principal functions have been: First, to provide social utilities such as child development centers, recreational facilities, and family counseling; second, to provide opportunities for self-help, such as job training programs, educational services, and drug abuse prevention efforts; and, third, to foster social innovation through progressive programs in the fields of education, mental health, housing, and neighborhood revitalization.

The Save Our Settlement—SOS—Committee, with headquarters at 184 Eldridge Street, New York, N.Y., is spearheading the effort to raise the required $60,000. I am pleased to take note of their unselfish efforts and to urge that those who are a little more fortunate provide help to others who are not.

I am including in the RECORD at the conclusion of my remarks the fact sheet put out by the SOS Committee:

FACT SHEET

SAVE OUR SETTLEMENT COMMITTEE,
New York, N.Y.

UNLESS $60,000.00 IS RAISED BY JUNE 30, 1972 UNIVERSITY SETTLEMENT WILL CLOSE

That is the grim reality and it will happen unless we all get behind the Settlement and raise the funds needed to keep it open.

How did this come about?

University Settlement like many voluntary institutions in our society faces two economic facts of life:

1. Declining philanthropic contributions.
2. Rising costs.

Over the years the Board of Directors has raised funds through contributions and benefits to operate the programs and services at the Settlement. Over the past ten years the funds that were raised were insufficient to run these programs and the Board approved large annual deficits to maintain the Settlement's operation. In addition reserve funds were used to give birth or nurture new community programs such as Action for Progress, University Outpost, Family Day Care, Head Start, the Educational Assistance Center, and the Young Film Makers Workshop among others. These programs brought valuable new resources to the community and have rendered substantive services in addition to helping hundreds of people obtain training, education and employment and enter into the economic mainstream of American life. Over the years these deficits have exhausted the reserves and after June 30, 1972 it will not be possible to continue with the Settlement's

programs and services unless an additional $60,000 is raised.

What does the settlement do?

Throughout its history the Settlement has had three major functions:

1. It provides social utilities to the neighborhood in the form of child development and after school centers, senior citizens center, camping services, recreation programs, cultural activities, and individual and family counseling.

2. It provides opportunities for self-help and for effecting social change with job training, remedial and supplementary education, college readiness programs, and cooperative efforts to improve school, health services, drug abuse prevention and housing.

3. It is a social innovator, being one of the few institutions that give birth to new programs and services many of which were seen as novel in their time but which are now accepted by the public-at-large. Programs in the fields of education, housing, mental health, street gang work, community participation, decentralization and neighborhood revitalization are areas in which University Settlement has made major innovations.

Why should it continue?

The Settlement serves approximately 2000 families in all of its programs. Without the Settlement these services will not continue and the people would be hopelessly abandoned to deal with problems beyond them.

The Settlement is one of few institutions which is designed to cooperatively help its neighbors move into the economic, social and political mainstream of American society. Today its work with the poor newcomers in the community from Latin America is as vital as it has been throughout the years with former immigrant groups.

The Settlement is an integral link between the community and larger institutions which affect their lives.

The Settlement has demonstrated its value as a means of delivering coordinated social services on a neighborhood level.

The Settlement has proven to be a training ground for future leaders both in the community, the helping professions and the society at large.

The Settlement is more than the sum of the services it renders. It is a force that galvanizes a community giving hope and substance to its highest ideals and aspirations, and is a vehicle through which people can express their common humanity.

The Settlement is a natural community resource which needs to be preserved, protected and enriched rather than destroyed.

The remedy

Community leaders, consumers of Settlement services, present and former staff and volunteers along with the Board of Directors have gotten together and organized a campaign to raise the needed $60,000. The community has set as its goal the raising of $30,000 of this $60,000 total. A community Save Our Settlement Committee (SOS) has been formed under the chairmanship of Francisco Ferrer, former Chairman of the Boards of the Community Corporation and Action for Progress. The Board SOS Committee is being chaired by Alan G. Rudolph.

Funds are being solicited from individuals, groups and businesses in the community and from the public-at-large. Many fund raising benefits are being planned to be held in the next few months. In addition ways and means are being explored to locate more permanent funding sources for the future.

How can one help?

You can help by making a contribution, by soliciting contributions from others and by volunteering your time.

We need all the help we can get!

Contact Save Our Settlement (SOS) Committee, 184 Eldridge St., Tele. 674–9120. For Fund Raising contact Tania Fontana, for Volunteers contact Polly Robkin.

THE DRUG CRISIS—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the drug crisis in our country. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON THE DRUG CRISIS

In my last opinion poll, citizens of the Sixth District indicated that next to inflation they considered crime and drug abuse as the next most important problem facing our country. So, today I though we'd talk about the drug abuse problem—just how serious it is, who is promoting it, and what is being done to counteract it.

There appears to be little doubt that the use of marijuana and heroin is on the increase. The U.S. Bureau of Narcotics estimated that there were about 50,000 heroin addicts in 1960. A decade later in 1970, the estimate had skyrocketed to 560,000 addicts—an increase of 1020 percent in 10 years. An addict is someone who has to have one or more doses of heroin per day. With regard to marijuana use, a Gallop Poll of 1967, just 5 years ago, showed only 5 percent of the nation's college students had tried marijuana. In 1969, the percentage had risen to 22 percent and last year to 42 percent. Estimates resulting from other studies place the percentage of marijuana users even higher.

If the present trend in drug abuse is not stopped and reversed, narcotics and dangerous drugs will soon become the major cause of death; exceeding cancer and heart disease.

About a quarter of a century ago, the drug abuse problem scarcely existed; or if it did, the public was unaware of it. So, the drug problem is a serious one. How did this problem develop to the serious state it has reached today? Being a realist, I believe that the events of history don't just happen accidentally—the inevitable wave of the future, as some say.

On the contrary, people make things happen. It is a well-known fact that Communists in their drive to dominate and control the world have called for the destruction of the traditional family unit and the eradication of religion. One of their means of achieving these ends is the corruption of the morals of youth—the adults of tomorrow—by getting them to become obsessed with dope and sex. Hence the avalanche of pornography, obscenity and dope may be more than a coincidence.

The tactic or patient gradualism is being utilized by communists, their dupes and allies to first get our youth started on marijuana by popularizing it as a drug which has no harmful effects. The second step is to get our youth on more potent drugs which are injected into the bloodstream with the hypodermic needle; and once on the needle, finally to graduate to becoming heroin addicts. The alarming increase in the use of marijuana, LSD, and heroin over the past decade attests to the success of this tactic.

The use of marijuana is promoted by a deluge of underground publications in large cities, universities and even in high schools throughout America. In the meantime, the already permissively tolerant public is conditioned to believe that laws against marijuana should be relaxed or repealed.

Some apologists would have us believe that marijuana is no more dangerous than a highball. Should you encounter such a person, remind him that only a small minority who drink do so to get intoxicated; but marijuana is used for no other purpose.

Also, consider that there are many adults in the 40–60 age bracket who use alcohol, but who can name one person in that group who uses marijuana? Could it be that there are no marijuana smokers in the 40–60 age bracket around any longer because, as a consequence of smoking marijuana, they committed suicide.

Some of the mass media aggravate the problem by giving the impression that using drugs is the fad—the thing being done by the "in-crowd." The use of marijuana, LSD and heroin are promoted by the clever lyrics of many popular songs whose language generally is understood by teenagers but not by their parents. Songs aimed at children and teenagers encourage youngsters to use drugs so as to shrug their responsibilities and forget the problems imposed by their elders and the unjust, cruel world.

The biggest promoter of heroin and other illegal narcotics is Red China, in spite of the fact that some would lead you to believe that Turkey is the main villain.

Although the production of heroin is outlawed by international treaty everywhere in the world, the evidence is overwhelming that Red China manufactures it in large quantities. Unlike Communist China, Turkey has stringent laws prohibiting the possession or export of opium poppies and heroin.

Former Director Harry Anslinger of the Federal Bureau of Narcotics said:

"Spreading narcotic addiction and obtaining funds for political purposes through the sale of heroin and opium is not just the policy of one man in the communist regime. It is the policy of the entire communist regime in mainland China."

He pointed out that this trade was a formidable and far-reaching plan to gain foreign exchange monies as well as to demoralize and confuse the people of the free world.

In 1955, Mr. Anslinger, former U.S. Bureau of Narcotic Chief, testified before the Senate Judiciary Committee that Red China "had singled out the United States as a primary target for its illicit traffic in opium and heroin". During the Korean War the communist Chinese waged "dope warfare" against American and U.N. troops.

The Free China Review of July, 1965 reported that "ninety percent of illicit narcotics reaching the free world comes from the communist-held Chinese mainland."

Reverend Father Raymond de Jaegher, a Jesuit priest with many years of labor and experience in China before and after the communist takeover, last year furnished a Congressional Committee with a list of the locations of more than 30 refineries that manufacture heroin in China. Red China produces an estimated $800 million per year of heroin and other narcotics. Annual exports of illegal drugs, which constitute Red China's principal export, approximates 10,000 tons.

Drugs are reportedly transported from Yunnan Province in China via Laos to world markets. Because of the importance of this drug traffic to Red China. Mao Tse-tung maintains a highway network through Laos.

Red Chinese agents make narcotics available to American servicemen in Vietnam at low prices and there are reports that cigarettes into which morphine was injected have been sold to our servicemen in Thailand to make them unknowingly become addicts to the drug habit.

Ed Reid, Pulitzer Prize winning author and crime researcher, feels "that American youth are victims of a conspiracy whose object is

to get them on drugs and destroy the next adult generation." It is also his belief that Mao Tse-tung is financing cells to promote drug use in the United States. According to other responsible sources, Red China is pushing narcotics to damage the physicial and mental health of people in non-Communist countries.

In view of the fact that marijuana still enters the United States from Mexico, it is only reasonable to believe that the Red Chinese will use their Canadian consulates to move heroin across the Canadian border for sale in the United States—and the Red Chinese U.N. delegates enter the United States with their diplomatic powers and effects free from search.

A Russian news reporter in the September 13, 1964 issue of Moscow's Pravda described his visit to a Red Chinese poppy plantation:

"What surprised me was the whole extensive tract of opium poppies . . . The Mao regime is the biggest producer of opium, morphine, and heroin in the free world."

He also wrote that the narcotics trade "has become one of the basic sources of convertible currency for the leadership of China."

A highranking defector from North Vietnam recently gave American and South Vietnam intelligence officials in Saigon an eyewitnesses account of the large scale cultivation of poppies and of opium production in North Vietnam.

He revealed that North Vietnam is producing large quantities of raw opium for export to mainland China and Soviet Russia where it is processed for world wide distribution.

Red China, also, according to Nationalist Chinese sources, cultivates opium poppies on an immense scale.

The authoritative British "Intelligence Digest" reported in 1970 that Communist China's opium crop was valued at $800 million.

There is considerably more evidence to substantiate the charge that opium poppies are grown in North Vietnam and Red China and that Red China manufactures and exports huge amounts of heroin and other illicit drugs.

Yet in the light of all this evidence showing Red China as the chief culprit in promoting dangerous drugs, a State Department spokesman stated last year:

"So far as we are aware, opium is not grown legally in the People's Republic of China and none is exported by the Chinese Communists authorities."

It appears that the State Department is deliberately withholding the truth and issuing false information about Red China as the source of the increasing drug trade in order to assist President Nixon in his desire to effect a rapprochement with Red China. And, as Red China wages a new Opium War against the United States, including our servicemen in Southeast Asia, not one official spokesman of the Nixon Administration will admit on the record that Red China or any other communist country would even think of pushing narcotics on our servicemen in Vietnam or on American youth in this country.

The Nixon Administration's policy of liberalization of trade and travel between Red China and the United States will only facilitate the smuggling of hard drugs from the China mainland into our country.

I have stressed the heroin problem because it is the most dangerous. In fact, the Louisiana Legislature at its last session passed a concurrent resolution urging and requesting the Government of the United States to cease and desist from giving foreign aid to any country engaged in the commercial growing of poppies. The marijuana problem which continues to become more serious also deserves our attention because it is from the ranks of the marijuana smokers that most of the heroin addicts come.

One of the recommendations of the 1971 White House Conference on Youth, a group which was not representative of American young people, was the legalization of marijuana. Shortly after this recommendation was made, the U.S. House of Representatives by voice vote appropriated $4 million for the National Commission on Marijuana and Drug Abuse. On that occasion I made this prediction to my colleagues in the House:

"The American people should not be surprised when the $4 million study on marijuana and dope investigation concludes with a finding that there is no proof that marijuana is harmful and a recommendation that it be legalized."

Now one year and $4 million taxpayers' dollars later, the Commission has issued its report which concludes that—

"There is little proven danger of physical or psychological harm from the experimental or intermittent use."

Of marijuana and that "no organ injury is demonstrable." The Commission recommended the legalization of "possession of marijuana for personal use" and the "casual distribution of small amounts of marijuana for no remuneration, or insignificant remuneration, not involving profit."

While the studies of responsible scientists and physicians have shown that there is a dangerous potential in marijuana smoking for the human fetus, the Commission's report states that "at present no reliable evidence exists indicating that marijuana causes genetic defects in man."

The findings of noted geneticist Dr. Luis Diaz de Souza, who has devoted 18 years to research on the effects of drugs on human beings, show that even one smoke of marijuana damages the chromosomes. According to Dr. Diaz de Souza: "Damage to one chromosome may mean that the child will be hemophilian, or mongoloid, or afflicted with leukemia. The chromosome may pass on from one generation to another. The child of the marijuana user may show this damage, or his child may show it."

A recent study was made of the effects of marijuana smoking in 30 men and 18 women, ages 13 to 24, over a five year period in which most smoked 2 or more marijuana cigarettes each time, two or three times weekly. The results showed serious psychological problems in all 38. They also revealed that the patients showed poor attention span, poor concentration, confusion, anxiety, depression, apathy; slowed, slurred speech; sexual promiscuity; and indifference to personal cleanliness, grooming, dressing; and study and work habits. The authors of the study pointed out that marijuana is particularly harmful to adolescents.

The Narcotic Education Foundation of America concluded that the marijuana habit leads to physical wreckage, mental decay, and a degeneracy of character and morals.

Dr. Vincent De Paul Lynch of St. John's University concluded from his research studies that the use of marijuana can have "very serious consequences for human reproduction" and can produce "serious genetic defects."

Dr. William F. Genera of the Medical College of Georgia found "a dangerous protential in marijuana smoking for the human fetus."

The National Commission on Marijuana and Drug Abuse apparently labelled these research studies as unreliable by its finding:

"Although a number of studies have been performed, at present no reliable evidence exists indicating that marijuana causes genetic defects in man."

In spite of the fact that Mr. Myles Ambrose, head of the Justice Department's Office of Drug Abuse Law Enforcement, has stated that there is no evidence to convince anybody yet that utilization of marijuana by young people is not a significant danger and the fact that most users of LSD and heroin first tried marijuana and graduated to the hard stuff, the National Commission on Marijuana and Drug Abuse recommended legalizing the possession of marijuana for personal use while continuing the production and distribution of the drug as criminal acts.

Traditionally, science as well as law has followed a burden of proof practice which would require the proponents of marijuana to prove with ample evidence that marijuana was not harmful to humans. But under the new intellectual theories of change, even when the protection of society is at stake, it is now necessary for society to prove that marijuana is harmful.

These recommendations are inconsistent and would encourage users of marijuana to be a party to a criminal act. How are they to procure the marijuana if they do not produce it themselves or purchase it from a distributor? The marijuana user would be placed in the untenable position of being an accessory to crime.

What must we do in an effort to solve the drug problem? We should strive to cure those who have had the misfortune of having fallen cimtims to the drug habit and try to restore them as healthy, productive citizens. We should do all possible to discourage the use of all illicit drugs especially marijuana, LSD, and heroin and demand strict enforcement and penalties against pushers. Every drug addict of whatever age among our children is as a rotten apple in the barrel and can contaminate others by youth psychology like dares—try it—live bold. Also, the youthful addict serves as a contact for the pusher.

An educational program should stress the dangers of using any narcotics or drugs without a physician's prescription. Drugs do not react alike on all people.

The recommendation of the National Commission of Marijuana and Drug Abuse that marijuana possession for personal use be legalized should be rejected—as should the suggestion of former Supreme Court Justice Tom Clark that laws governing marijuana be investigated with any eye toward abolishment where they are not connected with organized crime.

Finally, and most important as a more permanent solution, we must do all possible to eliminate the sources of the cultivation, manufacture, and distribution of illicit drugs. The preponderant evidence shows that Red China is the principal source. World opinion should recognize this fact and world pressure should be brought to bear on Red China to cease its illicit drug operations. A good beginning toward creating this world pressure rests with the Nixon Administration. For unless Red China abandons its present operations in illicit drugs, we can expect to see an enlarged new Opium War with the added dimension of psychological warfare which will exacerbate the drug problem and will far surpass the Opium Wars of the past century in ruined lives, chaos and a return to barbarism.

REVENUE SHARING BILL COERCES STATES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. YOUNG of Florida. Mr. Speaker, the general revenue sharing bill just reported out of the Ways and Means Committee contains ill-considered provision that would effectively force States to adopt personal income taxes or face the loss of Federal revenues. These provisions would create a severe hardship on

the people of many States, and do violence to the basic purpose for sharing revenues—to strengthen State and local governments and restore a measure of power and autonomy to the people.

In my home State of Florida, for example, there is a constitutional prohibition against personal income taxes, a prohibition strongly supported by the State's citizens and its leaders. As is their right, Floridians have chosen other means to finance their State government without levying a personal income tax.

Yet under provisions of the proposed general revenue sharing bill, Florida and other States with a personal income tax—such as Nevada, Texas, South Dakota, Washington, and Wyoming—would be forced to levy such a tax or suffer the loss of the States' share of Federal revenues under the bill's distribution formula.

In addition, other States which now have personal income taxes could be forced to raise them in order to gain the full share of Federal revenues to which they would be entitled.

It is not the business of the Federal Government to tell State governments how and which kinds of taxes to levy. This is the business of our State leaders and the citizens who elected them.

Determined to help decentralize big government and return power to our local communities, I have strongly supported the concept of revenue sharing. The proposed revenue-sharing formula, containing a factor based on State personal income tax collections, outrages the purpose intended by the general revenue sharing bill. It is a step backward, a step toward more—not less—Federal control of our State and local governments.

Therefore, I urge the Congress to strip from the general revenue sharing bill any requirements that would coerce the States to levy a personal income tax, or increase an existing income tax. How our States levy their local taxes is a matter for the citizens and those elected to represent them.

EQUITABLE WAGE ADJUSTMENTS FOR BLUE-COLLAR EMPLOYEES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. LEGGETT. Mr. Speaker, I urge the establishment of wage and price controls more than a year before President Nixon instituted them. I have criticized phase II as insufficiently comprehensive and insufficiently enforced. In short, at this time I favor a more tightly controlled economy.

But controls inevitably create certain inequities. Some of these have been sustained by blue-collar employees as a result of the 90-day freeze and as a result of the delay in wage surveys ordered by the President.

This bill will rectify these inequities by providing for retroactive wage increases. For this reason I support it, and I urge my colleagues to do likewise.

SERAFINA FERRARA—WOMAN OF THE YEAR

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ANNUNZIO. Mr. Speaker, on the evening of April 18, the Italics Club of Chicago honored Mrs. Serafina Ferrara as "Woman of the Year" for 1972.

Attending the dinner at the Chateau Royale in her honor were outstanding civic, community, and political leaders of the Chicagoland area. The mayor of Chicago, the Honorable Richard J. Daley, was present, as well as the mayor of Elmwood Park, the Honorable Elmer Conti; the president of the village of River Forest, the Honorable E. Edward Schmidtke; the mayor of the village of Melrose Park, the Honorable Jacob A. LaSpisa; the Honorable ROMAN PUCINSKI who is a candidate for the U.S. Senate; and many distinguished judges and aldermen. Members of the clergy, people from all walks of life, and a host of friends and neighbors all were on hand Sunday to participate in this tribute to Mrs. Ferrara.

Serafina Ferrara migrated to the United States at an early age, and grew up and married in the Taylor-Halsted area of Chicago. She and her husband established a pastry shop, and this shop—the Original Ferrara—is still in operation. In addition to the Original Ferrara, two catering houses—the Chateau Royale and the Ferrara Manor—have been added by Mrs. Ferrara to the original business venture. Today, the Ferrara catering business is a tremendous success and has earned a citywide and countrywide reputation for excellence.

Mrs. Ferrara's outstanding contributions to our community are legendary. She has been described on many occasions as an angel of the poet. For over 40 years, she has patiently contributed her time, money, and effort in alleviating the plight of the poor; in helping Villa Scalabrini, the Italian old peoples home in Melrose Park, Ill.; in assisting the foundling home; and in serving numerous churches and charitable causes.

She has given devoted service not only to humanitarian endeavors, but has distinguished herself by her participation in civic activities as well. The annual Chicago Columbus Day parade, the Joint Civic Committee of Italian Americans, and the Italo-American community newspaper in Chicago, Fra Noi, all have benefited from her untiring efforts and generous support.

Because of her steadfast and unselfish service over the decades, Serafina Ferrara has earned the high regard and heartfelt gratitude of her fellow citizens. Over the years, she has merited many awards and honors, some of which follow:

ACHIEVEMENTS, AWARDS, AND HONORS

Star of Solidarity of the Republic of Italy, 1956—Decorated by the Italian Government, for development of a better understanding of Italo-American relationship. She is one of the few women so honored.

Special Citation of the Mayor of Chicago, 1956—Mayor Richard Daley cited her for years of selfless service to her city and her neighborhood.

Amerital Unico's Citizen of the Year Award, 1959—Amerital Unico Club.

National Grandmother of the Year 1956—National Grandmothers' Club.

Immigrant Service League of Chicago 1963—Services performed in behalf of the Immigrants of Chicago.

Trustee, Villa Scalabrini's Old People's Home.

Trustee, Chicago Foundlings' Home.

Director, Cancer Prevention Society.

Guarantor, Lyric Opera of Chicago.

Benefactress: Mother Cabrini Hospital; Shriners Hospital for Crippled Children; St. Francis of Assisi Parish; St. Anna Church of Santa Maria Favore, Italy; Boys Town of Italy; Sacred Heart Seminary; Immigrants Protective League; American Committee of Italian Migration; Stritch School of Medicine—Loyola University; and St. Callistus Church.

Member and periodic officer of Italian Women's Club. Maria Adelaide Club, and Our Lady of Grace League.

Business: President, "Original" Ferrara Company; President, Chateau Royale Corporation; President, Ferrara Manor, Incorporated; and Partner, Ferrara Pan Candy Company.

Mrs. Serafina Ferrara is listed in Who's Who in Italian American Women.

Mrs. Annunzio joins me in extending to Serafina Ferrara—distinguished businesswoman and outstanding philanthropist—our sincerest congratulations on her selection by the Italics Club as "Woman of the Year" for 1972. I am proud of her achievements, and extend to her and the devoted members of her family my best wishes for abundant good health and continuing good fortune in the years ahead.

Mr. Speaker, at this point in the RECORD I include the program for the dinner given by the Italics in honor of Serafina Ferrara:

PROGRAM

Welcome, Mrs. Mary M. Mento, President, Italics Club.

Introduction of Dance Committee, Mr. Steven S. Sensi, Master of Ceremonies.

Our National Anthem, Mrs. Adeline Arrigo, Piano Accompanist, Dr. Mary Ellen (Mancina) Batinich.

Invocation, Very Rev. Armando Pierini, C.S., Administrator, Villa Scalabrini.

DINNER

Introduction of Officers and Guests, Mr. Steven S. Sensi.

Rev. Joseph Chiminello, C.S., Pastor, St. Michael's Church, Chicago, Illinois.

Rev. Paul Asciolla, C.S., Editor, "Fra Noi" Newpaper.

Mr. Charles Porcelli, President, Joint Civic Committee of Italian Americans.

Mr. Anthony Paterno, President, Italo National Union.

Hon. Philip Romiti, Judge, Circuit Court, Cook County.

Hon. E. Edward Schmidtke, President, River Forest, Illinois.

Hon. Roman Pucinski, Congressman, 11th District, Chicago.

Awarding of Honorary Italics Club Memberships, Hon. Frank Annunzio, Congressman, 7th District, Chicago.

1. Dr. Mary Ellen (Mancina) Batinich, Italics Club "1971 Woman of the Year."

2. Hon. Victor A. Arrigo, Italics Club "1971 Man of the Year."
3. Mrs. Adeline Arrigo.
4. Mr. Alex Batinich.
5. Mrs. Serafina Ferrara, Italics Club "1972 Woman of the Year."

Vocal Tribute to Mrs. Serafina Ferrara, Mr. Steven S. Sensi, Piano Accompanist, Dr. Mary Ellen (Mancina) Batinich.

Presenttaion of "1972 Woman of the Year" Award to Mrs. Serafina Ferrara, Mrs. Mary M. Mento.

Response, Mrs. Serafina Ferrara.

Benediction, Very Rev. Armando Pierini, C.S.

Benediction, Very Rev. Armando Pierini, C.S.

Dancing, Music by Mark Charles and Orchestra.

AWARD DINNER DANCE COMMITTEE

Mr. Carmello A. Blacconeri, Chairman.
Mr. Joseph S. Abbate, Jr., Co-Chairman.
Mr. Peter Martino, Co-Chairman.
Mr. Edward Orzeske, Public Relations.
Mr. Gregory Tomaino, Ass't. Public Relations.
Mr. Ernest F. Abbate.
Miss Eva Blacconeri.
Miss Evelyn R. Blacconeri.
Mrs. Rose Blacconeri.
Mrs. Mary Capizzi.
Mr. Carmelo Carpita.
Mrs. Victoria Carpita.
Miss Marietta M. Mento.
Mrs. Josephine Pinkowski.
Mr. Joseph R. Rizzo.
Mr. Francis Russo.
Mrs. Rose Russo.

DELEGATES TO THE JOINT CIVIC COMMITTEE OF ITALIAN AMERICANS

Mr. Peter Martino.
Mr. Edward Orzeske.
Mr. Michael J. Mento, Executive Committee Member.

ACKNOWLEDGEMENT OF CONTRIBUTIONS

Italics Club Award Plaques for 1971 and 1972 designed by Mr. Alex Batinich.

Door Prize—Admiral Television, 16-inch, black and white—donated by Rizzo Bros. Movers, Joseph R. Rizzo, President, 1750 Wrightwood Ave., Chicago, Phone: DI 8-3970.

Door Prize—Mink Fur Boa—donated by Flora Furs, Manfredi Family, 8040 W. 63rd Street, Chicago, Phone: PR 6-5472.

Corsages—donated by Rosary Florist, Rocco Sangiacomo, Owner, 602 S. Western Ave., Chicago, Phone: SE 3-6619.

Corsages—donated by West Chicago Florist, Frank D'Ambrosio, Owner, 1012 S. Western Ave., Chicago, Phone: CH 3-1070.

AMNESTY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. PEYSER. Mr. Speaker, I have stated on many occasion my opposition to granting amnesty to draft evaders and deserters while our men are engaged in conflict in Vietnam and therefore, I was pleased to see that at its April 4 meeting Alan F. Waite Post No. 299 of the American Legion in Yonkers, N.Y. adopted the following resolution in opposition to granting amnesty:

RESOLUTION

Whereas there is proposed legislation to grant amnesty to draft dodgers and armed forces deserters, and

Whereas, the American Legion at its National Convention has taken an official position in opposition to any sort of amnesty,

Therefore, be it resolved that the Alan F. Waite Post No. 299 fully supports the action at the National Convention.

WAS THE WPA REALLY SO AWFUL?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAMILTON. Mr. Speaker, the concept of public service employment has aroused a lot of emotion in the last 2 years or so. The President, in his message of December 16, 1970, vetoing the Employment and Manpower Act, referred to "dead end jobs in the public sector."

The other side of the coin is represented in an article by Paul Lancaster, former page 1 editor of the Wall Street Journal. His article, which points out the past and potential benefits of such employment, appeared in the April 18, 1972, edition of that newspaper.

I recommend his article, which follows, to my colleagues:

WAS THE WPA REALLY SO AWFUL?

(By Paul Lancaster)

NEW YORK.—Through a program that gives local governments money to add workers, Washington is moving gingerly into the business of combating unemployment directly by creating jobs. But proposals for broader job programs, including public works, still trip up on a ghost from the 1930s, the WPA.

Implicit in warnings against "another WPA"—the initials stand for Works Progress Administration—is the notion that when a government program is motivated by the desire to make work, the participants won't make anything useful. But a glance around this city, where an army of WPA workers labored in the Depression, shows that's not necessarily the case.

The businessman arriving in town at LaGuardia Airport is making use of a major WPA project. So is the visitor arriving at Newark Airport, which the WPA expanded and modernized. The Wall Street executive who takes a cab from midtown Manhattan to his office travels down the East River drive, another undertaking in which the WPA had a hand.

Sports-minded New Yorkers enjoy golf courses and tennis courts built by workers employed by the WPA and earlier New Deal job programs. Residents who frequent Central Park have such workers to thank for the playgrounds around the edge of the park, the delightful little zoo, the bridle path, the red brick boathouse where they rent rowboats—even the concrete benches. Besides these visible reminders of federal "make-work" programs, there is much that is less obvious now but that kept the city from falling apart during the Depression, such as new sewers and sidewalks and repairs to museums, libraries and other public buildings.

DESPERATE WORKERS

Today's unemployment rate of under 6% looks insignificant by the standards of the '30s, when as many as a quarter of all workers were jobless. Nevertheless, a substantial number of the five million Americans now classed as unemployed are growing just about as desperate as their Depression counterparts—perhaps more so in some cases because they see so much affluence around them.

Many have been out of work for long stretches and seemingly have little prospect of landing a job in industry soon even if the pace of business continues to pick up. Their ranks include unskilled urban blacks as well as highly trained engineers and technicians displaced by defense and aerospace cutbacks. For some of the hard-core unemployed, public employment may offer the only hope.

So far, Washington's efforts to create public jobs have been sharply limited. The bill enacted last summer to expand local government payrolls by providing federal funds for the hiring of new teachers' aides, policemen and the like creates only 150,000 jobs all told, and critics say many of these aren't going to the people who need them most. Before accepting this relatively modest program, President Nixon twice vetoed bills that would have created many more jobs. One veto message assailed "WPA-type jobs."

It's not hard to find grounds for criticizing the WPA. Some of the $10 billion that agency cost the federal government between its launching in 1935 and the closing of its books in 1943 went for such questionable items as the wages of local politicians' household help. In a number of instances WPA funds financed the construction of facilities that wound up in private hands. There were also frequent complaints that the Democrats used WPA jobs to buy support in elections.

Nor is there any denying the waste and inefficiency that gave rise to the term "boondoggle." A final government report on WPA activities conceded that some of the agency's airport and dam construction had proved "ill-advised" and "overdone." The same report notes that the WPA built 2,309,000 public privies, raising the question of whether privy building might not have been overdone, too.

The cartoons depicting WPA workers leaning on their shovels had a basis in fact. Indeed, in 1938 a crew of WPA ditch-diggers here in New York walked off the job because the foreman wouldn't let them lean on shovels. The men had been in the habit of working in pairs, one with a pick and one with a shovel. When the pick man was working, the shovel man rested, and vice versa. The foreman ordered each man to use pick and shovel interchangeably to speed the work. The workers called the order "inhuman" and struck before eventually complying.

Given the immense scale of its operations, however, perhaps the remarkable thing is that the WPA managed as well as it did. At one time or another, 8.5 million Americans were on its payroll, earning an average of $54 a month. And the list of their accomplishments is impressive.

WPA workers built 67,000 miles of urban streets and built or improved 572,000 miles of rural roads. They built or improved 8,000 parks and 12,800 playgrounds. They erected 5,900 schools and renovated 31,000 others, and they built or improved more than 1,000 libraries.

Some of their efforts at least moderated the environmental problems that concern Americans so much today. WPA crews built or modernized more than 1,500 sewage treatment plants. Unemployed miners on the WPA rolls in West Virginia, Ohio, Pennsylvania and Kentucky sealed thousands of abandoned coal mines, thereby reducing the stream pollution caused by acid drainage from the mines. Other conservation projects included the reseeding of depleted oyster beds and the planting of 177 million trees.

No section of the country failed to benefit Jersey City got a 22,000-seat stadium, and Whitley County, Ind., got a new cemetery. Los Angeles got golf courses and swimming pools, and Cumberland, Ky., got a new city hall. Chicago got help with its lakefront park, and Oregon got a ski lodge atop Mount Hood.

Construction accounted for the bulk of WPA employment, but the agency showed considerable imagination in putting jobless professionals and white-collar types to work in fields where they could use their talents. Laid-off teachers set up adult education pro-

grams. WPA clerical workers helped streamline record-keeping in municipal tax offices.

Best remembered are the projects in creative fields. WPA writers turned out the celebrated series of state guidebooks still prized as reference works today. WPA artists covered the walls of public buildings with 2,500 murals. Many of the murals have long since disappeared, but some of the painters employed by the art project went on to fame—Jackson Pollock and Willem De Kooning, to mention a couple.

The programs for writers and artists, as well as others for musicians and actors, were directed from Washington, but most of the WPA's construction and maintenance projects resulted from proposals made by local governments. A town said it needed a park. If the WPA approved, it issued tools and a tool shed from its supply section, and the jobless went to work.

THE NEEDS OF TODAY

Some cities' needs are as great today as they were in the '30s. Just as a starter, much of the work the WPA did needs to be redone; the parks it built are a mess and the public buildings it constructed or refurbished have become shabby. A major urban rehabilitation effort would be one way to employ many of the unskilled jobless profitably.

Finding jobs for the idle engineers and technicians might require imagination of the sort the WPA displayed in putting unemployed professionals to work. But men ingenious enough to build moon rockets could surely make a contribution somewhere. One likely possibility is in helping cities cope with the rising tide of waste through recycling programs and other means.

Today's conditions are not the same as those of the depths of the depression, of course, and there are questions as to whether the money for a major job-creating effort is available. A proposal by Rep. Henry Reuss, a Wisconsin Democrat, to create 500,000 public service jobs over two years carries a price tag of $6 billion, compared with $2.25 billion over the same span for the current program. But the achievements of the WPA, coupled with the glaring needs of the cities today, do suggest that money spent to make jobs would yield the nation at least some return in the form of concrete benefits. And aside from such tangible benefits, a larger public jobs program could hope to lift the spirit of some of those who have come to feel that society has no useful role for them to play.

SEE YOU DOWN AT NICK'S—NICK BANOS' FIRST 50 YEARS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BRAY. Mr. Speaker, no one can really define or catalog all the things that constitute the heart and soul of a community. But, on occasion, we find that unusually touching and moving account of one man or one establishment who, by becoming an institution in the community they serve, are so very much a part of that, heart and soul.

The following from the Franklin, Ind., Daily Journal of April 10, 1972, tells the story:

THEY CAME TO SAY HELLO TO NICK . . .

(By Robert Reed)

They came to say hello to Nick, Sunday.

And they came to remind themselves of those rich years long gone when life revolved around the small malt shop along Jefferson street in Franklin.

Nick was there 50 years ago when the first gangly kid bought a soda—or perhaps something less expensive—for his favorite girl.

Nick was still there Sunday.

Half a century of generations, young and old, streamed into Nick's Candy Kitchen Sunday afternoon in a hastily planned salute to the little Greek who shared the joys and sorrows of youth with them and sold a few cokes in the process.

"Aw, you shouldn't have," Nick said when the many began to clamor in, but he smiled all over himself.

And the past was not to be denied.

Clear back from the class of 1922 and on past the sophisticated '60's, the people came pouring in to shake the old man's hand and say "hello." Over 100 people signed the guest book, representing almost every class that ever graduated from Franklin high school.

They crowded into the unchanged and unadorned booths and ordered malts and cherry cokes, exchanging bits of talk and blaring the juke box.

A few, like Merle Williams (class of 1947), pitched in and began hopping tables for Nick-the-boss, like they had a long time ago.

For precious moments it was as though the years had never been.

Unlike the aged faces and paunchy bodies that filled the row of timeless booths, good-old Nick was unchanged.

Between smiles and handshakes, he was hurrying back to his chores behind the ancient counter with its dark oak and marble top. Hands pumping and his silver-gray head bobbing, Nick churned out the orders with an ageless zeal.

His two children, now grown, Nick Jr. and Patti, were there to help with the extra flow of business, but chances are the old-timer could have made it without them.

On the counter with the guest book was a brightly inscribed "certificate of recognition" from citizens of the community and hand-lettered by a high school student.

There was also a letter from presidential aide Max Friedersdorf, now in Washington, D.C. It read in part:

"You have a most remarkable record and there are thousands of Franklinites scattered around the globe that remember Nick's with great warmth and nostalgia.

"You have brought much pleasure to many people, and no man can ask for more."

Former Franklin city councilman Robert Tranter, Jr., wrote a 14-stanza poem to the days at Nick's and his 50 years in business. He ended it this way:

"Perhaps when 50 more roll past or maybe 56, You'll yell across a cloud to me, I'll meet you down at Nick's."

Well, there was a bit of unbridled joy down at Nick's Sunday afternoon.

They came to say hello to the little guy who, somehow through the years, has always been there for each eager new generation.

And, in the hearts of those sentimental high school kids of other days, he always will be there.

NICK BANOS' 50TH ANNIVERSARY

(Editor's note: Today's "County Chatter" column was written by Indianapolis attorney and former newspaperman John Fox who helped celebrate the surprise 50th anniversary "open house" for Nick Banos at the Franklin Candy Kitchen Sunday afternoon. Like many others John spent many hours at the Candy Kitchen while a student at Franklin College and had a tremendous respect and admiration for Nick.)

The syrup of humanity, even for those who have matured from chocolate sodas to vodka martinis, ran sweet and steady in its 50th year yesterday.

The address was 135 East Jefferson, Franklin, but the members were insignificant at the citadel known as "Nick's."

Gray now, and 50 years since opening as a 24-year-old newly naturalized Greek, was Nicholas Sideris Banos, Sr.

He had no time to do anything except that which has occupied his last half century.

"Two cherry cokes, one chocolate malt, one Tin-Roof."

Fifty years and one month from that day in March 1922 when Nick opened Nick's Candy Kitchen, the sign still reads "Fountain service, homemade candies."

Bank vice presidents, politicians, judges, newspaper editors, big city lawyers, White House attaches and State Department stalwarts paid their respect in person, by mail and by telephone.

"One chocolate coke, one plain coke, one chocolate sundae."

The chalked menu on the mirror was still there. The lattice-work divider, hanging from the ceiling, was gone. There was still a pinball machine in the back and jukebox out front, but neither still worked for a nickel.

Nick had two familiar and free counter helpers, Nick, Jr., holder of a Masters Degree, and Patty Banos Walters, just nine hours away from her own Masters.

Nick's bride of 35 years, customarily absent, was babysitting with their granddaughter. She was not far from her Whiteland birthplace despite the geographic distance from her husband's native Marmarion, Greece.

As they say at awards dinners, it's a long way from Nov. 18, 1898, to April 9, 1972, but the years and the miles have rested lightly on N. Banos, Prop.

"I'll have two cinnamon rolls and some maple nut sea foam."

The young folks, whose idea of nostalgia is a stained diaper, turned away from the smoky furor that marked 50 years of attention to the appetities and attitudes of three generations of Tin Roof loyalists.

The waiters, free and graying, tied white aprons around their waists and exchanged ancedotes about the '30's and '40's when they were waiters for pay.

A telephone call, on the pay phone just left inside the door, came from Phil Vandivier in Washington, D.C. The State Department and Nick's Candy Kitchen were both alive and well.

"Two chocolate sundaes, one chocolate soda, one lemon coke."

In the 50 years Nick has been in Franklin, he has moved from 168 Walnut street to 99 Herriott street with his bride of 35 years.

The wonder of Nick was complemented with two members of the Franklin Wonder Five, Fuzzy Vandivier and Burl Friddle, who knew each other "when."

It was shortly after Nick was discharged from the U.S. Army in September 1918, that he opened a rented store space after stops with fellow Greek candy wizards in St. Louis, Missouri, and Martinsville, Indiana.

Success and prosperity prompted the purchase of the building in 1955.

"One plain coke, one chocolate coke, two chocolate malts."

On the back-fountain read a sign "We reserve that right to refuse service."

It dealt with conduct, not race. The Crowe boys, George, Ray, Billy and others, all black and all Franklin, made Nick's their watering stop without comment.

Nick's gentle restraint on youthful enthusiasm manifest itself by pulling the plug on the jukebox when things afoot got out of hand.

"Daddy, how much on the peanut brittle?"

A bank vice president, older and balder, noted, without pleasure, that the same three girls who as teen-agers, would fit three to a booth, now sat snugly in singles.

Nostalgia and respect and the fondling of memory extended to the sidewalk where husbands of the older set leaned against the parking meters that had grown from the pavement since their youth.

"Sorry dad, I broke three glasses because I'm a little out of practice."

It was noisy nostalgia. One matron inquired if anyone had ear plugs, but added hastily that she did not notice it at age 18.

The under-20 set passed the word on the sidewalks: "No need to go to Nick's, there's a big bunch of old guys there and you can't get in."

The grandchildren of Nick's early customers pressed their noses against the candy case while grandpa commented, "This is like a Friday night after a ballgame."

The sweetness, tangible, was all still weighed on a Toledo scale after a bout with a butcher knife for the soft merchandise and a hammer for the hard.

The Franklin City Judge, in sweater and with wife, presented himself before the marble bench.

"Are potato chips 15 cents?"

The hinge on the chocolate pump broke under unexpectedly heavy use. Nick plucked a matchstick from the back-fountain and repaired it hastily.

"I'll have a quarter-pound of that vanilla nut sea foam and a quarter pound of that strawberry nut divinity."

Big, new automobiles slid into the curb and discharged the wrinkled and graying drivers and passengers that used to walk or bike to Nick's.

A bewildered teen-ager, in an undershirt and with a basketball, wandered to the back and shuffled out, wondering what had happened to the lazy Sunday schedule he had known.

The four-bladed electric fan, not working, capped the gray crown of Nick who was.

"One banana split, two chocolate sodas."

A letter from Washington from a high government official commented about the Tin Roof that he no longer dared to eat, but savored the memories he dared not forget.

A mayoralty candidate composed poetic tribute of 14 verses entitled "The First 50 Years."

The standing joke on leaving was, "We'll see you at your 100th, Nick."

And he just might make it.

TELEPHONE PRIVACY—XIV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the Telephone Privacy Act (H.R. 14097) with 28 cosponsors.

This bill would give the individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 12th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow; the names have been omitted:

FINDLAY, OHIO,
March 31, 1972.

A ROSE FOR YOU, YOU DEAR MAN!

Tell those other fellows down there in Washington to please do something about those telephone callers. I have been bothered, angered, annoyed, pestered, and exasperated with them for years but had no idea that anything could be done about it.

I could write a couple pages about "the time when . . ." but I'm sure I don't have to. They have caught hundreds of us with wet babies, bread-dough fingers, and quick drying plaster. We have come running from the back of the yard, from the somewhat muddy carrot patch, from the ladder at the bedroom window.

So I'm going back to work.

Thanks for starting something!

———.

BOSTON, MASS.,
March 29, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I would like to add my non partisan support to limit telephone solicitation.

Good Luck!

Respectfully,

———.

INDIANAPOLIS, IND.,
March 29, 1972.

DEAR CONGRESSMAN: I'm starting this letter like this because I intend to send one to each of the 27 members of congress who helped introduced the bill to make the telephone Company take peoples name off of telephone lists for companys or none profit foundations who pay people to do this sort of work—telephone solitication.

I have did this kind of work for 9 (nine) years and I know some about what the American public think about telephone solicitors—it is not good but as soon as someone gets to the core and lets the American public know the people that hire these people and the telephone company are the one who make the money from this the less the person who does the work on the telephone will be treated like dirt. More and more of these companys and Foundations are doing this on a commission basis so the person who works the phone will be the loser. those people who do hire people to work on a commission basis do not take out any taxes. Some people do only a small amount of this work and do not turn it in on their tax returns. Other people that do this work even if taxes are taken out never get a amount showing this.

We have a non Profit Foundation operating all over this country that so I have been told have eight hundred women doing this work in their homes on a commission basis. First of all this non profit foundation should not be able to have that many paid workers on their Payrolls. Second I have until the 24th of march worked fore this foundation for one year and I can show proof of how they do their solicitors anytime you want to see it. I have some photo copies and some original sheets that I worked for them. I will be glad to turn over to Andy Jacobs Jr office here any of this for you to see along with other things.

I have some suggestions that I would I like to make to all 27 of you People;

That companys or non profit foundations be made to use the most up to date directory that the telephone company in their city puts out; Why? this way the person on the telephone gets more good out of a number after dialing. the following statement that I am going to make I can prove. this non profit Foundation that I have been working for is now using a 1970 Haines criss cross directory or were the last work that I did for them. But yet the 1972 Haines criss cross has been out since Jan 1972.

To make the telephone company send notices for three months after this bill passes (and it will) stating they can have their number taken off these calling lists.

To make the telephone company stand complete charge of this and not to get a raise rate to cover it. If they want to charge the company or non profit foundation for it that would be alright, but the American public has paid thru the nose long enough to please the big companies and big non profit foundations and I might add here that this big foundation is a veterans' foundation and I'm not against it but against some of the people in its ranks. I served my country in the Second World War on a volunteer basis and can prove it with the American red cross in their blood bank.

That anyone using telephone solicitors not be allowed to purchase or use a crisscross directory. They can get every unlisted number in the country this way. People who have unlisted numbers pay for the unlisted number but yet get calls. The telephone company makes both ways.

That before the company or foundation that is calling be made to belong to the beter business bureau in their community—the foundation I worked for does not. Also that the person can report this company or foundation to the Labor Board without getting fired, laid off or made so little that they quit on their own accord.

In closing I will say if I can be of any help in putting the telephone co. in the place they belong (at the bottom of my list) I will be glad to do it.

———.

WASHINGTON, PA.
March 30, 1972.

Representative LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: Congratulations on your bill to "place a no-solicitors' sign on telephones." The continued intrusion by solicitors is outrageous.

I have often wondered why, if a person does not wish to be disturbed, that a cutoff of all calls could be made, until such time as the person is ready to receive calls again.

Yours truly,

———.

LA JOLLA, CALIF.,
March 29, 1972.

Hon. Mr. ASPIN.

DEAR SIR: Having read in the Christian Science Monitor that you are introducing a bill to prohibit advertising calls on one's phone. This is to register my hearty support.

Being roused from a badly needed nap—or in the crucial few minutes of poaching an egg—well for years I have wondered what could be done about it.

Thank you and sincerely,

———.