or lost in the paddies of the Mekong Delta, in the mist-wreathed mountains of the Central Highlands and in the twisting streets of Hue and Saigon and of a hundred nameless villages. And it will be won or lost by the only people who can win or lose it, the people of South Vietnam. American air power and (where it can be brought into) outcome, but they cannot determine it.

The track record of the ARVN (South Vietnamese) troops admittedly is mixed. They have not done well in Cambodia, and rather less than that in Laos. But on their own soil, in defense of hearth and home and family (as was the case during the 1968 Tet and is so now), they have, when well led, given a good account of themselves.

And so perhaps it is just as well that the decisive campaign of the war—and who can doubt that this is it—should come, not in Cambodia or Laos, but literally in their own backyards. And in this respect it is perhaps worth noting that the pitiful flow of refugees is not toward those areas "liberated" by the North Vietnamese but toward government-controlled sanctuaries — and no Asian peasant lightly abandons his land. That is known as voting with your feet.

Thirdly, the invasion is to be welcomed because it casts the cold light of reality upon the euphoria engendered by President Nixon's visit to Peking and his forthcoming trip to Moscow. The exchange of musk oxen and pandas is well and good but it does not alter the fact that the men in charge in Peking, Moscow, Hanoi and most other Communist capitals are a bloody bunch of cutthroats dedicated to the ultimate destruction of democracy everywhere and of the United States in particular.

And finally, that the North Vietnamese should be willing to sacrifice so much blood and treasure with the obvious intent of resurrecting the war as an issue in American politics and procuring the defeat of Richard Nixon in November can be taken as a measure of the effectiveness of the President's policy. Hanoi apparently is convinced that it has no hope of winning the war if Nixon is re-elected and that, at least to this observer, is a rather good reason why he should be.

Nobody in his right mind wants this (or any other) war to continue. But there are worse things than war, things like enslavement and betrayal and self-deception and cowardice. So the lines are drawn and the battle is joined. The distinction between aggressors and defenders is clear.

Peace is very much to be desired, but not at any price. Not the false peace of the Neville Chamberlains and the George McGoverns which contains within it the seeds of later and greater conflicts. Not the peace which is a euphemism for surrender.

Indeed, one could do worse than to recall the words of Lord John Russell, uttered 119 years ago: "If peace cannot be maintained with honor, it is no longer peace." That still holds true today. Which is one reason Mr. Nixon launched the B52s against Hanoi and Haiphong.

DELAWARE: THE FIRST STATE IN HIGHWAY TRAFFIC SAFETY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, April 20, 1972

Mr. BOGGS. Mr. President, Delawareans are very proud of the fact that we are the first State of our Nation. Now we are thankful that we are achieving another distinction: The most progressive State in reducing highway accidents.

Recently, I spoke to the Senate about the commendable traffic safety record that Delaware achieved in 1971. Delaware reduced the number of traffic fatalities last year by approximately a quarter from the 1970 rate. This was a greater percentage reduction than in any other State in the continental United States.

Now, Delaware has achieved the highest ranking of all the States in compliance with the Highway Traffic Safety Standards established by the Department of Transportation. It should be noted that Delaware also achieved the No. 1 ranking the previous year.

Much of the basis for this accomplishment is due to the excellent work of our State police and the Department of Public Safety. I would also like to commend the excellent work of Delaware's Federal-State highway safety coordinator, William Scotten, and his deputy, Capt. Walter Nedwick.

I know that all Delawareans are proud of this accomplishment. But more than proud, we are thankful, as this effort has great meaning to the safety and welfare of the people of our State and those who visit Delaware.

Mr. President, I ask unanimous consent that a report on this latest achievement by Gov. Russell W. Peterson be printed in the Extensions of Remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT BY THE GOVERNOR OF THE STATE OF DELAWARE

For the second year in a row Delaware has earned the highest national ranking from federal officials for compliance with 16 Highway Safety Standards—scoring 1,387 points out of a possible 1,600.

Governor Russell W. Peterson recently received from John A. Volpe, Secretary of the U.S. Department of Transportation, a detailed evaluation of Delaware's 1971 highway safety program as compared to the programs of the other states in the nation, the District of Columbia and Puerto Rico.

"I was very pleased to learn from Secretary Volpe that Delaware's highway safety efforts during the past year were ranked Above Average—the highest possible ranking—placing us among 12 states and the District of Columbia which scored better than 1,250 points," Governor Peterson explained. "We received a perfect score of 100 points in five standards, a score of 80 or better in another seven standards, a score of 70 or better in three standards, and our lowest score was 66."

The 66 points were scored on the standard which pertains to a program of highway design, construction and maintenance to improve highway safety. The Governor noted that while Delaware's score on this single standard was low, it was still above the national average of 59.

The only improvement needed to increase to a perfect score the 75 points received for the Emergency Medical Standard is a state wide comprehensive plan for emergency medical services which is already under preparation.

The other standards and the points earned were: Periodic Motor Vehicle Inspection (88), Motor Vehicle Registration (82), Motorcycle Safety (100), Driver Education (90), Driver Licensing (82), Codes and Laws (100), Traffic Courts (100), Alcohol Safety (100), Identification & Surveillance of Accident Locations (91), Traffic Control Devices (86), Pedestrian Safety (81), and Debris Hazard Control and Cleanup (100).

"The Federal report card on the State's implementation of the 16 High Safety Standards, coupled with the fact that the 117 highway deaths on Delaware's roads last year was 23 percent fewer than the 152 of the year before, points up very clearly that we are definitely working the highway safety problem and achieving significant results," Governor Peterson said.

"But our past achievements in highway safety should in no way lead to complacency," he added. "Already this year, 29 persons have died on our highways compared to 14 during the same period last year."

"While this year's higher death rate is partially attributable to the fact that there already have been four multiple fatality accidents claiming 8 lives including two pedestrians, which is an unusual circumstance in so short a period, our law enforcement and highway safety activity remains at the same high level as last year," the Governor explained.

"I call for every citizen of Delaware to put forth the extra effort needed to further reduce the needless loss of lives on our highways," the Governor urged.

The National Highway Safety Act of 1966 authorized the U.S. Secretary of Transportation to develop highway safety standards each state strives to meet in order to continue to receive federal highway funds. The implementation of the standards in Delaware is coordinated by the Federal State Highway Safety Coordinator's Office of the Department of Public Safety.

SENATE—*Friday, April 21, 1972*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. ELLENDER).

The PRESIDENT pro tempore. Pursuant to the order of yesterday, the Senate will now stand adjourned until Tuesday, April 25, 1972, at 10 a.m.

ADJOURNMENT TO TUESDAY, APRIL 25, 1972

Thereupon, at 10 o'clock and 10 seconds a.m., the Senate adjourned until Tuesday, April 25, 1972.

NOTICE OF HEARING ON DEEP WATER PORT POLICY ISSUES

The Committee on Interior and Insular Affairs will hold a hearing on April 25, 1972, pursuant to the study of national fuels and energy policy authorized under Senate Resolution 45, to review deep water port policy issues. Testimony will be presented by Government witnesses who include:

Dr. Gordon J. F. MacDonald, member, Council on Environmental Quality;

Mr. Robert J. Blackwell, Deputy Assistant Secretary for Maritime Affairs, Department of Commerce; and

Lt. Gen. Frederick J. Clarke, Chief, Army Corps of Engineers.

The hearing will convene at 10 a.m. in room 3110 of the New Senate Office Building. Representatives of other Government agencies, coastal States and communities, industry, conservation, labor and consumer groups, and independent experts are being asked to submit written statements for the hearing record.

EXTENSIONS OF REMARKS

AMNESTY GAINS SUPPORT

HON. BELLA S. ABZUG
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mrs. ABZUG. Mr. Speaker, on March 29 I introduced H.R. 14175, the War Resisters Exoneration Act of 1972, calling for complete and unconditional amnesty for all who have violated laws in the course of nonviolent war protest. Amnesty under the bill would become effective upon the date of cessation of hostilities in Indochina, which would be within 3 months after the bill is enacted.

Since the bill was introduced, I have received a large number of statments of support for my position on amnesty. Many of these I have already entered in the RECORD, and I would like to enter today three additional statements which are among the most thoughtful and articulate I have seen on the subject. The first is a thorough, scholarly study by the distinguished historian, Henry Steele Commager, which appeared in the New York Review of Books of April 6, 1972. The second is the policy statement on amnesty of the National Student Association. The last is the text of a telegram of support from the American exile community in Winnipeg, Manitoba, Canada. I invite your attention to this important material:

[From the New York Review of Books, April 6, 1972]

THE CASE FOR AMNESTY

(By Henry Steele Commager)

We do not have and, in the circumstances, we cannot have accurate statistics on desertion and draft evasion for the past seven years. It seems likely that desertion has been as high in the war in Southeast Asia as in any other war in which we have been involved, although since draftees were allowed to buy substitutes during the Civil War, the comparison is bound to be faulty. In 1970 the desertion rate in Vietnam was 52 per thousand—twice the rate of the Korean war. In 1971, up to September, the rate was 73.5 per thousand. Many of these deserters were subsequently returned to military control. As for draft evaders, estimates run between fifty and one hundred thousand, but since many potential draftees took cover before being formally inducted, these figures are almost meaningless.

This high incidence of desertion and draft evasion is not, I submit, a commentary on the American character, but a commentary on the war; after all, there was neither large-scale desertion nor draft evasion in World War II, and the national character does not change in a single generation. What is by now inescapably clear is that the Vietnam war is regarded by a large part of our population—particularly the young—as unnecessary in inception, immoral in conduct, and futile in objective. What is clear, too, is that more than any other war since that of 1861–65, it has caused deep and bitter division in our society. The task confronting us is therefore not dissimilar to that which Presidents Lincoln and Andrew Johnson faced; it is not merely that of ending the conflict in Asia but of healing the wounds of war in our own society, and of restoring—it is Jefferson speaking—"to social intercourse that harmony and affection without which liberty and even life itself are but dreary things."

Both the term and the concept of amnesty are very old. The word is Greek—*amnestia*—and means forgetfulness, oblivion, the erasing from memory.* I cite this not out of pedantry but because it illuminates the problem that Senator Taft of Ohio has raised: whether there can in fact be conditional amnesty. Can there be partial oblivion, can there be a qualified erasing from the memory? Can draft evaders who take advantage of the amnesty proposed by Senator Taft—working out and presumably expiating their sins for a period of up to three years—during these years of forced service forget or erase from their memory this unhappy chapter of their history and ours? After the guns have fallen silent and the bombs have ceased to rain down on Vietnam and Laos, will deserters who are tried and punished for their military offenses be able to put the war out of their minds?

And indeed while these unfortunates are doing penance in various ways, will the nation be able to forget the deep moral differences that animated those who fled their country or their regiments rather than violate their consciences? If it is oblivion we want, or even reconciliation and harmony, we shall not achieve any of them by this labyrinthine route.

The question of amnesty and/or pardon to draft evaders and deserters is not really a legal or constitutional question. There is no doubt about the constitutional right of the President to grant pardon and to proclaim amnesty, and none about the Congressional right to enact amnesty, nor is there any constitutional obligation for either President or Congress to take any action at all. The argument for amnesty is threefold: historical, practical, and ethical. It is to the interesting question of experience, the illuminating question of expedience, and the elevated question of moral obligation that we should address ourselves.

We may dispose of the history summarily, though one chapter of it is relevant. The American Revolution was a civil war. Those whose supported the Crown, whom John Adams estimated as one-third of the population, were exposed to the obloquy and persecution that attend most civil wars. They suffered deprivation of position, confiscation of property, physical violence, and exile. During and after the war some 80,000 Loyalists fled the country, mostly to Canada. A few returned, but both public opinion and legislation were so hostile to Loyalists that most preferred exile. This for want of magnanimity and vision, the new nation, which needed all the resources that it could obtain, lost a large and valuable segment of its population, established in Canada a body of United Empire Loyalists whose unifying principle was hostility to the United States, and earned an international reputation for harshness and rancor.

Desertion was, as we all know, endemic in Washington's army—which all but melted away at Valley Forge—but after the war was over no effort was made to punish wartime deserters. As President, Washington established the precedent of generosity for those guilty (or allegedly guilty) of insurrection: he proclaimed amnesty for participants of the Whiskey Rebellion, observing, in words that are pertinent today, "Though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet my personal feeling is to mingle in the operations of the Government every degree of moderation and tenderness which justice, dignity, and safety may permit."

John Adams took the same attitude toward the so-called Fries Rebellion of 1799, granting "a full, free and absolute pardon to all and every person concerned in said insurrection." Jefferson in 1807 pardoned all deserters from the army of the United States who returned to their units within four months; Madison issued no fewer than three proclamations of the same nature, covering deserters in the War of 1812. President Jackson's Amnesty of June 12, 1830, had an interesting twist to it: he pardoned all deserters from the army provided they would never again serve in the armed forces of the United States!

It is the Civil War that provides us with the best analogies and, I think, the best models for our own time. Desertion from both Union and Confererate armies was roughly 10 percent—perhaps higher. Draft evasion was widespread and flagrant, complicated in the North by what was called "bounty-jumping," that is, multiple enlistments and desertions designed to collect bounties. While neither draft dodgers nor deserters were a danger in the North, they were in the South: it was said—on what authority it is not clear—that, in 1864, there were more deserters and draft evaders in the mountains of the Carolinas than there were soldiers in Lee's army. Appomattox put an end to the problem in the South; no action was taken against either deserters or draft evaders after the end of the war in the North.

What is illuminating, however, is the attitude of Presidents Lincoln and Johnson toward Southerners who had engaged in rebellion and were, technically, guilty of treason. Should they be brought to justice, and punished? Should states that had joined the Confederacy be punished? Lincoln's position was clear and consistent. Even during the war he issued a series of amnesty proclamations designed to bring Confederates back into allegiance and to get government in operation in the South. He had been unwilling to "let the erring sisters go in peace"—as Horace Greeley recommended—but he was ready to let them return in peace. Congressional radicals wanted to punish the South for its treason by excluding the Southern states from full membership in the Union: in the end, as we know, they succeeded at least in part.

Lincoln would have none of this, indeed he regarded the question of the legal status of the Confederate states as "a pernicious abstraction." "Finding themselves safely at home," he said—which might be said of our draft evaders who, after all, did not bear arms against the United States—"it would be utterly immaterial whether they had ever been abroad." How fascinating is Gideon Welles' recollection of that last cabinet meeting which discussed the question of capturing Confederate leaders and bringing them to trial. "I hope there will be no persecutions," said Lincoln, "no bloody work after the war is over. No one need expect me to take any part in hanging or killing those men, even the worst of them. . . . Frighten them out of the country, open the gates, let down the bars, scare them off—" and opening his hands as if scaring sheep, "enough lives have been sacrificed."

Who can doubt, now, that Lincoln's policy of magnanimity was wiser and more far-sighted than the radical one of punishment? Even the radicals were not vindictive by modern standards. How gratifying it is to recall that the United States put down the greatest rebellion of the nineteenth century without imposing on the guilty any formal punishment. Not one leader of the defeated rebels was executed; not one was brought to trial for treason. There were no mass arrests,

*There is the highest judicial sanction for this definition: "Amnesty is the abolition and forgetfulness of the offense; pardon is forgiveness," said the Supreme Court, *Knote* v. *US* (95 US 149).

no punishment even of those officers of the United States Army and Navy who had taken service in the Confederacy. No Confederate soldier was required to expiate his treason, or his mistake, by doing special service; none was deprived of his property—except property in slaves—or forced into exile by governmental policy. What other great nation, challenged by rebellion, can show so proud a record?

We can dispose with lamentable brevity of the record in the present century, for it is a brief record. There was no general amnesty for draft evaders or deserters after World War I. Indeed those guilty of violating the Espionage and Sedition Acts—among them Eugene Debs—languished in jail while President Wilson was in the White House. That dangerous radical, Warren G. Harding, gave Debs a partial pardon, and his equally radical successor, Calvin Coolidge, released most of those who were still in jail when he came to the Presidency.

No major war in which we have engaged saw fewer desertions or draft evasions than World War II—a war which almost all Americans thought necessary and just. Yet when Vice-President Truman came to the Presidency, in 1945, there were some 15,000 draft evaders and other offenders against the military law in federal custody. Truman appointed a committee, headed by Justice Owen Roberts, to advise him on what action he should take. The committee advised against a general amnesty and recommended individual consideration of each case. This advice was accepted; only one-tenth of those in jail, however, were actually released—not a very gratifying result.

One final observation and we are finished with our historical recapitulation. Confronted with acts of hostility against the nation incomparably more serious than those alleged against our deserters or draft evaders, France, Norway, Belgium, the Netherlands, and Japan all granted partial amnesty to those large segments of their populations who had engaged in disloyal activities. It is perhaps even more pertinent to recall that that great soldier and statesman, General de Gaulle, proclaimed a general amnesty to almost all those who had resisted—even by arms—the government of France during the Algerian crisis. In all this we are reminded of what that other great soldier and statesman, Winston Churchill, said, "There must be a blessed act of oblivion."

More important than historical precedents, however illuminating, are considerations of wisdom and of morality. Here we come, I think, to the heart of the matter. A nation does not adopt important policies—policies affecting the lives of hundreds of thousands of its young people, and affecting the social and moral order itself—out of petulance or vindictiveness. It bases its judgment rather on the interests of the commonwealth. Nor do statesmen indulge in what Lincoln called "pernicious abstractions"—abstractions about whether magnanimity to some will somehow be unfair to others: after all, who knows what is ultimately just, or what will ultimately satisfy the complex passions of a vast and heterogeneous society? We should make our decisions on the question—complex enough to be sure—of what appear to be the long-range interests of the nation.

When we consider the problem of amnesty in this light, several considerations clamor for our attention:

1. Those who deserted either the draft or the army were not young men indulging themselves in reckless irresponsibility, or confessing cowardice. They were, and are—we must concede this in the face of so large a resistance—acting sincerely on conscience and principle. After all, this is the position that wise and objective judges of the Supreme Court accepted in both notable conscientious objector cases—*US* v. *Seeger* (1965) and *Welsh* v. *US* (1970).

We must put aside for the time being the question whether the deserter-evaders are right in their convictions, or whether those who oppose them are more nearly right. What we cannot deny is that the vast majority of them acted on principle; that they felt—what it is probable the majority of the American people now feel—that the war in which they were required to participate was misguided and immoral; they rejected it therefore on moral grounds. This is a position the American people have always respected—not only in questions of military service but in other large issues of public policy: the obligation to return fugitive slaves to their masters, for example.

It is a principle, too, we have respected in others. It is not the "redcoats" who laid waste the countryside in the American Revolution that we remember and admire, but those back in Britain who thought the war on the colonies a wicked war and refused to have any part in it: Jeffrey Lord Amherst, for example, who refused to resume active service against the Americans, Lord Admiral Keppel, who refused to serve against the Americans, Lord Frederick Cavendish, who sat the war out, the Earl of Effingham, who turned in his commission rather than fight in America—and was thanked for this by the corporations of London and Dublin!

2. Nor can we overlook another consideration. In many ways the deserters and draft avoiders of today are like the "premature antifascists" of the 1930s, who suffered persecution during the Joseph McCarthy era because they had fought fascism abroad before the country caught up with them. May we not say that most of those who have deserted or gone underground merely took "prematurely" the position that most Americans now take; more, that they took prematurely the position that the government itself now takes: that the war was and is a mistake, that we should extricate ourselves from it as expeditiously as possible, and that the whole enterprise of fighting a war designed primarily to "contain" China looks absurd at a time when our President has gone to China to arrange closer relations with her? May not the deserters and evaders claim that their error is to have been ahead of public opinion and of government policy, and that it should be easy to forgive this error?

3. There is a third consideration which affects a substantial number of those with whom amnesty is now designed to deal—a group who may be designated premature moral objectors. For as we all know, the legal interpretation of what constitutes acceptable objection on grounds of conscience has changed. That change began as early as 1965, in the notable case of the *US* v. *Seeger* (380 US 163), which extended exemption from the draft to those who embraced a "belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed."

Speaking through Mr. Justice Clark the Court held that Seeger was entitled to exemption "because he decried the tremendous spiritual price man must pay for his willingness to destroy human life." But in 1965 the Court still required, as a legal basis for exemption, some belief, however vague or remote, in a Supreme Being. By 1970, however, the Court was prepared to accept moral and ethical scruples against the war as meeting the requirements that the Congress had set for exemption on account of conscience. That requirement, wrote Justice Black, "exempts from military service all those whose consciences, spurred by deeply held *moral, ethical or religious beliefs* [italics mine], would give them no rest or peace if they allowed themselves to become a part of an instrument of war" (398 US 333, at 344).

Clearly if those whose opposition to war is based not on formal religious beliefs but on moral and ethical principles are now exempted from service, then those with the same beliefs who were denied CO exemption in the past have an almost irresistible claim on us for pardon or amnesty.

There are, to be sure, some serious objections to be met. Not the objections inspired by passion, by prejudice, or vindictiveness; these must be left to that religion which so many feel the deserters and evaders have flouted, or to the healing force of time; but objections based on considerations of public policy. It is alleged, for example, that a sweeping amnesty would somehow lower the morale of the armed services. Quite aside from the observation that it is difficult to see how that morale could be any lower than it now appears to be, it is proper to say that there is no objective evidence to support this argument. It does not appear that amnesty worked this way in the past, in those relatively few instances where it was applied while the war was still going on. Nor is it irrelevant to note, for what it is worth, that there is strong support for amnesty from several veterans' organizations today.

But would a sweeping amnesty make it more difficult for the United States to recruit or draft an army for another war? Such speculations are what Lincoln called "pernicious abstractions": certainly Lincoln's use of amnesty did not appear to have any effect whatever in later wars.

There is a further point here. Is there not something to be said for putting government on notice, as it were, that if it plunges the nation into another war like the Vietnam war, it will once again be in for trouble? After all, governments, like individuals, must learn by their mistakes, and though the process of teaching government not to make mistakes is often hard on those who undertake it, it is also often very useful. Southern states no longer threaten to secede; Congress no longer threatens to establish military government in states that do not behave themselves; whatever we may think about the dangers of alcoholism, we no longer try what was once called "the noble experiment" of Prohibition. If the war in Southeast Asia is a mistake from which we are even now extricating ourselves, is it just that we should punish those who—at whatever cost—helped to dramatize that mistake?

For almost a decade now our nation has been sorely afflicted. The material wounds are not as grievous as those inflicted by the Civil War—not for Americans anyway—but the psychological and moral wounds are deeper, and more pervasive. Turn and twist it as we may, we come back always to the root cause of our malaise, the war. If we are to restore harmony to our society and unity to our nation we should put aside all vindictiveness, all inclination for punishment, all attempts to cast a balance of patriotism or of sacrifice—a task to which no mortal is competent—as unworthy of a great nation. Let us recall rather Lincoln's admonition to judge not that we be not judged, and with malice toward none, with charity for all, strive on to bind up the nation's wounds.

UNITED STATES NATIONAL STUDENT ASSOCIATION,
Washington, D.C.

Amnesty has become a popular topic of debate with the supposed winding down of the war. Clearly the issue of amnesty is an important one, to be resolved along with other considerations raised by the Vietnam War. We believe that the complexities of the war are so great as to defy computation, and that those who refused induction or otherwise resisted participation in the war should not be punished for pursuing what they believed to be the only honorable course of action. But we are concerned lest a limited discussion of amnesty obscure the other and broader issues of the war. We are torn between two perceptions: on the one hand, we realize that amnesty must be raised as an

issue in order to create a political climate in which it can be rationally discussed. On the other, simply because amnesty has historically been extended at the end of a war, we are afraid that a discussion of amnesty at this point might be premature and incorrectly create the impression that the Indochina War is ending. We believe that amnesty should be extended to resisters, we believe that the Nixon Administration should end the war. *But the first cannot happen without the second,* and the second does not seem to be happening at all. In fact, all available evidence points more towards an escalation than towards a conclusion.

We speak as students and as young people, because we think that a youth perspective should be brought to bear on the discussion of amnesty. For the most part, those who would be most directly affected by an extension of amnesty, either conditional or universal, have not been consulted. Most people will agree that the majority of all Vietnam War resisters are members of our generation, and consequently we believe it our responsibility to see that our brothers and sisters are treated fairly. This statement is not meant to constitute a way in which this nation can absolve itself of the crime against humanity the war represents. Instead, it is meant as a first step toward a realization of our responsibility, to our friends, our brothers and sisters, and our whole generation.

There are reasons which might best be described as politically expedient to support a demand for amnesty. In the long, troubled years of the Vietnam War, few communities have escaped the tragedy of lives lost and careers interrupted; few communities have been spared the tensions of dissent and disillusionment. Our leaders, on the whole, have aggravated rather than alleviated, the differences among us. The complexities of imputing blame and ascribing honor grow with each new revelation about the origins and purpose of the war. As we debate issues that seem increasingly insoluble, the problems of turning our society's energies and resources away from war and towards social justice become more acute. We can ill afford to waste more time arguing about the rightness or wrongness of individual responses to the war if we are to heal those differences and return this nation to a singleness of purpose in its pursuit of justice.

For pragmatic reasons, then, we feel that a call for amnesty is justifiable, as a way of reunifying the American society, not in forgetfulness but in acceptance of responsibility. Reordering priorities and realigning resources is a massive task, but we perceive a starting-point in the extension of amnesty to all individuals who resisted participation in the war. This is not to say that theirs' was the only honorable response to the moral dilemma posed by the war; we recognize and respect the integrity of many who chose to fight as the only justifiable course of action. But we believe that those who chose to resist acted with equal justification, and should not be made to bear the legal responsibility for a nation's confusion. We say: let the exiles in Canada and around the world return to the United States free of legal impediment. Let the military stockades and federal penitentiaries be emptied of those convicted, or currently awaiting trial for, their refusal to support the war. Let the military and civil records of all resisters, deserters and dissenters not be held against them. We need their talents and energies too badly to tolerate a class of political exiles in our midst.

But there is a moral imperative involved here, too, and it far outweighs the politics of expediency. And that is why we support a universal amnesty that is unconditional, automatic and non-punitive. We call for universal amnesty for all those who resisted the Vietnam War in whatever form. Let there be no mistaking precisely what this means: to call for universal amnesty is not to "forgive and forget." To forgive and forget is to reject the responsibility that we as a nation must bear for the brutality and destruction we have perpetrated on the peoples of Southeast Asia. To forgive and forget is to leave open the possibility that this nation might again embark on a disastrous foreign policy such as the one which dictated American involvement in this war. And we must never allow such a war to be waged.

On the contrary, we must force this nation to recognize and accept its responsibility for the war and its aftermath, and to understand that part of its aftermath is a generation of political exiles: exiles because they refused to participate in a war against which their individual consciences argued, and against which most of the American people's sentiments have turned. Exiles because they refused induction, or fled the country, or deserted the military, or were dismissed from service with a less than honorable discharge, or otherwise violated civil or military codes in protesting the war. Exiles because the American government persists in prosecuting and imprisoning them. Exiles because employers reject them, communities harass them, and the American people refuse to accept their collective responsibility and insist on placing the sole legal responsibility for the war on the very people who refused to wage it.

And we cannot forget that these people, at very great personal sacrifice, awakened the conscience of the American people. They maintained the war as an issue before the eyes of the public. They countered every instance of Administrative duplicity with their own personal statements, quiet or dramatic, of the truth. In the 1960's, while many of us trembled to put even our personal or political credibility on the line to oppose the war, they put everything on the line—their homes, their families and friends, their careers, their freedom, their honor. We would betray their convictions if we proposed to the American people that they forgive and forget. On the contrary, we insist that a universal amnesty would have such far-reaching ramifications that, far from obliterating their records and forgetting the crisis of conscience through which the war forced them, the whole society would be compelled to bear the burden of conscience these men and women now carry.

SCOPE

Many categories of resisters and dissenters would be covered by a universal amnesty. Resisters, who fled the country or went underground, and accepted exiles rather than bear arms, constitute the category on which the most emphasis is placed by legislators and the media. There are between 70,000 and 100,000 young Americans exiled in Canada or abroad who are unable to return to the United States without facing prosecution. They should be allowed to return to this country free of legal impediment. There are some 8,500 resisters who either are serving or have served sentence in federal penitentiaries for refusing to register or accept induction; their sentences should be terminated and their records wiped clean. There are hundreds upon hundreds of men and women who have been prosecuted, fined and/or imprisoned for civilian acts of resistance to the war. Their sentences should also be commuted, and their records likewise wiped clean. *That is not to say that in erasing the legal stigma from their records, we should erase their stories:* the witness they bore to the American people should be preserved as our best assurance against just such a future war as this.

There are other categories of resisters who receive less press coverage and less public sympathy, and we are particularly adamant that they be included in a universal amnesty. Apparently the media finds something more romantic, or at least more newsworthy, in the plight of the resister in jail for clearly articulated reasons of conscience, or the fate of the exile in Canada who fled his country rather than register or accept induction. And yet there are thousands of men who are currently serving time or awaiting trial in military stockades for violations of the military code, or who were dismissed from the military with less than honorable discharges, or who deserted the military, all of whom should be included. These men have been unjustly excluded from consideration under most of the pending amnesty bills, an exclusion apparently rationalized by maintaining that many of them violated the military codes for reasons other than direction opposition to the Vietnam War. That is, we believe, a bogus argument. There is a direction relationship between America's aggression against the people of Indochina and its repression of servicemen. In a society where the government allows its citizens' constitutional rights to be abrogated by the military, there should be little surprise when it abrogates the most basic human rights of people abroad. Viewed from that perspective, it seems clear and reasonable that opposition to a repressive and inhuman military is a corollary of opposition to that military's repressive and inhuman activities abroad.

There are yet more serious reasons for insisting that those who violated military codes during the course of the war be included in a call for universal amnesty. We will be very specific about this: for every young man from a middle-class background who had the benefit of a student deferment, or access to financial resources and legal counsel to secure a conscientious objector status or otherwise avoid induction, there is a young man, often from a poor or working-class background, often non-white, who was inducted in his place. For every young man who had the benefit of an understanding draft board that supported his case against induction, there is a young man who had to face a wholly unsympathetic and often racist board that forced him into the military. Most young people who were successful in their fight to avoid induction recognize that theirs' was a luxury afforded to few in this society, and we believe they share our conviction that men not so fortunate as they should be fully exonerated and recompensated.

And there is a case to be made, too, for men who willingly entered the military and only later realized that their consciences would not permit them to perform the actions their superiors demanded. If we as a nation have come only so lately to a realization that this was wrongly conceived and shamefully fought, can we in all conscience condemn the soldier who arrived at the conclusion after he was in service? There should be no differentiation between the draft resister and the military deserter or the dishonorably discharged. The issue is not whether one is more or less guilty for following the dictates of his conscience at an earlier or later time in his life; the choice they have made is essentially the same. Why should these men shoulder the responsibility for the war, when the country as a whole has not yet truly accepted its moral responsibility for destroying a country and its people for generations to come in the name of freedom?

The question, then, is not one of who shall be included, but who shall be excluded, from a universal amnesty. A universal amnesty is by definition one with the broadest possible scope, and should exclude only those who are actually responsible for committing war crimes and those who committed a crime against human life.

METHOD

We believe that universal amnesty should be extended as soon as possible, and no later

than the conclusion of hostilities in Southeast Asia, whether that truce be declared or *de facto*, and that such amnesty should be automatic: that is, the declaration shall be immediate and comprehensive and without the intervention of any board or commission. We are strongly opposed to making the extension of amnesty a case-by-case process of examination and judgment. In the first place, a case-by-case examination and judgment would clearly tie up any commission in red-tape for generations to come, simply by virtue of the sheer numbers involved. In the second place, because our perception of universal amnesty is based on the proposition that *all* Americans must shoulder the responsibility for the war, we doubt that there is any board that is qualified to sit in judgment upon resister, deserters and dissenters. And finally, such a case-by-case approach would place at a great disadvantage those men and women who did not have access to proper counsel and advice, or who, for one reason or another, were not as adept as others in articulating their individual cases.

Instead, we believe that only an immediate and automatic extension of amnesty would be a fair and honorable way of resolving the hundreds and thousands of cases that would arise in the event that amnesty became a reality.

NON-PUNITIVE AMNESTY

We do not find acceptable any proposal about a punitive amnesty which would require resisters, deserters, the dishonorably discharged, and the dissenters to perform some form of alternative service as a way of discharging his or her obligations to society. On the contrary, a universal amnesty is a small first step towards recompensating these individuals for the personal sacrifices they were compelled to make in responding to the moral dilemma raised by the war. Furthermore, it is understandably questionable whether the majority of these individuals, who assumed the stance they did because it was the only possible moral response, would sacrifice their convictions and accept public penance, and thus tacitly acknowledge guilt. The only acceptable amnesty, then, is an unconditional and nonpunitive one which is not so much grounded in a willingness to forgive but a desire to recompensate.

CONCLUSION

It has been said that the United States government could not logically extend a universal amnesty without calling for the resurrection of the dead. That is perhaps true, but only if in calling for the resurrection of the dead as a form of amnesty, we remember that the Vietnamese dead are surely as deserving of recompensation as are the American dead. We mourn the dead, mourn them as vicitims of a misguided foreign policy, and surely there is a little part in each of us that we could erase all the effect of the war. But we know we cannot wish away what was, any more than we can ever permit ourselves to forget what was and is. And like Mother Jones, we feel compelled to pray for the dead and fight like hell for the living. Securing a universal amnesty for our brothers and sisters is one component of that struggle.

An so we call upon the Congress to prepare itself for the enactment of amnesty legislation, but to recognize that their primary responsibility at present is to enact legislation that would force the government to withdraw all U.S. troops—ground, sea and air forces—from Indochina, and to withdraw all other economic and military support from the present Saigon government. And we call upon the President, and all who would be President, to support the movement for amnesty as a step towards healing the division of the American people, but to recognize that the first step towards true reconciliation can only be the conclusion of the war. And finally, we call upon the American people to understand that mutual pardon in the form of amnesty is crucial to the restoration of unity in our nation, but to recognize that the forgiveness of the Indochina people can only be won by rapidly and wholly removing the burden of war which we have visited upon them for so many years.

MARCH 29, 1972.

Congressman BELLA ABZUG,
U.S. House of Representatives,
Washington, D.C.:

On behalf of the American Exile Community in Winnepeg, Manitoba, Canada, we wish to express our vigorous support for the Amnesty Bill that you are introducing as you know we firmly believe that ending the war is the first priority and that a meaningful amnesty is a postwar issue. However we feel it is necessary to have introduced at this time a broadly based non-punitive bill that can offset the inept bills of Senator TAFT and Representative KOCH for taking our concerns and the concerns of all the victims of the war to heart. We applaud you, it will only be through courageous and constructive acts such as yours that the United States may be able to make peace with itself and the world.

Winnepeg Committee to assist war Objectors.

PATRICK COOK, *Coordinator,*
TIM MALONEY, *Social Worker.*

DEVELOPMENT OF LOST RIVER MINERAL RESOURCES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, the Alaska Rural Development Council recently passed a resolution concerning development of Lost River mineral resources. At this site a sizable commercial mineral deposit has been located, and development of this mine would provide 300 jobs. The inhabitants of the area and western Alaska are in dire need of a chance to enter gainful employment to lift themselves above a subsistence and welfare economy and, therefore, the development of this mine site would be a great boon to the area. I am inserting into the RECORD a copy of the resolution.

RESOLUTION CONCERNING DEVELOPMENT OF LOST RIVER MINERAL RESOURCES

Whereas a sizeable commercial mineral deposit has been identified and explored; and

Whereas the Seward Peninsula of the State of Alaska is lacking in employment opportunities; and

Whereas a mine to develop this deposit would provide 300 jobs; and

Whereas the inhabitants of the area and Western Alaska are in dire need of a chance to enter gainful employment to lift themselves above a subsistence and welfare economy and enter into an improved style of living; and

Whereas the State would derive income through normal corporation taxes; and

Whereas the Seward Peninsula would benefit from improved shipping facilities; and

Whereas the lack of an established community at the site provides an opportunity for a totally planned, modern community

Now therefore be it resolved that the Alaska Rural Development Council hereby requests the Governor of the State of Alaska to direct those commissioners and directors concerned with rural and industrial development, community and health and social services, environmental protection, State planning and legal services to lend the Lost River Mining Corporation all possible assistance in getting the development underway; and

Further that effort be expended to develop full services, public docking and community facilities to complement such a development.

TONY RIOS—VETERANO

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 20, 1972

Mr. CRANSTON. Mr. President, I invite the attention of the Senate to one of Los Angeles' truly remarkable citizens, Mr. Tony Rios, president of the statewide Community Service Organization.

Tony Rios has been working devotedly and determinedly for his fellow Chicanos almost all of his life. The East Los Angeles Chapter of CSO, of which he has been the principal leader since its formation, is the oldest community group serving Mexican-Americans in Los Angeles. It has served as a model for community groups all over the State.

Tony Rios' long, dedicated service has been recognized by the Los Angeles Times in an article published Sunday, April 9, 1972. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TONY RIOS—A "VETERANO" OF BATTLES FOR CHICANOS—COMMUNITY SERVICE GROUP HE HEADS HAD ITS BEGINNING IN BOYLE HEIGHTS IN 1947

(By Frank Del Olmo)

In the ranks of Chicano activists, who range from the conservative to the radical, Tony Rios stands out as one of the genuine "veteranos."

The 57-year-old president of the statewide Community Service Organization has been organizing since the 1930s, starting with early efforts to organize fellow farmworkers in Ventura County, and then in more successful efforts to unionize the local steel industry.

In 1947, he was one of a handful of Boyle Heights residents (he has lived on the east side the last 36 years) who formed the state's first CSO chapter.

He has remained ever since with the East Los Angeles CSO, the oldest continuously active Chicano community group in the nation's largest barrio.

THE 25TH ANNIVERSARY

The local chapter celebrated its 25th anniversary last month in conjunction with CSO's 20th statewide convention at the Los Angeles Convention Center.

The campaigns the 33 local GSO chapters have engaged in over the last two decades are as varied as the barrios they are based in, from small farming towns in the Central Valley to inner city areas like East Los Angeles.

As the original chapter, however, the Los Angeles chapter, headquartered at 2820 Whittier Blvd., has often served as a testing ground and model for community service plans eventually applied in other areas.

Among CSO's more notable efforts:

Periodic voter registration drives that Rios

said have registered close to half a million Mexican-Americans throughout the state.

A self-supporting credit union with assets of more than $90,000.

A self-supporting buyers club, with 11 branches in the state, which purchases eggs, meat and other goods wholesale and sells them at discount to low-income families.

Two low-income housing projects. Both are due to begin construction soon in Tulare (112 units) and San Bernardino (36 units) with the CSO working in partnership with local developers. CSO planners hope similar projects planned for the future will be run by CSO alone.

POOL RESOURCES

Also planned for the near future is a CSO political arm to pool resources from throughout the state, both in terms of talent and money, and bring them to bear in local political campaigns for Mexican-American candidates.

In its 25 years, CSO also has initiated numerous public interest lawsuits, including police malpractice cases. It has sponsored citizenship classes, organized neighborhood improvement projects and, in general, waged its own guerrilla-style war on poverty and other problems in the Mexican-American community, long before such efforts became common.

CSO's first success was a solitary but significant one—helping in the election in 1949 of the first Mexican-American to serve on the Los Angeles City Council in 70 years.

U.S. Rep. Edward Roybal (D-Calif.)—an original CSO member—was the winner in that campaign. Thanks in part to subsequent realignment of council districts, Roybal remains the last Mexican-American to have sat on the City Council.

Rios said it was an unsuccessful councilmanic campaign by Roybal in 1947 that stirred a group of his supporters to form a permanent group that would work at organizing Mexican-Americans for community action.

The thrust of CSO in its early years was highly political, centered around voter registration drives and local campaign efforts.

Among the new CSO leaders was an up-and-coming former farmworker and barrio street tough from San Jose—Cesar Chevez.

Chavez organized for CSO some 10 years before moving on, in 1962, to his now famous campaign to unionize farm labor.

While leaders like Chavez and Roybal have moved on, still maintaining personal contact with CSO, Rios has remained.

He has stayed to not only watch CSO grow, but to observe an often startling growth in the activism of the Mexican-American community.

"There have been lots of changes," the native of Calexico said." Many more people are active now and interested in community affairs."

He has even seen Chicano leadership reach out of the barrios to involvement in state and national affairs.

He laughs now when he recalls that "it used to be difficult to get people organized about putting in a stoplight."

The veteran activist credits this increased awareness to second and third generation Mexican-Americans.

"The older generations that came here at the turn of the century never gave up their dreams of returning home to Mexico," he said.

But World War II convinced many of that older generation's children that "they fought for this country, so they had some rights. They had a stake in it even if their parents had been executed by the majority."

NEW MILITARY

Now a third generation is moving with a militancy that Rios said he does not always agree with, at least in terms of tactics.

"There are some groups (in the Chicano movement) now that are just talk," he complained.

Rios contends that some militants "just demonstrate and talk tough" rather than joining in the "long, slow process of building barrio power and learning how to use it."

Nevertheless, Rios said, he thinks the Chicano movement "overall is moving in the right direction," and that activist and militant campaigns—even those that have created some turmoil—have "helped wake up the people in the barrio and sensitize the majority community outside it."

As for his own involvement, which has lasted "all my life," Rios said he "wouldn't want to do anything else."

"I haven't taken a vacation in 28 years," he boasts, "and I don't need one. I like my work too much."

TAX REFORM AND THE FOUNDATIONS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, everybody is for tax reform, especially, it seems, in those years divisible by four; and 1972 is no exception. But reforms advanced in such years must be examined with a critical eye, for they tend to include the reckless as well as the reasonable, the political as well as the practical.

I think we should be especially wary in this election year of the quadrennial "New Populists" whose idea of tax reform is to legislate charitable foundations out of existence. These so-called New Populists are parading under the banner of loophole-plugging and relief for the little man, and yet the net effect of some of their foundation-wrecking schemes would be to create new pressures for Federal tax increases to fund those services now being supported by foundations. For if we dry up foundation support for private colleges, hospitals, and service organizations, these institutions will either have to turn to public support or terminate their operations. Either way the taxpayer will have to foot the bill to provide these vital services.

Mr. Speaker, rather than plunging into this kind of plugging, I think we would be better advised to take a close look at what effect the foundation-related provisions of the 1969 Tax Reform Act have had on foundations and private philanthropy. For the evidence is mounting that these provisions have had the unexpected effect of reducing foundations support for nonprofit educational, cultural, and service organizations which are already beginning to feel the financial pinch.

What we attempted to do in the 1969 Tax Reform Act was to eliminate foundation abuses of their tax-sheltered status. But it now appears that we may have been guilty of overkill, and the nonprofit organizations dependent on foundation support are the innocent and unintended victims.

What are the provisions of the Tax Reform Act which have had this crippling effect on foundation giving? First, under the new law, only half the appreciation on securities used in foundation funding is now deductible. Furthermore, the gifts to fund a foundation may not exceed 20 percent of the taxable income and may not be spread over 5 years as is permitted in the case of gifts given directly to a charitable organization. These provisions will obviously not only discourage the formation of new foundations, but will seriously jeopardize the continued funding of existing foundations. And this in turn, over the next few years, will threaten the survival of many nonprofit organizations dependent on foundation support.

Second, foundations are now subject to a 4-percent Federal excise tax, ostensibly for the purpose of providing the Treasury funds with which to audit the foundations. And yet, despite the fact that the IRS budget figure for auditing all 501(c)(3) organizations is $18 million, it is estimated that the revenues from this foundation excise tax will total $27 million in 1971, and $40 million in 1972 and 1973. Thus, the effect of this so-called audit fee is to pillage private philanthropy to the tune of $40 million, more than twice the amount required for the auditing it was designed to finance.

Earlier this year, Carnegie Corp. President Alan Pifer, in paying the foundation's 4 percent tax for 1971 under protest, estimated that, in his words:

> If the tax as now levied continues in force, the loss to potential recipients of Carnegie grants alone will, in the next decade, be at least $5 million, and the loss of grants from all foundations at least half a billion dollars.

In a letter to Treasury Secretary Connally, Pifer went on to say that the Carnegie Corp's $521,116, 1971 tax bill "which goes into the general revenues of the U.S. Government, would, without the tax, have been given in its entirety to colleges, universities, medical schools, and other charitable institutions, mostly under private control."

I think Mr. Pifer's letter deserves quoting even further here. In his words:

> A tax on foundations strikes at the very heart of pluralism by shifting scarce resources from the private to the public side of the ledger. If pluralism is good for America, a tax on foundations cannot be. It is for that simple but powerful reason I remain unalterably opposed to the tax.

Mr. Speaker, let there be no mistake about it, what is at issue here is the future of private philanthropy and the survival of those private organizations which rely on this support. We are confronted with a most basic and crucial public policy question, and that is whether we want to encourage more private giving as a strategy for solving our social problems, or whether we want to rely more heavily on public funding. And a related question is whether or not we want to preserve our private educational, cultural, and service organizations with their unique identities and rich diversity. For their fate is certainly linked to that of charitable foundations.

Mr. Speaker, in early 1969, an independent commission comprised of private citizens was formed to conduct an

appraisal of American philanthropy. Known as the Commission on Foundations and Private Philanthropy, and funded by nonfoundation sources, the commission was chaired by Mr. Peter G. Peterson, then the chairman of the board of Bell and Howell and currently the Secretary of Commerce. The Commission concluded that—

The public interest is best served through a strong dual system of private giving and government funding as a means for allocating resources for the general welfare.

Writing in the preface to the Commission report, Foundations, Private Giving and Public Policy, published in 1970, Mr. Peterson observed that—

Even if all the follies, excesses, inequities and abuses charged against private philanthropy were factually true, would anything be gained if private philanthropy were "legislated out of existence?" When we consider the alternative of an American life in which private philanthropy no longer played a key role, the picture that looms up is a bleak one.

Mr. Peterson went on to write, and I quote:

It is my strong impression that in the past few years even those individuals who are among the most enthusiastic advocates of public funding for general welfare programs have been forced by the evidence of their own senses to reduce the scale of the social gains they anticipated from government programs alone. They have been forced increasingly to recognize some of the inherent limitations of such programs and to look more to the private sector and local forces as alternative sources of initiatives bearing on the general welfare.

Mr. Speaker, I could not agree with Mr. Peterson more. "We are," as President Nixon put it in his inaugural, "approaching the limits of what Government alone can do." The President went on to say:

Our greatest need now is to reach beyond Government to enlist the legions of the concerned and the committed. What has to be done has to be done by Government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything.

It, therefore, makes little sense to me, Mr. Speaker, that we should be consciously pursuing a policy which discourages private philanthropy and which threatens the very survival of these nonprofit charitable organizations which have contributed so much to our country in the past, and which have such great untapped potential for the future.

When the Frenchman Alexis de Tocqueville visited this country nearly a century and a half ago, he was perhaps most impressed by the manner in which Americans were constantly forming voluntary associations for such a wide variety of purposes:

To give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the Antipodes; in this manner they found hospitals, prisons and schools.

De Tocqueville went on to note that such intellectual and moral associations in America are perhaps even more necessary to the American people than political and industrial associations. In his words:

In democratic countries the science of association is the mother of science; the progress of all the rest depends upon the progress it has made.

Mr. Speaker, as is the case with so much of de Tocqueville's writing on America, this still rings true today. Mr. David F. Freeman, president of the Council on Foundations, struck a similar note recently when he observed:

Voluntary organizations as we know them are a uniquely American phenomenon, and their wide diversity, at the local, state and national level, provide opportunities for millions of our citizens to give time and talent, as well as money, to worthwhile causes.

And, speaking more directly to the issue of Government tax treatment of philanthropy, Mr. Richard H. Wangerin, president of the American Symphony Orchestra League has said:

If the policy of Government tax incentives for giving is abandoned, the public cannot carry these burdens from private funds, and yet another tenet of the principles that built this nation—that of voluntary assumption of leadership and financial support on behalf of the public good—will have disappeared from our national scene. Our nation will be the poorer for it.

And so, Mr. Speaker, I am suggesting that our tax treatment of foundations and private philanthropy is a very basic public policy issue which runs to the very heart of our society. It is not something which should be brushed aside as irrelevant in our zeal for tax reform or in our haste to correct certain abuses. It is inseparably tied to the larger question of the future of our society and what role the private sector will play in that society. I think we must deal with this policy questiton in that context, and it seems to me that a good way to begin is to carefully examine the impact of the 1969 Tax Reform Act on foundations and private philanthropy.

For that reason, Mr. Speaker, I have written to Chairman MILLS of the Ways and Means Committee earlier this week requesting that hearings be held on this subject. I am encouraged by the fact that Chairman MILLS has already announced that hearings will begin on May 2 on a related matter, H.R. 14243 which I cosponsored with Mr. SYMINGTON on March 29 of this year. This measure would liberalize existing restrictions on the legislative activity in which a 501(c)(3) organization may engage without jeopardizing its tax-exempt status. I commend the chairman on scheduling these hearings, and I would hope that he would see fit to extending them into the area which I have discussed today.

I have also written this week to Comptroller General Staats of the GAO requesting that a study be conducted on the impact of the 1969 act on foundations' philanthropy and that the GAO make recommendations for corrective legislation which may be necessary based on the findings of this study.

At this point in the RECORD, Mr. Speaker, I include the full texts of those two letters:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 18, 1972.

Hon. WILBUR D. MILLS,
Chairman, House Committee on Ways and Means, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to urge that you give serious consideration to conducting hearings on the impact of the 1969 Tax Reform Act on foundations. I have received numerous letters, as I am sure you have, indicating the provisions of the Act relating to foundations have had the effect of cutting deeply into philanthropic activities and this in turn is causing serious problems for private colleges, hospitals and other cultural and service organizations which are heavily dependent on gift support.

I don't think the Committee in any way intended to kill private philanthropy when it drafted the 1969 Tax Reform Act, and yet the evidence is mounting that certain provisions of that Act have dealt a crippling blow to many foundations, and in some instances, it has already proved fatal. If this trend continues, I can foresee this ultimately costing the taxpayer dearly as private colleges, hospitals and service organizations are forced to either turn from private to public support, or terminate their operations, thus creating pressures for new public institutions to perform these vital services. Needless to say, not only would such a situation prove costly, but would seriously jeopardize the diversity and independence of these institutions—factors which have made an invaluable contribution to the greatness of this nation.

Finally, on a related matter, I would again urge you to conduct hearings on H.R. 4905, the Higher Education Gift Incentive Act, which I introduced along with over 70 cosponsors on February 25, 1971. As you will recall, this legislation would allow a direct tax credit of up to $100 for individual contributions to colleges and universities, and up to $5,000 for corporate gifts. Again, the theme here is encouraging rather than discouraging private philanthropy.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 18, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: I am writing to request that the General Accounting Office conduct a study into the impact of the 1969 Tax Reform Act on private foundations, particularly with regard to philanthropic activities. It has been called to my attention by representatives of various private colleges, hospitals and service organizations that the provisions of the Act relating to foundations have had the effect of curtailing foundation giving to these institutions which are so dependent on such support. It is their further contention that both the survival of some foundations and some institutions they support is seriously threatened by the punitive provisions of the Tax Reform Act.

While I realize that it would be a nearly impossible task to survey all foundations and private institutions which rely on foundation giving, it seems to me a random survey of some sort would be feasible and useful for the purposes I have outlined. I would also appreciate any recommendations GAO might have in the way of corrective legislation which may be necessary based on the results of such a study. My primary interest in this, of course, is to ensure that private giving by foundations is not discouraged,

and that private service institutions continue to receive this valuable form of financial support.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

ST. PAUL CHAMBER OPPOSES BURKE-HARTKE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FRENZEL. Mr. Speaker, the St. Paul, Minn., Chamber of Commerce board of directors has drafted a thoughtful resolution, and accompanying letter concerning the Foreign Trade and Investment Act of 1972, the Burke-Hartke bill.

I commend both the letter and the resolution to my colleagues:

APRIL 6, 1972.

Hon. WILLIAM FRENZEL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FRENZEL: Please find enclosed a resolution unanimously adopted by the Board of Directors of the Saint Paul Area Chamber of Commerce expressing opposition to the "Foreign Trade and Investment Act of 1972" (H.R. 10914, S. 2592) also known as the Hartke-Burke bill.

We call to your attention the Multinational Enterprise Survey recently completed by the Chamber of Commerce of the United States showing that 121 of the largest firms in the United States, including those based in Minnesota and the Saint Paul metropolitan area, with multinational manufacturing facilities had an increase in domestic employment of 31.1% from 1960 to 1970 compared to a national average rate of increase for the same period of 12.3%. This is entirely inconsistent with the views of the proponents of this bill that the establishment of plants abroad has resulted in fewer jobs in the United States; the number of jobs has increased, not decreased.

These same firms indicated their primary reasons for establishing plants abroad were 1) to provide better service to existing markets, and 2) to overcome tariff and trade restrictions. Manufacturing facilities have not been established abroad to take advantage of lower labor rates, but rather to service and supply markets that would otherwise be closed to U.S. products.

The protectionist trade proposals of the Hartke-Burke bill will inevitably lead to retaliatory import quotas in U.S. goods, consequently reducing exports and, correspondingly, employment in our export industries.

The latest U.S. Department of Commerce statistics show that Minnesota exports some $500 million in manufactured goods annually providing employment for some 44,000 persons. The export of Minnesota manufactured products has increased in the last decade at a rate more than double that of the rest of the U.S. The high level of Minnesota's export industry, and its accompanying employment, has been the result of the success and growth of the substantial number of multinational and export companies headquartered in Minnesota and the Saint Paul area. Should the Hartke-Burke bill be passed into law, it is reasonable to expect diminished growth of these Minnesota based companies and correspondingly, diminished employment.

International trade without unreasonable restrictions is important not only to the economy of the United States, but vitally so to the economy of the State of Minnesota and the metropolitan area of Saint Paul. We strongly urge you to oppose the Hartke-Burke bill.

Sincerely,

ROBERT C. CHINN,
President, Saint Paul Area Chamber of Commerce.

RESOLUTION PERTAINING TO H.R. 10914 AND S. 2592, "FOREIGN TRADE AND INVESTMENT ACT OF 1972," ALSO KNOWN AS THE HARTKE-BURKE BILL

Whereas, international trade is vitally important to the economy of the United States, Minnesota and Saint Paul and to the well-being of the substantial number of American firms with international interests, and

Whereas, protectionist trade policies will inevitably lead to retaliatory import quotas on U.S. goods and services, diminished U.S. exports and fewer jobs in U.S. industry, higher product prices for the U.S. consumer and an increase in the U.S. balance of payments deficit,

Be it resolved that the Saint Paul Area Chamber of Commerce opposes the foreign trade and investment controls proposed by the "Foreign Trade and Investment Act of 1972," H.R. 10914 and S. 2592, and urges Congress to initiate legislation that will increase U.S. exports and encourage U.S. investments abroad.

Recommended to the Board of Directors by the World Business Center Task Force of the Saint Paul Area Chamber of Commerce, March 17, 1972.

Passed unanimously by the Board of Directors of the Saint Paul Area Chamber of Commerce March 21, 1972.

NASA TO BEGIN WORK ON AIRCRAFT NOISE REDUCTION

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. JAMES V. STANTON. Mr. Speaker, often the National Aeronautics and Space Administration is associated in the public mind with Apollo missions and space flights to the moon and beyond. While no one can deny the spirit of adventure that the space program has evoked in this country over the past decade and a half, recently some legitimate questions about the usefulness of NASA's activities in solving the very real problems we face here on earth have been raised.

I believe that in H.R. 14070, the fiscal year 1973 NASA authorization bill before us today, the House Science and Astronautics Committee has shown us a way in which this technology can be applied to some of the problems which confront people in their day-to-day lives. For in this bill the committee has more than quintupled the original NASA request for funds for research and development to reduce aircraft noise, increasing the amount from $9 million to $50 million.

This announcement by the committee that the goal of reducing aircraft noise is being accorded No. 1 priority will certainly be good news to the people of the 20th Congressional District who live near Cleveland Hopkins Airport. For years these people have been subjected to the constant roar of jets as they fly immediately overhead after takeoff and before landing. Not only is this noise a terrible irritation, but also recent research indicates that prolonged exposure to such noise may cause physical harm.

Thus I commend the committee for its realistic action in directing the talents of NASA to areas such as aircraft noise where the need for expertise is so great, and I continue to urge whatever congressional action is needed to end noise pollution in this country.

YOUTH PROBLEMS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. SHOUP. Mr. Speaker, I would like to submit for the record a statement of fact concerning our Nation's youth that many of them and we more senior persons probably are not aware. The terrible slaughter of many thousands of our youth in automobile accidents, much more than any other cause, is clearly stated in the following statement of facts by the Liberty Mutual Insurance Co. Their story was recently revealed in Washington, D.C., at a press conference, by Mr. Roger Wingate, which unveiled a new brochure and film on the need for improved driver education. I believe it tells a story worth reading:

YOUTH PROBLEMS

In the last decade we killed 470,000 people on our nation's highways and last year alone, 55,000. *Today* about 150 people will die tragic, needless deaths. Another 5,400 will suffer disabling injuries. These are the grim statistics on motor vehicle accidents in our country.

Who are these people being killed and maimed? Too many are the nation's youth—promising lives erased before they even have a chance to make their mark. The crisis on our nation's highways continues and the accent is on youth.

The leading cause of death to youngsters in the 15 to 25 year old age group is motor vehicle accidents. More youngsters in this age group are killing themselves and others with a 3,000 pound licensed weapon than with loaded guns or loaded hypodermic needles. In 1970, 1,500 youngsters between 15 and 25 died from drugs. Another 3,394 were murder victims. And 4,204 died in the Vietnam War. But 17,360—nearly twice the combined total of the others—were killed in vehicle accidents.

Why the young? By virtue of their age they have strength, agility, and perception on their side. Their eyesight and reflexes are far better than their parents'. They represent about 21 per cent of the driving population and yet are involved in 34 per cent of fatalities.

Why? The fact is, many accidents involving teenagers occur within the first few months in which they have their licenses. Inexperience is their largest single handicap and, mixed with any degree of unwarranted overconfidence, it can easily make a deadly combination.

Their lack of experience is largely due to three factors; the young age at which they are licensed, their lack of time behind-the-wheel, and most significantly, the lack of training in real-life driving experiences.

Some safety people express great concern about the first factor. They point out that in

30 states teenagers can legally drive a car before their 16th birthday. In 11 states they can drive before age 15.

Some safety specialists are much troubled about the second factor and for that reason recommend probationary licenses. In the probationary period, they feel that severe restrictions should be placed upon young drivers and that drivers should have to prove themselves before receiving a so-called permanent license.

Liberty Mutual's prime area of concern is the third factor—the lack of training in real-life driving experience. The obvious question is—How well are youngsters trained before being allowed to venture out on our hazardous highways? The unfortunate answer is—well by the book but not well by practical experience.

Driver education, which began in this country in the 1930's, has simply not kept pace with the kind of driving decisions needed in almost every mile driven daily. Automobiles today are a great deal different than those of the 30's and there are almost four times as many of them on the roads. Highways have changed too, and the demands for instant and safe decisions increase continually. The driver education challenge is greater than ever.

Is the challenge being met? Last Fall the National Transportation Safety Board said, and I quote, "Driver education programs cost the government some $8 million a year, yet after more than 60 years of commerical and 37 years of public high school driver education experience there is still no body of data or series of studies that can prove the programs actually contribute to highway safety."

That is a rather harsh, sweeping statement. In truth there is evidence of improved safety on our highways. The death rate per 10,000 motor vehicles or per 100 million vehicle miles has steadily declined from about 13 in the 1930's to less than 5 in 1970. That is a hopeful indication that driver education has made a contribution but it's not enough.

The automobile death rate by population has remained almost constant for nearly forty years. About 25 of every 100,000 people will die each year in motor vehicle accidents and as our population continues to grow, so will the actual number of people killed on the highway each year.

But let's get away from numbers and back to people—back to our concern for those youngsters. What is missing from high school driver education programs? Start with the single word heard most frequently around the academic community today. Start with relevance.

The fact is, driver education, as it is currently being presented in most high schools, is simply not relevant enough to real-life situations. Secretary of Transportation, John A. Volpe said, "Young drivers, almost by definition, lack experience more than any other factor. Many of our schools today offer what is called the '30 and six' course—30 hours of course work and six hours behind the wheel. That's not enough."

Even many of the texts being used in high school driver education courses haven't been changed in years. How relevant can the lessons be when the written material is outdated.

When we consider the six hours of training behind the wheel, let's face facts. Most of that time is spent driving in good weather on familiar local roads which are traffic-free and under almost perfect driving conditions. In some cases, classes are cancelled if the weather is bad. Under these circumstances a youngster's ability to handle a vehicle is never seriously challenged. His greatest challenge might be to see how well he can execute a three-point turn or parallel park. And let's face it—youngsters are not being killed trying to park.

How can we teach our new drivers how to perform without error under the more difficult driving situations—the true to life situations some of them will encounter in their first few miles of "solo" driving. For example, they must recognize trouble before it happens. They must be ready to handle the special problems of night driving or high-speed driving. They must be able to recognize the first signs of fatigue. And most important, they must develop the proper attitude and learn a healthy respect for the potential within their grasp when they hold a steering wheel.

Too often a youngster's first confrontation with an emergency situation is the real thing. Most accidents result from some kind of emergency situation and a youngster's vehicle handling in that situation can make the difference of life and death.

These are the problems. The solution is to make driver-training more relevant But how?

We at Liberty Mutual feel we have a good part of the answer. We have been able to recognize problems and suggest solutions as a result of a long and proud history of leadership in automotive safety research and development. We were instrumental in the development of seat belts and later built two Survival Cars to show the world the way to safer automobiles. Recently we developed a unique two stage car bumper system. So much for the car, but what of the driver?

Liberty Mutual has some real experience in driver training to draw upon. First, we know what kinds of driving situations continually result in automobile accidents.

So, lets start by asking a few questions.

What do you do when you are travelling along the road at 60 miles an hour and experience a blowout? You can't stop to reason it out then. You don't have time. You have to do the right thing right away—almost automatically.

What if you are driving around a curve on a two-lane undivided highway and you suddenly see a car pulling out of a hidden driveway in front of you? What if there is a car in the oncoming lane? And then what if it's raining and to avoid the slowly accelerating car you start to skid?

What happens if your are driving along, safely minding your own business and an oncoming car swerves over into your lane? Or what if you suddenly lose steering or brake control? What if the windshield wipers stop or the lights go out? What if the accelerator gets stuck?

Yes, what if?

Your worst enemy in a crisis can easily be yourself if you panic. You can talk about emergency situations and what to do. You can simulate these situations on film but there is no replacement for the real experience. That is exactly what is needed in high school driver education today—we need more of the real thing. We wouldn't suggest it if we thought it wasn't possible to include this kind of training in high school programs. We know it is possible.

When novice drivers are learning how to handle emergency situations, they will see how important it is to keep the situation from developing in the first place. For example, when young people are introduced to slippery turns, some of them at least, will decide to drive in the manner necessary to prevent a skidding emergency.

Liberty Mutual is launching a major campaign to lead the way. We are immediately instituting a multi-phase driver education program which will aid high school programs in three distinct ways. First a permanent research driver education program to discover better ways of teaching avoidance and control of emergencies will be conducted at our Hopkinton, Mass. Research Center. We will do all we can to make it available to high school driver educators. Second, we will take a similar but mobile program throughout the country each year to share with driver educators and public administrators what we have learned. Third, Liberty will make available brochures describing how driver educators can establish relevant programs.

In the last several years our research resulted in the development of a skid school program. It was first conducted at Hopkinton and now has been taken across the country. Our success with it and the plans we have drawn for others has resulted in it becoming a part of driver training programs in many parts of the country. It is relevant and makes us feel that many similar true-to-life programs can be developed.

Liberty's proposed multi-phase program will center around an emergency driving school. One part of the program is emergency reaction training, which will be taught on a variety of specially-arranged courses on a driving range. Various courses will be used to test different maneuvers which are necessary in emergencies. Some of the standard courses will emphasize evasive moves so necessary on the highway today, controlled braking, off-road recovery and blow-out's on curves. Virtually any configuration emphasizing an emergency can be simulated. On the driving range, the student goes over and over a single maneuver until he is capable of control. For instance, a student who loses control in a simulated blowout on a curve does it until he or she gets it right. If the same situation ever occurs on the highway, the chances of survival are greatly enhanced.

Emergency reaction training can provide practice in almost any kind of emergency driving situation. For example, part of the program should deal with skid control. It is estimated that skidding is a major contributing factor in one of every four fatal accidents. The course will teach students how to recognize the six types of skids which can occur and the best ways to avoid or control them. Again, the accent is on real experience and the students actually experience the various skids and practice them until they are capable of control. Where it is impractical or dangerous to conduct maneuvers on the driving range a classroom Decision Driving program is a possibility. The Liberty Mutual Decision Driving Course is a multi-media presentation which teaches participants how to make the right decisions on the highway. A driver has to make an average of eight decisions per mile and there is little or no room for error or delay.

We at Liberty Mutual do not pretend to be the originators of emergency driving schools. We are the first to demonstrate how high schools throughout the country can and should develop their own emergency driving schools to make their programs more relevant.

All of the programs are described on film or by written material. The essence and importance of the programs is that they give real life experience for which there is absolutely no substitute.

The film which you will see shortly supplements this major effort, as does a new brochure entitled "Do You Have The Guts To Say No?" The film is called "Let's Pass As Friends." Its stars are real-life students who recognize the need for improved driver education and state it quite clearly in their own language.

Experience. That's the answer. Liberty is going to do its part. We want others to get involved. Students, teachers, school administrators, the media and most of all the public. This is the direction in which high school driver education (and all driver education or re-education) should go in the future. It's going to take a good deal of concern and involvement from many people, but it must be done if we are ever to turn the grim statistics around.

TWO INTERESTING ARTICLES FROM THE PATRIOT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GOODLING. Mr. Speaker, just recently I asked the Justice Department and the Department of State about the prospects of deporting one Mr. Eqbal Ahmad, a Pakistani immigrant who made some threatening remarks against the United States in the event the Vietnam war did not end in accord with his time schedule. He demonstrated this treachery in my congressional district.

Just recently an editorial appeared in the April 15, 1972, issue of the Patriot, a prominent daily newspaper in Pennsylvania. Because it has application to the concern I have evidenced in this case, I submit it to the RECORD and commend it to the attention of my colleagues.

Appearing in the same newspaper issue was a reference to top scholars who have been awarded merit scholarships. Because two of these award winners were from my congressional district, one from Hanover and another from York, I insert this, too, into the RECORD:

U.S. HOSPITALITY: AHMAD ABUSES ALIEN STATUS

Undesirable aliens have created more than a little mischief in this country and the most conspicuous at the moment is Pakistani Eqbal Amad. Having enjoyed all the benefits of the American system of justice during his trial as one of the "Harrisburg 7," Ahmad has resumed his activist course in resisting American foreign policy.

The day after the trial ended in a hung jury, Ahmad was in York, encouraging disruption of production at AMF. While there, according to U.S. Rep. George A. Goodling, Ahmad told demonstrators if the Vietnam war continues "and there is no accountability on the part of public officials, the papers will have to be destroyed, buildings will have to continue to be raided and discussions about citizens arrests of officials whom we consider guilty or at the least very deserving trials for crimes against humanity, will continue to take place."

Goodling, of Loganville in Adams County, took to the floor of the House this week to declare that Ahmad is a "menace and a threat to the security of the United States." He has contacted both the Immigration and Naturalization Service of the Department of Justice and the Department of State regarding his demand that Ahmad be deported.

This would be an appropriate action to take against an arrogant, self-righteous alien from a divided nation which hasn't recovered from the wounds of a civil war in which atrocities were commonplace.

The responsible peace movement in this country abhors the violent and unlawful tactics of some elements who have embraced the Vietnam war as a holy cause. Unfortunately, the issue also has been seized upon by others whose primary aim, instead of peace, is to embarrass the United States by any means available.

Ahmad fits into the latter category. If he had a true love for peace and loyalty to his native land he would be there today leading a Pakistani peace movement.

TOP SCHOLARS: THEY MERIT AREA'S APPLAUSE

Congratulations to the six Midstate high school seniors who are among the first group of '72 winners of four-year Merit Scholarships. These prestigious awards represent much more than the money involved, though their cash value can be as much as $6,000, depending upon the individual student's financial situation.

In addition to adding to a student's academic credentials, a Merit Scholarship reflects honor on his home and school as well. For many years Central Pennsylvania schools have produced outstanding students and Merit Scholars who have gone on to become community and State leaders in the law, arts and the sciences.

This year's winners, from about 1,274 across the nation—Michael D. Roach of Middletown, Frederick J. Hensal of Boalsburg, Mark C. Davison of Chambersburg, Joel E. Buckley of Hanover, Craig Keemer of Lewistown and William F. Boyer of York—carry on a distinguished tradition.

All too often the scholars are taken for granted while the athletes win the headlines and the plaudits of their communities. On this occasion—the selection of "All-American Scholars"—we salute the winners and also the many finalists from area schools. Among these young people are the leaders of tomorrow, the core of the human resources which make our nation great.

They are alert, bright, well-informed and aware of the needs of society. The higher education which these scholarships help provide can prepare them for the task they know is ahead.

THE HONORABLE F. BRADFORD MORSE

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MAILLIARD. Mr. Speaker, I would like to express my great respect for my friend and colleague, F. BRADFORD MORSE of Massachusetts, as he completes one career and prepares to begin another.

I have worked closely with BRAD as a member of the Committee on Foreign Affairs, where his intelligence, initiative and sound judgment have contributed much to our country's foreign policy.

His record on the Hill is distinguished and unique. Not only has he served in the Congress for 11 years, but prior to his service as a Member of Congress BRAD was a member of the professional staff of the Senate Armed Services Committee and was the administrative assistant to Massachusetts' Senator Leverett Saltonstall. From this experience he has an in-depth understanding of the legislative process.

While his new position at the United Nations will be different in many ways, BRAD will bring to it many qualities that will enable him to represent the U.N. with great effectiveness. He has experience and knowledge gained from his service on the Foreign Affairs Committee. He is friendly, enthusiastic, hard-working and persistent. He is an able negotiator.

As a former delegate to the United Nations, I know that the qualities I have just enumerated will be a real asset to the person who is Under Secretary General for Political and General Assembly Affairs.

I am confident that BRAD will make an outstanding contribution to the effectiveness of the United Nations in the years ahead, and I wish him well.

SCHOOLBUS SAFETY WEEK

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. COUGHLIN. Mr. Speaker, this week, April 17 to 23, has been designated as "Schoolbus Safety Week" in Pennsylvania, as well as 39 other States throughout the Nation. As chairman of the task force on Transportation of the Republican Research Committee, I would like to call attention to this fact and to remind my colleagues of the purpose for which this observance was intended.

"Schoolbus Safety Week" has been initiated for four reasons:

First. To make safer drivers of the schoolbus drivers;

Second. To emphasize State laws concerning when and when not to pass schoolbuses;

Third. To help inform the general public of the importance that schoolbus plays in the educational program; and

Fourth. To give recognition to the 500,000 people in the United States who are involved in the pupil transportation field.

As many people may not realize, schoolbuses are the safest means of land transportation in the country today. According to statistics of the National Safety Council, they are 40 times safer than private passenger cars, based on 100 million passenger-miles.

In 1970, 140 persons—100 of them students—were killed in schoolbus accidents. When compared to the deplorable figure of approximately 55,000 Americans who die annually on our Nation's highways, 140 is a remarkable figure indeed.

Even though this record is good, it could be better. The number of injured in schoolbus accidents—4,500 in 1970—and the number of crashes involved—42,000—is far too high And the sad thing is that many of these accidents could have been avoided.

Unfortunately, schoolbus safety is an area which has been neglected far too long. Until now, improvements have been made in primarily a piecemeal fashion, with one State, then another, implementing their own standards and regulations. Clearly, national direction is needed in this most critical field.

The National Highway Traffic Safety Administration of the Department of Transportation recently prepared a standard on pupil transportation safety which would require that each State, in cooperation with its school districts and its political subdivisions, develop a comprehensive pupil transportation program to assure that school buses are operated and maintained so as to achieve the highest possible level of safety. At the present time, it is indefinite whether

this standard will be released intact by the Secretary or whether it will be incorporated into other standards previously issued under the Highway Safety Act of 1966. No matter which alternative is selected, I strongly urge the appropriate parties to take action as soon as possible so that the purposes for which this standard was developed can be implemented.

Among other things, this standard would greatly aid in providing the uniformity we long have needed—uniformity in the appearance of buses, warning systems and State laws. In addition, it would set requirements for pupil instruction, route safety and selection, vehicle maintenance, and record keeping and reporting.

But most important, perhaps, is that this standard would develop a plan for selecting, training and supervising schoolbus drivers in order to assure that they attain a high degree of competence in, and knowledge of, their duties.

This last area is particularly significant since 50 percent of schoolbus crashes are due to driver errors. Even more appalling is that one-third of pupil transportation fatalities are caused by children being run over by the same bus in which they had been riding. In 1972 alone, 20 children have been killed in this way—20 fatalities which might easily have been avoided if stricter qualification standards and proper instruction methods had been in operation.

This is not to say that the majority of schoolbus drivers are not dedicated and conscientious individuals. Their responsibilities are tremendous, and they are to be commended for the vital contribution they are making to our educational system and to our children. But I am sure that they would be the first to agree that urgent steps are needed.

While there is no doubt that implementation of the provisions contained in this standard would be a significant step forward in pupil transportation safety, a serious gap still remains in another critical area—bus construction standards and safety features. As anyone who has ever ridden a schoolbus will readily concede, the interior of these vehicles is highly conducive to injury. Structural improvements are drastically needed, both to the inside of the bus and to the body frame.

Together with several of my colleagues, I have introduced a bill to provide for installation of lap belts in schoolbuses, coupled with improvements in seat design. While I am fully aware of the pros and cons surrounding this issue, I feel that at least a demonstration should be conducted in order to test the feasibility of such a practice, as well as its protective benefits.

At a time when millions of dollars and much rhetoric is being directed toward improved automobile design and safety devices, shockingly little attention has been focused on schoolbuses. Technical engineering knowledge is available which would greatly increase the protection afforded our country's students, and legislation has been introduced in the Congress which would require that these construction standards be put into effect. Although the Department of Transportation has research underway, progress here is slow.

Congress, DOT and the American people should act now to end this lack of concern about pupil transportation safety. The lives of 19.6 million children who ride school buses daily are at stake. They are our Nation's most precious assets—the least we can give them is the safest possible ride.

THE SUMMER INTERN PROGRAM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BROTZMAN. Mr. Speaker, most of our colleagues here in the House make use of the student congressional intern program every summer to afford hundreds of America's youth the opportunity to see Congress at work first-hand.

Since the beginning of the intern program in 1966, approximately 1,800 students have been able to officially participate. Thousands of others, through my own efforts and those of my colleagues, have been hired on as "part-time summer employees" and paid from the regular congressional staff allowances.

These interns provide the additional help I know most of our officers can use for special projects. They are the extra hands to do the intensive research projects that the regular staff is not always able to pursue. Last year, I had an intern help to draw up the annual opinion poll I conduct in my district. Several other Congressmen I know have had their mailing lists completely revised and expanded. All of the jobs these interns take on, whether large or small, help us to better serve our constituents.

The idealism and enthusiasm of today's youth is an asset the American people can be well proud of. I need not remind you that it was on just such idealism and enthusiasm that our great country was founded. It is our duty, here, as representatives of the people, to harness that energy and see it put to good use.

We realize that college costs money. Almost every student must work through the summer to finance his education in the fall. Many are forced to leave school temporarily in order to earn the money they need to finish. They too often find that jobs are scarce and hard to find. What better place for the Federal Government to provide jobs than here?

A good student learns his lessons not only in the classroom, and the congressional office is a perfect supplement to a quality education. The disillusionment and lack of trust in the democratic system many youth feel today is, I think, a reflection of their lack of understanding of just how that system works. The summer intern program is an initiative designed to overcome this lack of understanding.

Under the program as it is presently, each Congressman is limited to only one intern per summer. The intern is allowed $300 a month for the 2½ months he is here—this amount in addition to any other personnel allowances available to the Member.

The program, I feel, has more than proven its worth. The only problem is that it is not large enough to accommodate all those who would like an internship. Each spring my office is swamped with requests from well-qualified youngsters in my district wanting to take part in the program. However, there just are not enough funds or positions to go around.

Therefore, Mr. Speaker, I am today introducing a bill which would expand the present summer intern program to give more people a chance to participate. I understand that similar resolutions have been introduced in both Houses of the Congress, and that they have received strong bipartisan support. This particular version is cosponsored by over 80 Members on both sides of the House.

Specifically, my bill would triple the present program, providing each Member with a limit of three summer interns each year. The intern allowance would remain $300 a month for each participant.

The importance of this expansion should be obvious. The more responsible students we are able to reach today with this program, the more that will have the proper exposure to Government to help them one day run the country. I urge my colleagues to act on this resolution expeditiously. I believe that it has great merit.

AMERICAN FARMERS WANT FAIR PRICES FOR THEIR PRODUCTS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. LANDGREBE. Mr. Speaker, on July 21, 1954, N. Shellian of Hazel Green, Wis., sold 13 hogs, weight 2,680 pounds to the Dubuque Packing Co., Dubuque, Iowa, and received 21 cents per pound, or $562.80.

On April 5, 1972, the same farmer sold to Al Berning of Cuba City, Wis., 13 hogs, weight 2,610 pounds, and received 21¾ cents per pound, or $567.67. However, he was charged a handling fee of $2.67, leaving him $565.

Assuming that Mrs. Shellian purchased a pork roast for her family's dinner on July 21, 1954, she would have paid 37 cents per pound. On April 5, 1972, Mrs. Shellian would have been required to pay 59 cents per pound for pork roast.

With these facts and figures in mind, how can anyone accuse our American farmers of receiving excessive prices for their livestock, a charge recently leveled at them by certain food chains?

Mr. Speaker, our American farmers do not want handouts, they want and should have fair prices for their products.

MARTY CHASE: THE MAN WHO CREATED AN INDUSTRY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ST GERMAIN. Mr. Speaker, today I would like to pay tribute to a man who created an industry.

Martin Chase set in motion a tide of retailing which revolutionized merchandising in the United States and greatly extended the purchasing power of the American consumer. Like an old Yankee merchant, he combined imagination, courage and initiative to create the discount department store industry.

Marty was my long-time personal friend and a man of unusual insight. He was totally dedicated to his grandchildren, and when they were together you saw the real goodness of the man. He cared about people as human beings first; everything else was secondary. He knew every employee by their first name. Their welfare was as important to him as his own.

As chairman of the board of Ann & Hope Stores, his courage was often an inspiration. Death came to Marty at age 65 on December 24, 1971. His friends knew that he had been seriously ill at home and in the hospital for the past 4 years. But Marty refused to let any illness keep him from his frequent visits to his office.

To the end he proudly told visitors to Ann & Hope Stores:

> Any success we have is due to the fact that we have never gotten away from our original policy, that is to maintain a small markup no matter how good a buy we make.

He strongly believed in industry unity, and enjoyed helping his competitors as much as his customers. His wholehearted assistance and unselfish advice to countless colleagues who followed him into the discount store field was recognized throughout the industry.

But Marty was not a businessman in the usual sense of the word. His heart was in his business. He treated his employees much like his own family. He was more like a father than a boss at the office. At times he would help check out merchandise at a crowded cash register. He always insisted on personal contact with his stores. Almost everyone, from the top executives to the cashiers—called him "Marty" and that is the way he wanted it.

The Mass Merchandising Institute formally acknowledged his contribution to the industry in 1968 when Marty was honored as their first "Man of the Year." The Institute will pay a final tribute as Marty Chase at their annual convention next month with the following resolution:

A RESOLUTION

Whereas 15 years ago Martin Chase, of Providence, Rhode Island, exercised visions of industrial statesmanship and recognized a novel possibility of bringing great benefits to the people of America and, indeed, to all the people in the Free World, and

Whereas having implemented the vision by building the first discount department store and developing it into an object of great success, said Martin Chase generously and without reward or gain shared his discovery with others by teaching them his methods and his newly gained knowledge, and

Whereas because of this selfless inclination by said Martin Chase the discount department store concept was adopted gradually throughout the United States and eventually spread across much of the world, and

Whereas as a result an industry was spawned that in 1971 enjoyed sales of $30 billion, employed some 900,000 people and created additional millions of jobs in manufacturing, transportation and building, and

Whereas this new industry, conceived and nursed to life by said Martin Chase, has raised the living standard of some 42 million families in the United States alone,

Therefore, We, the members of the board of directors of Mass Retailing Institute, do hereby resolve to officially recognize said Martin Chase as founder of the discount department store industry.

SOME PROPOSALS FOR TAX RELIEF FOR HOMEOWNERS AND RENTERS—OTHER TAX REFORM PROPOSALS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. CELLER. Mr. Speaker, presently I am drafting a bill which will be introduced shortly to bring much needed tax relief for homeowners and renters. Under the present law renters of apartments receive no tax benefits at all. At the same time, middle and lower income homeowners do not receive the same large benefits that are given to the owners of very expensive homes. For example: a taxpayer in the 70-percent bracket who pays $10,000 per year in interest payments and real estate taxes on a very expensive home is in fact receiving a $7,000 per year tax subsidy for housing from the Federal Government. The middle and lower income homeowner can in no way achieve this amount of tax benefit, and under the new laws in many cases will take the standard deduction and receive no benefit at all from his mortgage payments and tax payments.

In the case of homeowners, the tax law should be amended so as to permit the homeowner a credit against the Federal tax—as distinct from a deduction—for at least 30 percent of his interest payments and real estate taxes. Homeowners taking such a credit would still be entitled to the standard deduction. In the case of the apartment renter who pays no real estate taxes and has no mortgage payments, an additional personal exemption of $750 should be provided.

In addition, I shall propose the closing of loopholes with respect to percentage depletion deduction and intangible drilling expense deduction of large companies. Under the present law large petroleum companies in particular are currently receiving a gigantic tax subsidy from the United States in the form of a 22½ percent depletion deduction and a deduction for intangible drilling expenses.

The percentage depletion deduction should be drastically reduced, if not entirely eliminated. I would personally favor its complete elimination; however, I recognize that it probably will not be possible to get the votes for such a position in the Congress. Under the circumstances I would advocate and press for a reduction of the present rate to 15 percent. Together these tax subsidies can amount to between $3 and $5 billion per year. If these two loopholes were closed, it would be possible to provide greater tax relief for middle and lower income taxpayers.

It likewise appears to me that equity demands greater retirement benefits for middle and lower income groups. To encourage the portability of retirement benefits, the tax laws should be amended so as to favor retirement plans which permit each employee to bring his accumulated retirement benefits with him whenever he changes jobs. In addition, the law should be reformed so as to give favored tax treatment only to those retirement plans at least 50 percent of whose beneficiaries are middle and lower income wage earners.

Under the present law, pension and profit sharing system plans are given favored tax treatment. However, many such plans are currently operating in an inequitable way. Some operate so as to keep older employees tied to one company at a low salary and cause such employees to forfeit their benefits if they seek employment elsewhere. Some other plans are designed more to benefit high-level executive employees at the expense of middle and lower income employees.

At this point, I want to state unequivocally my strong opposition to a value added tax. The value-added tax—or "turnover tax," as it is known in Europe—is a tax which falls primarily on consumers. Most European countries are using it in a manner similar to the manner in which our States and cities are currently using sales taxes. Since the value added tax directly adds a tax on to the selling price of every item, for the housewife and wage earner it is, in fact, a sales tax. Currently State and city sales taxes are already imposing enormous tax burdens on consumers as every housewife knows. In my view, consumer-type taxes on a State and local level are already so burdensome that it would be unconscionable to impose any additional Federal tax at the consumer level.

I welcome such suggestions as may be given to me to bring about greater equity in our tax structure.

NATIONAL SECRETARIES WEEK, APRIL 23–29

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following tribute from the President of the United States, Richard M. Nixon, to the Nation's secretaries:

NATIONAL SECRETARIES WEEK, APRIL 23–29, 1972

As a daily beneficiary of the dedication, talent and skill of my own secretarial staff, I am proud to salute the Nation's secretaries and to commend their essential role in the life of our society.

It is well that the National Secretaries Association has given special focus to this indispensable profession and drawn public attention to its immeasurable influence on the success of both industry and government.

I know that I am joined by countless fellow citizens in paying special tribute to American secretaries and to the job they do so well.

RICHARD NIXON.

FOREIGN POLICY

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. LENNON. Mr. Speaker, our respected journalist and editor of the U.S. News & World Report, Mr. David Lawrence, recently made some timely comments on the right of a President to conduct foreign policy. I commend his remarks for the consideration of our colleagues.

The editorial follows:

HAVE TIMES CHANGED?

(By David Lawrence)

There was a time when Congress respected the right of a President to conduct foreign policy.

There was a time when no efforts were made by the introduction of resolutions to limit his powers to deploy American military forces anywhere in the world.

There was a time when international affairs were not the basis of political battles by an opposition party against an incumbent Administration. Polemics were derived from political questions at home.

The complaint being voiced nowadays by some members of Congress is that they do not know what is being done by the Administration in foreign policy or what steps are being taken which may lead to combat. It is argued that the consent of Congress must be given.

Actually, in the history of the United States the constitutional provision that Congress shall have the power to declare war has been used only a few times. Presidents have had the responsibility of defending the country and its interests abroad without waiting for a declaration of war. Indeed, many disputes have been settled without the need for a big war.

In the conduct of foreign relations the military strength of a nation has been important as a potential factor. The mere sending of a naval unit to a particular area has been enough to indicate a possible intervention by the United States and cause a change by a government that is pursuing a dangerous policy.

One of the most essential elements in dealing with the perplexing questions that come before the State Department or the Department of Defense is secrecy. Consultations with other governments must remain confidential. Preparations that might be going on to mobilize military units in different parts of the globe have to be kept private.

Presidents have always told the foreign relations or the armed services committees of Congress certain facts about critical situations in the world, but have been cautious about revealing plans because these are matters which are not finally decided until circumstances require it and emergencies arise. Currently, many things are leaked from congressional committees, and it would be risky for the executive branch to divulge all of its secrets to them. There is another reason for withholding information. Conferences with other governments sometimes find solutions which do not necessitate military participation by us.

Today, it is suggested that the Government of the United States refrain from any military action without the consent of Congress. This implies debate in both houses which gives enemies a chance to strengthen their opposition. In fact, it provides them with reasons for making alliances on the theory that the United States will not send any troops abroad or take effective steps to protect small nations.

The North Atlantic Treaty Organization has helped to keep peace in Europe. But if the interference with the Chief Executive continues by means of resolutions impairing his freedom of action in the conduct of foreign policy, there is a possibility that a crisis will occur in Europe and this country will be confronted with an embarrassing question by its allies. It will be: "Are you going to desert us?"

Our involvement in Vietnam has been expensive, but the principle back of it is vital. The United States had established until recently a faith that the self-determination of peoples would be upheld. Lately, however, the discussion in Congress has brought doubts around the world and the beginning of a general feeling that this country can no longer be relied upon to support its allies in Europe and Asia.

The way to prevent a major war is to be prepared with sufficient military forces and agreements with allied countries to impress would-be belligerents who might initiate conflicts. So to curtail the President's authority by any legislation that would hamper the use of armed forces or even the dispersal of combat units in various localities is to take a chance that our interests abroad would not be protected.

To weaken America's position in the world involves a risk that other countries may consider the United States has adopted an isolationist attitude, particularly if both political parties were to endorse the idea of permitting the Congress to share with the President the conduct of foreign policy. The Administration does not want any limitations placed on its right to manage foreign policy, which includes communication with friendly nations, the making of arrangements for assistance in case of emergencies and other things that cannot be made public. World war would be far more damaging than the war in Vietnam.

When the consequences of such a turnabout in American foreign policy are thoroughly considered by the American people, they will wish they had allowed the President to exercise full power in helping our allies in the prevention of wars. But have times changed and is much thought being given nowadays to the possibility that there might be another world war into which the United States would inevitably be drawn?

COMMEND RADIO STATION WKDA–FM ON SUCCESSFUL VOTER REGISTRATION CAMPAIGN

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FULTON. Mr. Speaker, I have today learned of the outstanding achievements made recently in registering voters, particularly young voters, in the city of Nashville. In one 3-day period, some 12,000 had their names entered on the registration rolls.

One major reason for success in this undertaking was the concerted promotional campaign produced and broadcast by radio station WKDA–FM. Its 30- and 60-second spots aired once per hour highlighted recording artists urging registration. Added to this and helping to bring results were two-per-hour live mobile broadcasts from temporary registration sites, such as shopping centers.

As one who has actively sought extension and greater implementation of the vote my compliments on its registration efforts are extended to WKDA–FM.

LEGISLATION TO INCREASE VIETNAM VETERAN'S EDUCATIONAL BENEFITS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BOB WILSON. Mr. Speaker, I am today introducing legislation to substantially increase the amount of educational benefits payable to Vietnam veterans. I am very pleased that the House has approved a 14 percent increase in the subsistence allowance, but do not feel that we have gone far enough in this regard. With the continued increase in the cost of living in recent years, coupled with the skyrocketing cost of education even at State universities, many veterans are unable to take advantage of their educational benefits. They simply cannot pay living expenses and tuition costs even though many work at part-time jobs to supplement their incomes.

For this reason, I am today introducing legislation, drafted by the American Legion, to substantially increase the educational benefits available to current veterans and to bring them more in line with the funds available to our generation after World War II. I would like to take this opportunity to commend the Legion for the outstanding work it is doing on behalf of these newest veterans.

First, this legislation provides for direct payment to the educational institution of 75 percent of the tuition, books and other fees up to a maximum of $1,000 per year. Second, the bill establishes a loan program for educational assistance, and, finally increases the monthly subsistence rate for disabled veterans pursuing vocational rehabilitation.

I understand that there is some concern, both within and outside the Veterans Administration, over direct payments to the schools because of the difficulties encountered with some institutions after World War II. The VA has developed considerable expertise since that time, however, and I am confident that they could establish sufficient administrative controls to carefully oversee the program and halt any attempt at fraud or misuse.

Aside from the increase in benefits, I

feel very strongly that the loan program contained in this bill is a most important provision which should be enacted this year. The legislation provides VA insured loans to veterans going to institutions of higher education and pursuing degree objectives with interest subsidy provisions similar to the interest free insured loans under the Higher Education Act of 1965, as amended. In addition, the bill provides direct VA loans where insured loans are not available under interest rates prescribed by the Administrator in the veteran's area of residence or not available under the terms and conditions necessary for approval of an insured loan by the Administrator of Veterans Affairs. Such a loan program will give the veterans greater choice in his educational program. Even with the $1,000 a year payment for tuition and books, the costs at most private colleges and universities would still be prohibitive. It is going to become increasingly difficult for State universities to absorb the rising influx of students who are flocking to public-financed institutions because of the high tuition rates at private universities.

This loan program will provide greater viability for the schools themselves and considerably more flexibility to the veteran in planning his educational program. I understand that the Senate Veterans' Affairs Committee is considering the addition of a loan program to its own version of H.R. 12828 and hope that my House colleagues will support this amendment if it is included in the Senate bill.

Finally, the specter of cost is always before us when we are talking of veterans benefits. The direct tuition payment after World War II for 20 million eligible veterans was $500. I do not consider a bill to double that figure for 7 million current veterans too costly, particularly in view of the substantial increase in wages, prices, and taxes in the interim. We should stop to realize that we are making a long term investment in the future of America. The men who used the GI Bill after World War II have more than repaid the Nation many times over in terms of productivity, technology, and to speak in dollars and cents, taxable income. The man who returned home in 1945 was hailed as a hero; the man returning in 1972 often must face the contempt of his peers and the suspicion of his elders. Regardless of our views on the war in Vietnam and the President's efforts to terminate it, the men who did the fighting should not be left holding the bag. In addition, I know all of us are very concerned about the high unemployment rate among Vietnam veterans. Having interrupted their schooling and civilian jobs to serve in the Armed Forces, they return home to find that they do not have the necessary skills to find a job. Their contemporaries, who were not called to serve, have a considerable headstart in terms of education and job experience.

America owes a debt to the Vietnam veterans for their service in these troubled and turbulent times and I sincerely hope my House colleagues will reconsider the authorized level of educational benefits when the Senate acts on this legislation. We must not be penny-wise and pound foolish.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS SUPPORTS THE RURAL JOB DEVELOPMENT ACT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. SEBELIUS. Mr. Speaker, I doubt very seriously whether any of my colleagues would believe the assertion that businessmen throughout our Nation would welcome competition in a limited market area as well as higher taxes. Nevertheless, this assertion is true, and it represents the self-sacrifice businessmen across the country are willing to make if prospects are good for rising employment and economic progress as a result.

The following information from the Federation of Independent Business, the business organization with the largest individual membership in the United States, dramatizes the groundswell of national support the Rural Job Development Act has received. I would also like to point out the independent businessman's selfless dedication to community development and to the free enterprise system. This is best illustrated by the fact that almost 96 percent of the respondents would not object to new competition as long as new jobs came to their area, and almost 86 percent felt that higher taxes for expanded community services prompted by additional employment would be acceptable.

In this regard, I am almost gratified to report that 95 percent of the respondents in this special survey of Advisory Council members of the National Federation of Independent Business support the Rural Job Development Act.

The rural job development bill would give special tax incentives to new job producing enterprises locating in rural areas. It would also give these firms tax breaks on investment and the training of local manpower during their early stages of operation. The available evidence strongly indicates that these new businesses, along with the jobs they would create, would provide the U.S. Treasury with a net revenue gain.

The principle author of this legislation is Senator JAMES PEARSON, my good friend and the distinguished senior Senator from my home State of Kansas. My distinguished colleague, the Honorable JOE L. EVINS, Congressman from Tennessee, and I are the principle sponsors of this legislation in the House of Representatives. The fact that this legislation has attracted the support of more than 50 Senators and close to a majority of the House of Representatives, I think represents a mandate for congressional action.

I commend this information to my colleagues. This news can be interpreted as a nationwide call for action on the Rural Job Development Act, a proposal to ease the city's burden, to develop the countryside, and to provide new opportunities and better living conditions for all Americans.

The news item follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, D.C.

Rising employment in their localities is more important to independent businessmen than increased competition or higher taxes.

This is becoming clearer as the results are tabulated from a special survey among the more than 2,000 Advisory Council members of the National Federation of Independent Business. These Advisory Council members, all leading businessmen in their respective communities, are being questioned on the attitudes of their colleagues toward the Rural Job Development Bill introduced by Congressman Joe L. Evins and Keith G. Sebelius, and Senator James Pearson of Kansas.

The computer shows that 95% of the respondents support this legislation. In addition, they are informed that the development of new payrolls would probably result in more competition, and they are asked if they would be willing to face this possibility. The totals so far show that almost 96% of them would not object to new competition as long as new jobs came to their area.

The questionnaire also explains that additional employment would probably mean higher taxes to pay for expanded community services. Somewhat surprisingly, almost 81% of the respondents answered that they felt this would be acceptable.

The Rural Job Development Bill would give special tax incentives to new, job producing enterprises locating in rural areas. It would also give these firms some tax breaks during their early stages of operation on investment and the training of local manpower.

This approach, which is supported by more than 50 Senators and close to a majority of the House of Representatives, would not involve the expenditure of Federal tax money. Instead, the available evidence seems to strongly indicate that these new businesses, along with the jobs they would create, will provide the United States Treasury with a net revenue gain.

The nation's small business community has long shown a decided preference for this tax incentive approach, and N.F.I.B.'s current survey of its Advisory Council enforces this attitude. It clearly shows that America's rural businessmen are deeply concerned with the economic plight of their communities—concerned enough to willingly shoulder their share of the cost of revitalizing them.

Volunteer comments by respondents to the survey indicate the depth of their concern for the problem of rural redevelopment.

The owner of a sheet metal fabricating plant in Iowa says, "I think 'Operation Build America' sounds just wonderful! Wouldn't it be amazing to find out that a lot of problems can be solved by the people without such a terrible waste of tax money. People are not going to establish new businesses under present conditions. We have to cut ours back because of them.

A Maryland mill owner comments, "Operation Build America' looks great, involve people—Most bureaucrats could not operate a shoe store profitably if given a barrel full of money."

The owner of a concrete product manufacturing plant in upper New York State says, "This certainly would be worth trying. Young people are leaving rural areas due to lack of jobs. Many small stores are closing up due to people moving closer to the cities to find work."

A South Dakota insurance broker comments in the same vein saying, "Operation Build America' appears to have great merit. The American people can and will build as in the past if given a chance. We do not need

a free ride and choose to build with our hands and exercise our mental capacity."

A New Mexico retailer reports, "We are fortunate to live in a state of great land area, small population, mostly air and lots of small rural communities still thriving. Some aspects of the Pearson bill have already been instigated by communities of New Mexico and it will absolutely work even in this and other states if Congress will only enact legislation and give it a chance. There has been so much Federal money pumped into our state because of the Indian population that it is really hard to tell what will happen to business in this area when we stop giving these massive amounts of grants to Indian populated areas."

A Maryland dairy retailer says, "This is the best idea yet to cover our country's multitude of problems. We should also do away with too much government interference in agriculture. Cut out farm subsidies to large corporate farms! Also, this would give small farms a chance to survive with this program. Let the law of supply and demand take over again! Not by government controls! The wage-price freeze is a farce! Food prices are skyrocketing again, yet the little farmer is struggling to make ends meet. I am in the food and dairy drive-in business and this year is my toughest struggle—all because of governmental interference, etc."

A Texas banker has no doubt that this tax incentive approach would work, commenting on a local effort as follows, "In 1968, fifty-six local businessmen each invested in a local industrial corporation. Each man purchased $1,000.00 in stock and the money was used to purchase land and construct buildings for new industries. The two local banks, the local savings and loan, and the Small Business Administration participated in these loans. To date we have three new industries employing 150 to 175 local people."

CHOICE: A CRUEL NECESSITY

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MALLARY. Mr. Speaker, one of the realities of Government is that there are more worthwhile things to be done than we can possibly do with our Nation's limited resources. This is one of the first realities that we must face if we are to be honest and responsible in carrying out our duties as legislators. We must make choices and we do so every day. Sometimes we must choose between very worthwhile programs. Choice is the cruel necessity of our profession. It requires us to pay careful attention to both the stated goals of our proposed programs and the realistic possibilities for their success.

I am very pleased that in our Government there are some men who recognize the necessity to establish realistic priorities and to make the difficult choices between competing worthwhile needs. One man, the Secretary of Health, Education and Welfare, has expressed this dilemma quite eloquently in a recent speech that was printed in the Washington Post. I would like to take this opportunity to place a copy of Secretary Elliot Richardson's speech in the RECORD. I urge my colleagues to read his words. If they cannot because of the press of other worthwhile business then I hope that in making this choice they will realize that they have once again demonstrated that—

Choice is the basic reality, and for us it is doubly difficult and saddening because whatever we have to give up is not something bad or trivial, but something that is only somewhat less important, if that, than what we have selected to do.

The article follows:

CHOICE: A CRUEL NECESSITY

(By Elliot L. Richardson)

We are standing at a unique juncture in the course of history. At no other time have we been so aware both of how breathtakingly close we have come to realizing the promise of America for all its citizens *and* of how painfully far we are from locating and gathering all the resources that would fulfill that promise tomorrow.

The founders of this complex and diverse nation, and each succeeding generation, set themselves truly awesome tasks to perform. For the most part, their aspirations and their capabilities have been within hailing distance of each other. In our own time, great though the growth in our resources, the growth in our expectations has been even greater. Today these expectations are like a giant helium-filled balloon cast loose from its moorings, sailing beyond sight. We must somehow bring our expectations back to earth; we must level with each other. For either we shall understand the reality of what can and cannot be done overtime, or we shall condemn ourselves to failure, and failure again and again.

When we compare ourselves with those who preceded us, or with others in the world today, there is no denying that we are moving ever closer to the promise of this country.

Yet frustrations and disappointments abound, and alienation from our basic institutions seems endemic. Why is this so?

One reason, it seems to me, stems from our very successes. As Alexis de Tocqueville wrote many years ago:

"The evil which was suffered patiently as inevitable seems unendurable as soon as the idea of escaping from it crosses men's minds. All the abuses then removed call attention to those that remain, and they now appear more galling. The evil, it is true, has become less, but sensibility to it has become more acute."

It is not, then, that we have come so far, but that we seem so near, so exasperatingly near, to realizing our national hopes, that some of us grow impatient and angry. What could be suffered silently or even cheerfully when there was no chance of improvement, becomes intolerable as soon as it is learned that a cure is within our capability. And then we must have the cure immediately.

Another reason is that we are constantly setting ourselves ever more difficult goals to achieve. We may reach a goal today that appeared improbable or optimistic yesterday, but instead of finding in this success a source of satisfaction, we find a sign of failure.

THE LEGISLATION FALLACY

There is, besides, much actual failure. Exaggerated promises, ill-conceived programs, over-advertised "cures" for intractable ailments, cynical exploitation of valid grievances, entrenched resistance to necessary change, the cold rigidity of centralized authority, and the inefficient use of scarce resources—all these add to frustration and foster disillusionment.

Population growth, technological change, mass communications and big government, meanwhile, have been progressively submerging the individual's sense of personal significance in a gray, featureless sea of homogenized humanity. In a country which has been dedicated from its beginning to the liberation of human aspirations and the fulfillment of human potential, these massive changes result in vague feelings of anxiety and unease. We yearn for a greater voice in—a greater impact on—the processes that affect our lives. We long to make a difference.

But the most profound and far-reaching source of our frustrations and disappointments is to be found in the "expectations gap" to which I have already alluded. There is a fallacy abroad in the land—and rampant in the Congress—to the effect that passing legislation solves problems. There are, to be sure, many problems that cannot be solved without new legislation. But all too often—and increasingly so—new legislation merely publicizes a need without creating either the means or the resources for meeting it. If this kind of legislation is implemented at all, it is at the cost of spreading resources still more thinly over existing programs.

Just this, in fact, has been happening at an accelerating rate. In the first full budget of the Kennedy administration, congressional authorizations for HEW programs exceeded amounts requested for their operation by $200 million. In the current fiscal year authorizations for HEW programs exceed appropriations by $6 billion. Legislation likely to be enacted by this Congress may add still another $9 billion in new authorizations for next year and even larger amounts for future years—much of which also will never be fully funded.

What does this accomplish except to create expectations beyond all possibility of fulfillment and then, because they were not fulfilled, dash the hopes of those who have the greatest needs?

TOO MANY NEEDS

Then there's the nagging problem of inequity in helping those who need help. The federal, state and local cost, both public and private, of assisting individuals whose dependency might have been prevented is running at an average annual rate of about $19 billion. And yet the cost and quality of assistance to such individuals varies widely. If our assistance to all these people met the standards applicable to the most-favored one-third, the annual cost would be nearly $7.5 billion more than it is now.

If, in addition to raising benefit standards for those now receiving assistance, we increased eligibility by uniformly applying a standard for assistance corresponding to the most liberal one-third, another enormous expenditure increase would be required.

Consider just the following list: Fulfillment of the Right to Read objectives, which would give youngsters the tools they need if public schools are to be at all meaningful; homemaker services, mental retardation services, and vocational rehabilitation services for all who need them; developmental day care services for needy children; good compensatory education for every disadvantaged child. To meet even these few goals, we would have to increase our spending by roughly $27 billion per year and recruit and train 6 million more professionals, paraprofessionals, and volunteers.

When we begin to take into account other large claims—health care, higher education, urban redevelopment, transportation, and environmental protection, for instance—we rapidly enter a realm of almost unimaginable numbers. The needs are real, but we cannot conceivably meet them all comprehensively and all at the same time.

The President has the most complex and broadest choices to make. He must, within the constraints imposed on him, select from among efforts to improve the environment, to improve transportation, to make the nation more secure at home and abroad, to bring sense and humanity to our welfare system, and from among a host of other worthy and pressing objectives.

The Secretary of HEW must choose among efforts to bring health services into poor neighborhoods, to increase the educational opportunities of children living in those same

neighborhoods, to reduce the isolation of the aged, to offer alternatives to delinquency and drugs, and among many other objectives, all of which again are worthy and compelling.

And down through the tiers of government it goes, the inescapable necessity of choosing.

SHIFTING PRIORITIES

Choice is the basic reality, and for us it is doubly difficult and saddening because whatever we have to give up is not something bad or trivial, but something that is only somewhat less important, if that, than what we have selected to do.

To a degree that many Americans still do not realize, we *have* shifted our priorities—rather dramatically—in the past three years. Since 1968, outlays for human resources programs have increased 63 per cent while total budget outlays grew by only 28 per cent. In the Fiscal Year 1973 budget, human resources spending represents 45 per cent of all expenditures, while defense spending totals only 32 per cent.

This exactly reverses the spending priorities of only three years ago, when the defense share was 45 per cent and human resources share was only 32 per cent.

Yet even though HEW's budget will exceed the Defense Department's in FY 1973—for the first time in history—this shifting of priorities has not lessened the need for us to make difficult choices.

As an example, federal expenditures for education are budgeted to increase by $276 million over current-year appropriations. But all programs did not grow—and to put emphasis where we believed it would do the most good, it was necessary to trim back other worthwhile effects. To sustain increases in four major areas—$449 million in elementary and secondary education, $49 million in educational renewal, $35 million for the National Institute of Education, and $97 million for the National Foundation of Higher Education—two major cuts were required. Aid to school districts with large numbers of federal employees—so-called "impact aid"—was reduced by $180 million and library services support by $24 million.

The point is that while both impact aid and library services are worthy of our support, the level of funds available to the department forces us to make budgetary trade-offs—forces us, in short, to make choices.

Because choice is so important, because so many lives are affected by our choices, we must constantly improve the way in which choices are made.

We must, first of all, create a process of rational decision-making that is both open and honest. The choices must be made clear and understandable, their advantages and disadvantages fully stated, and the alternatives brought into the light—as in the use of expanded nutrition or family planning services, instead of more medical services, to obtain a certain amount of improvement in health.

COST-BENEFIT RATIOS

How does one compare the benefits of one program with the benefits of another? Rarely can we reduce these benefits to dollar figures without the result being so artificial that we lose confidence in it. Yet such a comparison is essential to every budgetary choice we make, because the budget forces us to balance a dollar spent on one program against a dollar spent on others.

Let me give an example. We often speak of a single human life as infinitely precious, and so it is. But when it comes to the allocation of time, money, and energy, it is obvious we do not literally mean it. Each year our society tolerates thousands of deaths which might be prevented. Last year 114,000 Americans were killed in some form of accident. Of these, about 23 per cent were in the home, about 48 per cent were on the highway. Some 95,000 Americans died from preventable illnesses, an estimated 60,000 of these from lung cancer caused by smoking cigarettes. But building safer cars, highways and homes, and reducing cigarette smoking involve costs. By not pushing these things as far as we could, we implicitly put a value on the lives they might save. Unfortunately, such implicit valuations do not give us an explicit measure of the value of human life that could be compared with the value of a year of education or a reduction in water pollution.

I have suggested from time to time that we should develop a benefit unit called the "HEW" for use in comparing cost-benefit ratios among our activities. Such a unit would force us to look at just how much importance we really place on our efforts to deal with any single problem. And it would permit us to compare our real effort in one area—and the returns we got for it—with our real effort and returns in another. If a child-year of preschool education is worth one "HEW," how many "HEWS" is it worth to avoid one traffic death? To rehabilitate one disabled worker? To cure one drug addict?

Using such a benefit constant, we might readily see that the incremental costs of reducing a very small number of deaths by seafood poisoning might be better applied to reducing a large number of deaths on the highway, or that the additional resources that would allow us to inspect every food processing establishment twice a year could be more advantageously used to immunize our children. Similarly, it might show that we would achieve higher benefits in lives saved by investing in the safety of products than in special ambulances for victims of heart attacks.

The comparison gets harder to make, of course, when we come to the reduction of injuries, discomforts, and irritations, and when the outcome is uncertain. How much should we be investing, for example, in finding a cure for the common cold? Reducing noise pollution? We make such choices anyway, of course, but the process is seldom both deliberate and explicit.

Hard as it is to define our goals clearly, and then to rank them in importance, we must also imaginatively consider different ways of approaching each goal. Cost-benefit analysis must open the door to fresh and imaginative alternatives. It must enable us, if such be the case, to say that there is a better way of attacking a problem than by an HEW program and that we should shut ours down and support another, somewhere else.

THE LIMITS OF ANALYSIS

Finally, to assure a chance for better decision-making we must be able to measure the cost of each alternative. Our skills in this area are seriously underdeveloped. We are not always careful to remember, for example, that the true "cost" of a federal program is not invariably measurable by the number of dollars we allocate to it in the budget. Did we include air pollution costs in our accounting for the federal highway program? Do we charge ourselves for the loss of recreation, fish and wildlife when we develop our rivers and harbors? Do we take into account the possibility that federal dollars collected from some sources may have more adverse effects on economic activity than those collected from other sources?

Further, our ability to predict what the budgetary costs of alternative programs will be seriously lacking. There are a few shining examples of good cost estimation in the federal government. The Actuary's Office in the Social Security Administration is one. But there are many more dismal cases of complete ignorance about what resources will be needed to carry out proposed programs.

There are of course, severe limits on the practical use of evaluation and cost-benefit analysis. Such techniques may help us to choose the best way to use an additional $1 million on homemaker services for the elderly or preschool education for disadvantaged children. They may even offer some basis for comparing the social return on one or another such investment. But a choice between homemaker services and preschool education cannot and should not rest only on this kind of analysis. Even though it could be shown that the investment in preschool education paid larger dividends for a longer future, our feelings toward the generation to which we owe our own existence and education cannot be fed into this kind of calculation.

The hard choices, in the end, are bound to depend on some combination of values and instincts—and, indeed, it is precisely because the content of choice cannot be reduced to a mathematical equation that we need the political forum to reach the final, most difficult decisions.

To recognize this, however, reinforces the importance of being as honest and explicit as possible in articulating the non-measurable considerations that transcend the limits of objective analysis. Only if these considerations are exposed to full view can we bring those whose expectations have to be deferred—or over-ruled—to accept the legitimacy of the process by which this was done. Only thus can we hope to reconcile the loser to losing and encourage the impatient to wait.

Without this sort of open discussion of the hard choices we must continually make, the gap between public expectations and government performance will keep growing, and the erosion of confidence in government's ability to bring about desirable change will continue. Americans have never been particularly trusting of government; but still, something is much amiss when surveys show a continuing decline in the percentage of adults expressing a degree of trust in their government.

We in government must take a leading role in any effort to restore confidence in government. As a start, I believe we must go to whatever lengths are necessary to explain to the American public the necessity for making hard choices among priorities. We must make clear the true cost of worthwhile programs, whoever their sponsor may be. If we do this, we may finally put to rest the simplistic shibboleth that all we need do to create Utopia here and now is to "reorder our priorities."

NEBRASKA'S GIFT TO THE WORLD—ARBOR DAY

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. THONE. Mr. Speaker, your attention is called to one of the gifts the State of Nebraska has given to the world—Arbor Day.

At a meeting of the State Board of Agriculture in 1872, one of the members, J. Sterling Morton, moved that April 10 be "especially set apart and consecrated to tree planting" and be called Arbor Day.

From that beginning, Arbor Day spread across the Nation and around the world. Arbor Day is commemorated on different dates in varying locales. In various U.S. States, the observance is celebrated on a date set by school officials, by Governors' proclamations or as a legal holiday. In Nebraska, Arbor Day is a legal holiday. It takes place on April 22, birth-

day of J. Sterling Morton, who served as U.S. Secretary of Agriculture and whose statue stands in the rotunda of the U.S. Capitol.

The 100th anniversary of Arbor Day was observed at the White House on April 10. The red-coated U.S. Marine Band played "Trees," "America The Beautiful" and "God Bless America," while Mrs. Richard Nixon officiated at planting a 12-foot tall fern leaf beech tree.

Vern Livingston, Nebraska chairman of the centennial observance of Arbor Day, presented Mrs. Nixon with a gavel made from a walnut tree grown in Arbor Lodge State Park and fashioned by Ivol Stever of Nebraska City. The tree is believed to have been planted by J. Sterling Morton. Mrs. Gerald Livingston, Nebraska City chairman of the centennial, presented the First Lady with a gold centennial medallion encased in a walnut box made by Ken Clark of Nebraska City.

Mrs. Pat Nixon presented a seedling hemlock tree to each of us at the ceremony. Out-of-town visitors at the White House included Nebraska State Senator Calvin Carsten, Avoca; Mrs. Frederic Lattner, granddaughter of J. Sterling Morton, Des Moines; and Billie Szalawiga, 10-year-old Arbor Day poster child, Lincoln.

While Arbor Day will be celebrated throughout Nebraska, the main thrust of the centennial will be a 3-day observance in the hometown of J. Sterling Morton, Nebraska City, and at his former homestead, Arbor Lodge State Park.

Events in Nebraska City on Friday, April 21, will include an old-fashioned chautauqua show. On Saturday, April 22, there will be a centennial barbeque in downtown Nebraska City and a centennial ball with crowning of a centennial queen at Arbor Lodge State Park. On Sunday, April 23, there will be a fly-in breakfast, dedication of a stained glass window at the First Presbyterian Church, a noon banquet, a parade and a program at Arbor Lodge State Park. The ceremoney will include planting a tree provided by Mrs. Nixon. It is a seedling from a White House elm tree, planted in 1825 by President John Quincy Adams and still healthy.

Tree planting does more than improve the scenery; it can save our environment. I wish to also insert in the RECORD an article, by Newspaper Enterprise Alliance national columnist Don Oakley, which points out how much trees contribute to the fight against air pollution.

J. Sterling Morton was an ecologist who 100 years ago led the fight to improve our environment. Hopefully, each citizen will observe the centennial of Arbor Day by planting at least one tree to make a better America tomorrow. As J. Sterling Morton said:

While other holidays repose upon the past, Arbor Day is a day that proposes for the future.

The news item follows:

ARBOR DAY—LET'S THANK NEBRASKA

(By Don Oakley)

It was no accident that the first Arbor Day in America was proclaimed in the young state of Nebraska 100 years ago on April 10. Coming from the wooded East to the lush and rich but monotonous prairie, one thing the pioneers missed most of all was trees.

Trees. Man has always loved them. He has written music about them, poems to them. In the childhood of the race he worshipped them. The scientists even say he descended from them—though not genetically, of course.

Trees. Man has always loved them, but only recently has he begun to realize that not only the quality of life but life itself may depend upon them.

Consider this:

—For every pound of wood produced in a forest, 1.83 pounds of carbon dioxide are removed from the air and 1.34 pounds of oxygen are returned.

(Because young, growing trees produce more oxygen, a properly managed sustained-yield forest is thus of double benefit to man.)

—An acre of growing trees has the capability to scrub clean the air pollution generated by eight automobiles in 12 hours of steady running—though with some damage to the trees. The same acre can also absorb the carbon dioxide produced by 50 automobiles in the same period.

—One tree growing in the concrete jungle of the city can generate as much cooling effect as five room air conditioners as it evaporates 100 gallons of water, with no breakdowns because of an electrical "brown-out."

One historian has speculated that before the white man began hacking away at the red man's forests, a squirrel could have traveled from the Atlantic to the Mississippi without ever touching ground.

Yet amazingly enough—and the "crisis lobby" will be skeptical about this—America still has about 75 per cent as much forestland as it had when Columbus arrived, about 758 million acres. And a third of this—248 million acres—is set aside in parks, wilderness areas and watersheds. This is an area equal to the size of Norway, Sweden, Denmark, Austria, Switzerland, Holland, Belgium and Israel.

The "instant ecologists" may also object to this, but nature, not man, is the greatest destroyer of trees. The great New England hurricane of 1938, for example, wiped out millions of carefully nurtured hardwood trees, along with the industry.

It is no surprise to be told that the states of Maine and New Hampshire remain more than 80 per cent forested, and that forest products constitute one of their most important industries.

But recent estimates indicate that even industrialized and urbanized New Jersey is nearly half forest (46 per cent), and that in that state, as well as New York and Pennsylvania, the woodlands are actually increasing because of shrinking acreage devoted to agriculture.

But the experts also tell us, however, that paper consumption in the United States will leap from its present 575 pounds per person to 1,000 pounds by the year 2000 and that sawtimber demand for houses will double as soon as 1980.

Trees. Plant one for Arbor Day, 1972. Your children will need it.

BUSING AND ITS ALTERNATIVES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. McCLOSKEY. Mr. Speaker, the most recent issue of Forum, the publication of the Ripon Society, is devoted to the question of "Busing and Its Alternatives." With this issue, the Ripon Society continues a tradition of unmatched excellence in research and the presentation of progressive Republican philosophy. I commend to the House the entire April 1972 issue, but insert here a single article from the issue which, in my judgment, should be read by every Member with deep concern:

AND IT'S NOT EVEN CONSTITUTIONAL

(By Peter V. Baugher)

Both the President and the congressional Democrats have now announced their programs for curbing school busing while guaranteeing equal educational opportunity. Regrettably, the urgent tone and political timing of these plans would damage their credibility even if they were soundly conceived. But Mr. Nixon's legislative proposals must be challenged not simply on the basis of general policy but on legal grounds as well.

Even if busing were an unmitigated scourge unsupported by independent social analysis, constitutional principles would militate against the President's legislative program. As a general rule, Congress should decline to pass and the chief executive refuse to sign measures of questionable legality, because the forcing of a constitutional test by the prestigious elected officials may itself undermine the constitutional order. This cautionary presumption is especially relevant in intragovernmental conflict, for power struggles between coordinate branches are frequently destructive and difficult to resolve.

Both President Nixon's bills violate this presumption. Both depend upon the alleged existence of far-reaching congressional authority to narrow the equity jurisdiction of federal courts. The Student Transportation Moratorium Act (H.R. 13916) would prevent judges from issuing new busing orders until July 1973, or until Congress took action on Mr. Nixon's second and more comprehensive busing plan. The Equal Education Opportunities Act (H.R. 13915) earmarks funds for upgrading innercity schools and reaffirms (superfluously) the Constitution's proscription of all deliberate educational segregation. Courts, however, would be deprived of their present power to compel long-term busing of elementary school students, and all court order or desegregation plans currently in effect would be "reopened and modified to comply with the provisions of this Act." Each of these measures is legally vulnerable.

The Administration bills rely first on Article III, Section 2 of the Constitution, which grants the Supreme Court appellate jurisdiction over "all cases, in law and equity, arising under this Constitution, [and] the laws of the United States, . . . with such exceptions, and under such regulations as Congress shall make." The proposed statutes derive secondary support from clause 9 of Article I, Section 8: "Congress shall have the power . . . to constitute tribunals inferior to the Supreme Court." Finally, White House apologists point to Section 5 of the Fourteenth Amendment, which specifies that "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." When observed in the context of the whole constitutional structure and in terms of the framers' intent, however, the circumscribed nature of these dictates becomes apparent.

The cornerstone of our government framework is the doctrine that the Constitution stands above all else and is, to quote John Marshall, "superior paramount law, unchangeable by ordinary means, . . . [not] averable when the legislature shall please to alter it." Accompanying this critical precept, is acceptance of the proposition set forth 170 years ago in *Marbury* v. *Madison*, 1 Cranch 137 (1803), that a major function of the Supreme Court is to interpret the meaning of

the Constitution and to review all executive conduct and legislative enactments which (like the current presidential offerings) seem to contravene those interpretations:

"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws [the Constitution and an act of Congress] conflict with each other, the courts must decide on the operation of each . . . This is the very essence of judicial duty."

EXCEPTIONS CLAUSE

The presence of Article III's previously-quoted "exceptions" clause does not narrow the scope of these principles. In granting Congress the power to regulate the Supreme Court's appellate jurisdiction, the authors of the Constitution were concerned primarily with preventing the Court from subverting the purpose of jury trials by making its own findings of fact—an issue settled almost immediately threafter by the adoption of the Seventh Amendment in 1791. The true intent of the framers concerning judicial guarding of constitutional freedoms (now including the "equal protection" guarantee of the Fourteenth Amendment) was eloquently voiced by James Madison during the congressional debate on a federal bill of rights:

"If they [the proposed first ten amendments] are incorporated into the constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive."

From this perspective—to the extent that they perpetuate the existence or effects of state-imposed segregation, and therefore preserve conditions of unconstitutional inequality—the Nixon-sponsored limitations on busing cannot be sustained. Congress is no doubt empowered in this matter to prescribe preferences and priorities for guiding the courts in their determination of which methods should be employed to enforce the Fourteenth Amendment. Where a court, however, in the exercise of its judicial function concludes that busing is the only practical means of providing persons with the equal protection of the laws promised to them by the Constitution, no contrary legislative statement can be accorded deference.

How, for example, can the Constitution assign the Supreme Court the duty to decide "all cases" in accord with that document—contradictory legislative utterances notwithstanding—if Congress is at liberty to defeat this obligation by a jurisdictional edict? It is inconceivable that the mere power to regulate jurisdiction should be transformed into an engine by which the legislative branch can (1) affect rights having nothing to do with jurisdiction, and (2) affect those rights in disregard of all other terms in the very charter which confers that (properly construed) modest regulatory authority. Congress' exceptions to the jurisdiction of the Supreme Court must at least not be such as will destroy the essential role of that body in the constitutional plan.

Despite, though not necessarily inconsistent with, the efficacy of this reasoning, the Supreme Court has suggested on a number of occasions that the judiciary does not enjoy complete independence from congressional control. But in only one case since the founding of the republic—a case the continuing validity of which has been publicly disputed by Justices William D. Douglas and the late Hugo L. Black—did the Court acquiesce to the removal of its jurisdiction over a matter of constitutional law. In *ex parte McCardle*, 74 U.S. 506 (1869), the Supreme Court (under intense pressure from the radical Republicans of that day) yielded to an act of Congress repealing its authority to handle *habeas corpus* appeals; a measure passed specifically to prevent the Justices from freeing newspaper editor Henry McArdle who was at that time being held unlawfully by military officials in Mississippi.

The force of this precedent is substantially restricted, however, by several considerations. The first of these is the Supreme Court's understandable political trepidation in the face of contemporary events—Andrew Johnson had just become the first United States President to face impeachment proceedings. The second distinguishing characteristic of *McCardle* is that parts of the judiciary were allowed to remain open to *habeas corpus* suits. Congress in no way attempted to cabin lower court jurisdiction, and the Supreme Court itself was not restrained from entertaining petitions for the writ filed with it in the first instance. Under the Nixon plan, on the other hand, no judge in any tribunal could order busing.

Furthermore, unlike the 1868 legislation, the Moratorium and Equal Opportunities Acts do not oust the federal courts of jurisdiction over the subject, in this case school desegregation. They merely proscribe the single remedy of recourse to the school bus. But Congress cannot pick and choose among various forms and degrees of relief without impinging on the doctrine of the separation of powers. So long as a court is not deprived of its authority to hear a case or class of cases, it is constitutionally obliged to resist legislative instruction with respect to the mode and scope of its adjudication of the constitutional issues presented. Justice Wiley B. Rutledge put the matter succinctly:

"It is one thing for Congress to withhold jurisdiction. It is entirely another to confer it and direct that it be exercised in a manner inconsistent with constitutional requirements or, what in some instances may be the same thing, without regard to them . . . Whenever the judicial power is called into play, it is responsible directly to the fundamental law and no other authority can intervene to force or authorize the judicial body to disregard it. (*Yakus* v. *United States*, 321 U.S. 414 (1944); dissenting opinion.)"

In short, where no constitutional question is raised, Congress may generally enlarge or contract the equity jurisdiction of federal courts, though such alterations (1) must make provision for at least some access to a judicial panel, and (2) cannot withdraw jurisdiction selectively or fractionally in order to overrule an ongoing series of court decisions. The President's anti-busing bill fails under both of these qualifications. But more important, Congress patently lacks the power to prevent the Supreme Court from fulfilling its essential constitutional role as the agency whose unique function it is to interpret the Constitution and review the enactments of the legislature in the light of those interpretations. No act of Congress can legitimately constrict the Court's ability to discharge this responsibility.

It is claimed by the advocates of the proposed statutes that this rule should be modified when Congress seeks to exercise its stated rights to enforce the Fourteenth Amendment. Indeed, three recent Supreme Court cases—*Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Shapiro* v. *Thompson*, 394 U.S. 618 (1969); and *Oregon* v. *Mitchell*, 400 U.S. 112 (1971)—have suggested that Section 5 (Congress shall have the power to enforce . . .) may give rise to certain special legislative authority. But this authority can only be employed (if at all) to facilitate the realization or expand the reach of the Fourteenth Amendment. The authors of Section 5 did not go to the trouble of amending the Constitution so that one hundred years later Congress would be able to redefine more strictly the sweep of the equal protection clause. As Justice William J. Brennan wrote in *Katzenbach* v. *Morgan*:

"Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment. . . . [It] does not grant Congress power to exercise discretion in the other direction and to enact statutes so as in effect to dilute equal protection and due process decisions of this Court. We emphasize that Congress power under Section 5 is limited to adopting measures to enforce the guarantees of the Amendment; Section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees."

Provisions similar to Section 5 also appear in Amendments Thirteen (slavery), Fifteen (voting rights), Nineteen (women's vote), Twenty-three (D.C. representation), Twenty-four (poll tax), and Twenty-six (18-year-old vote). Yet none of these grants has been—or could be—used to abridge basic guarantees embodied in those amendments. With regard to the Fourteenth Amendment, then, Congress may preempt or dictate the judicial response to school desegregation cases only when the banned remedy of busing is not constitutionally imperative. Where a court determines busing to be the only means of achieving equal opportunity, statutory language passed pursuant to Section 5 but inconsistent with the judges' holding is of no consequence.

But if these legislative avenues are blocked, what of a constitutional amendment barring all compulsory busing? Aside from the nearly insuperable difficulties of drafting in this area, and the unexpiable affront of adding a racially motivated paragraph to the American Constitution, even the most carefully and humanely worded amendment would constitute a deficient approach to the disposition of the busing issue. Because it varies greatly from place to place and is local and time-bound in nature, the busing problem is not a suitable subject for constitution-writing. Our Constitution is not the Code of Federal Regulations, or the Elementary and Secondary Education Act of 1972. It is a repository for fundamental substantive, structural, and procedural provisions, suited as John Marshall said for ages to come

A MAJESTIC PROMISE

It may be replied that the courts are already dealing with busing, and in the name of the Constitution. But this is an exercise of their equity power to implement the constitutional mandate of *Brown* v. *Board of Education*. Numerous federal courts have issued specific decrees conditioned by the variables of one or another particularized situations. What the Constitution contains is only the majestic promise of equal protection, on which the gloss of the *Brown* decision has quite properly been placed. Implementation of that promise by individual judicial orders dispatched in different places at different times, is a matter widely dissimilar from attempting to govern the question of busing by inserting a constitutional clause.

Both President Nixon's legislative program, and the amendatory alternatives introduced earlier this year, are thus incompatible with American constitutionalism. Congress does, however, have the power to specify procedures for enforcing the Fourteenth Amendment, as long as those procedures are adjudged by the judiciary to be in conformance with the Constitution. If it is felt that *some* kind of "anti-busing" legislation is needed, the following language (together with the monetary provisions of the Equal Educational Opportunities Act) may fill that requirement:

"Except as required by the Constitution, no court, department, or agency of the United States shall order the implementation of a plan designed to transfer or transport students from any school attendance area prescribed by competent state or local authority, for the purpose of achieving a balance among students with respect to race, religion, or national origin, where such plan would increase (1) the average daily distance traveled by the students in question, (2) the average daily time of their travel, or (3) the

average daily number of students involved in the busing."

This proposal has the advantage of effectuating Congress' view that when equal protection has been denied the first recourse should be to such measures as voluntary student transfer, rezoning of attendance lines, pairing of racially-opposite schools, and integration-governed site selection for new units. Only if these methods were inadequate, could a court (as the Constitution demands it must) order new busing. While accomplishing these reasonable objectives, the introductory clause would safeguard the bill's constitutionality and reassure those who have viewed the congressional response to the busing "crisis" as an attempt to retreat from the position of *Brown* v. *Board of Education* and an excuse to relinquish the goal of creating a fully integrated multiracial society.

OCCUPATIONAL SAFETY AND HEALTH ACT REVISIONS NEEDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. NELSEN. Mr. Speaker, I am today introducing as a cosponsor a package of amendments to the Occupational Safety and Health Act of 1970 that are designed to prevent small businesses and farmers from being drowned in a sea of unworkable, unreasonable and illogical requirements.

We set out in 1970 with the very worthwhile purpose of improving health and safety conditions for workers on their jobs. But as this new law is being interpreted and implemented, it is proving to be a monstrosity that undermines public respect for law and government among workers and their employers. In some cases, it is just plain ridiculous.

How, for example, is safety promoted by requiring a TV repairman with one or two helpers to have a coat hook in his toilet?

Why should a carpenter and his crew be required to provide special window opening protections like those found in skyscraper construction when they are building a single-story house at ground level?

Why should a farmer who goes next door to lend a free helping hand to his neighbor be considered an employee subject to all provisions of OSHA?

Why should a farmer who operates his tractor on level or near-level ground 100 percent of the time be required to have a roll bar attached to it?

Mr. Speaker, we are seeing a classic demonstration in progress of trying to force the same sized Federal shoe on everyone's foot. It will not fit. It is totally unfair to expect the smallest businesses and trades to comply with all the requirements expected of the very largest corporations.

One of the great injustices is that employers are not being given proper notice what steps if any they are required to take to be in compliance, even though failure to comply can result in civil or criminal penalties. They are supposed to read all the fine print—which the law says the Secretary of Labor need only publish in the Federal Register—and then determine at their own peril which rules apply to them. This is asking the impossible of hundreds of thousands of smalltown businessmen operating on a thin margin who can not afford a stable of lawyers and other specialists to give advice.

Some of the amendments I am cosponsoring would—

Exempt both agricultural and nonagricultural employers of 25 or fewer employees from the act;

Delay for 1 year the effectiveness of the act for employers of between 25 and 100 workers;

Provide technical help to firms with less than 100 employees to help them comply with the act;

Permit the formation of employee safety committees so that workers themselves can help employers identify health or safety problems and contribute to their solution;

Revise the procedures by which the Secretary of Labor may implement so-called national consensus standards;

Require the publication by the Secretary of Labor of the estimated maximum and average cost of complying with each present or future rule as a means of determining whether compliance is possible;

Specify that no penalty may be exacted by the Secretary of Labor for noncompliance with national consensus standards unless an employer has been provided with a copy of the requirement and given 30 days in which to comply or request administrative review;

Provide compensation to any employer for costs incurred in complying with rulings not adopted pursuant to the Administrative Procedures Act;

Stipulate that failure to comply with rulings in which usual administrative procedures have not been followed may not be used against employers as evidence of neglect or wrongdoing;

Protect employers from the absolute liability provisions of the act in cases where employee carelessness is to blame;

Provide that no employer may be held accountable for fines or punishment if he can prove that implementation of questionable requirements would not have materially improved the health or safety of his employee;

Permit the Secretary of Labor to assist employers and employees with certain medical requirements of the act;

Provide the Secretary of Labor with greater flexibility to negotiate prompt compliance in lieu of the imposition of Federal penalties.

These amendments, originally offered in the Senate by Senator CURTIS of Nebraska, would go a long way to assuring Federal reason and responsibility in implementing the Occupational Safety and Health Act for the benefit of employees and their employers.

It is to be hoped, Mr. Speaker, that this package of amendments will receive prompt consideration by Congress. As an indication of the seriousness of the present situation, I include in the RECORD at this point an editorial from my hometown paper, the Hutchinson Leader, written last week by L. D. "Tip" Mills. Tip is a highly respected editor in my State of Minnesota and he is not given to exaggeration.

The item follows:

PERSONALLY SPEAKING

(By L. D. "Tip" Mills)

If businessmen in the Hutchinson area appear red-eyed, tired and ornery in coming weeks, it may be because of the Occupational Safety and Health Act (OSHA) seminar attended by 83 employers here Tuesday.

Until the supply ran out because of the larger-than-expected attendance, the employers received copies of the Federal Register covering occupational safety and health standards, national concensus standards and established federal standards.

That may not seem particularly earth-shaking until you realize that the Register contains 249 pages of small type covering working environment for just about everything from ship repairing to retail stores. It will be required reading for most of us until we can figure out what we need to know and do.

There probably are few employers in the whole county who are not guilty of some violation of OSHA without even being aware of it.

The seminar was co-sponsored by Hutchinson Chamber of Commerce, Hutchinson Safety Council and Minnesota Retail Federation. Speakers included Eloi Hamre and Al Brodie of the Federation, plus John Kaul, research analyst for the Minnesota State Planning Agency.

(I would earnestly recommend that any employer who did not attend the seminar or who is not otherwise familiar with OSHA start learning about it in a hurry, and that includes the family farmer with a hired man. You can start by contacting Cole Fowler of the Chamber of Commerce, phone 896–5795.)

As the speakers ticked off some of the requirements of the act and the penalties for not being aware of them, groans and moans of the listeners could be heard from throughout the room, accompanied by the shaking of heads.

Based on my understanding of what we were told Tuesday and without having had much of a chance yet to dig into those 249 pages of small type, it appears that federal inspectors can walk into any business place and start assessing fines right and left for violations of OSHA standards. Economic hardship is no excuse. If the expense of correcting deficiencies or paying the fines will put the firm out of business, that's the owner's tough luck. It's also tough luck for the employees who will be put out of work.

I don't quarrel with the basic purpose of the law, which is to assure safe and healthful working conditions throughout the nation. Many people are injured or killed at work. If conditions which cause illness, injury or death can be found and corrected, certainly that is what should be done.

What bothers me and many of the others at the meeting is that apparently the inspectors have arbitrary power to serve as combination prosecuting attorney, judge, jury and hangman. If we were correctly informed, the inspectors have power to levy fines without warning, without giving employers the opportunity to correct conditions that they don't even realize are in violation of the new law.

The act requires that each employer furnish his employees a place of employment free from recognized hazards that might cause serious injury or death, and it further requires that employers comply with the specific safety and health standards issued by the Department of Labor.

It also requires that each employee comply with safety and health standards, rules, regulations and orders issued under the Act and applicable to his conduct.

But apparently all the responsibility is placed on the employer. It is he who is

threatened with mandatory penalties of up to $1,000 for each serious violation and with optional penalties of up to $1,000 for each non-serious violation. Penalties of up to $1,000 are required for each day during which an employer fails to correct a violation within the period set in the citation. Any employer who willfully or repeatedly violates the Act is to be assessed civil penalties of not more than $10,000 for each violation.

In addition to providing a safe environment, the employer is placed in the position of having to constantly keep at his employees to see that they follow safety rules. For his own protection and that of his employees, it is possibly he might have to fire an otherwise good worker.

After having written all that, I still haven't mentioned the record-keeping! Even if there haven't been any work-connected injuries or illness, the employer can still be fined if he hasn't crossed all the t's and dotted all the i's.

The act is a burden on all employers, large or small. The large employer, at least, can designate certain employees to do nothing but keep up to date on the government's regulations. For the small firm with a handful of employees, it's one more hat for the boss to wear.

No wonder there was mumbling Tuesday morning that sounded suspiciously like this: "To hell with it all. I'm going to sell the darned business and go to work for someone else."

And sure enough, one businessman stopped Cole Fowler on the street Wednesday and announced that he had bought that big sign required by OSHA. Asked which sign, he replied, "The one that is so high and so wide and says 'For Sale'."

FEDERAL BUDGET ARITHMETIC: FISCAL 1973

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HORTON. Mr. Speaker, because of the deep concern of my constituents about the contents, the amounts, and the priorities of the Federal budget, I have adopted the custom each year of preparing an extensive analysis of administration budget proposals. My analysis seeks to highlight priority judgments in the budget items, particularly focusing on the proposed expenditures of controllable funds, as opposed to uncontrollable expenditures and trust funds which are inflexibly earmarked for special purposes.

Several weeks ago, I completed a two-part analysis entitled "Federal Budget Arithmetic" which evaluates the fiscal 1973 proposals and compares the results with similar analyses of the fiscal 1970, 1971, and 1972 budgets.

I think that the results of my study will be of interest to my colleagues and to all Americans who share my concern with the spending judgments which are made at every level of Government.

At this point, Mr. Speaker, I will insert the full text of Federal Budget Arithmetic:

FEDERAL BUDGET ARITHMETIC: BUDGET PRIORITIES FOR FISCAL 1973

In late January, President Nixon submitted the third budget message of his Administration, covering fiscal 1973 which begins July 1, 1972 and ends June 30, 1973. As with every budget proposal in this era of scarce government resources and heavy demands for government services, the key budget questions refer to the spending and program priorities selected by the President and requested Congress.

Three years ago, I began the practice of doing my own priority analysis of the requested budget, so that the taxpayers of the 36th District could get an approximate picture of where each $100 paid in Federal income taxes is spent.

The chart below shows the slow change in budget priorities from fiscal year 1970's budget request made in January of 1969—the last budget of Lyndon Johnson's presidency.

THE $100 TAX PICTURE

	[1] 1970	[1] 1971	[1] 1972	1973
National defense	$48.90	$45.67	$42.77	$40.59
International affairs and finance	2.53	2.24	2.23	2.00
Space research and technology	2.39	2.12	1.74	1.65
Agriculture and rural development	3.93	3.32	3.20	3.57
Natural resources	1.53	1.55	2.34	1.27
Commerce and transportation	3.08	2.72	3.40	3.45
Community development and housing	1.87	2.34	2.48	2.51
Education and manpower	4.64	5.05	4.86	5.85
Health	8.16	9.28	8.83	9.39
Income security (excluding social security)	4.14	5.27	6.46	6.09
Veterans benefits and service	5.34	5.26	5.87	6.54
General government	2.22	2.55	2.74	2.87
Interest	10.98	11.04	10.86	10.97
Allowances	.29	1.59	----	.66
Revenue sharing	----	----	2.22	2.59
Total	100.00	100.00	100.00	100.00

[1] Figures do not include allocations from the social security and highway trust funds, which are not collected from income taxes.

While the 1973 budget estimate totals $246 billion, or $10 billion higher than the present fiscal 1972 budget, the allocations of funds proposed for various program categories have only slightly changed from 1972.

The Administration's spending priority evaluation of the new budget shows dramatically that defense receives only 32¢ of each tax dollar while human resources receive 45¢ on each dollar. Their analysis includes large-scale expenditures from special purpose trust funds which are derived from taxes other than income taxes.

My analysis subtracts from the budget total over $57 billion in planned expenditures from Social Security trust funds, and over $4.8 billion in highway trust funds.

These funds are raised through payroll and user taxes from Social Security-covered employers and employees and from motor fuel consumers. These trust funds are not subject to discretionary spending on a year-to-year basis, and thus they should not be included in a fair evaluation of budget priority proposals and decisions.

While the chart I have prepared shows a slow evolution in priorities toward domestic, human and community needs, there is still very little in the nature of dramatic spending shifts.

In next week's column, I will discuss the severe limitations in discretion and budget flexibility which can be exercised with regard to domestic programs, and I will recommend some ways of improving this flexibility.

In the meantime, I would invite the readers' comments on the implications of the priority shifts that are taking place, as shown in the four-year-chart.

FEDERAL BUDGET ARITHMETIC: CONTROLLABLE AND UNCONTROLLABLE EXPENSES

(By Congressman FRANK HORTON)

At this time of concern over the financial crisis of government and the burdens of taxation, it is important to take a realistic view of the Federal budget—to examine how much financial assistance the Federal government is actually able to allocate to states and localities and how much money it can spend on solutions of domestic problems.

In analyzing the current Fiscal 1972 budget on the basis of controllable expenses, I note that only $28.6 billion in controllable budget funds were allocated for domestic purposes. This amounts to 12% of the total $236.6 billion budget for Fiscal 1972.

In analyzing the Fiscal 1973 budget, I can report that the news is even less cheerful, the controllable funds available for domestic purposes still is not enough to meet the mounting financial and economic crisis.

In this budget, $28.2 billion in controllable funds amounting to 11.4% of the total $246.3 billion budget, is available for domestic use. This is a decrease of $400 million from last year.

What few people realize is that 70.8% of the total 1973 budget figure, or $174.6 billion, is categorized as Uncontrollable or relatively uncontrollable expense. This means, briefly, that the President and Congress have little flexibility or choice in the expenditure of 71% of the budget.

This compares with $162.8 billion, or 68.8% in uncontrollable expenses in the 1972 budget.

Included in uncontrollable budget items are such programs as Social Security, medicare and other social insurance trust funds. These alone amount to $68.1 billion for Fiscal 1973.

Military retired pay, interest on the Federal debt, veterans benefits, medicaid and welfare assistance grants to states, farm price supports, operating costs of the legislative and judiciary branches of the government and obligations to carry out prior-year contracts make up the remainder of the $174.6 billion in uncontrollable expenses.

None of these budget items is subject to administration discretion in the sense that existing legislation requires the expenditures of funds for these programs. But of course changes in Social Security laws, veterans benefit laws, treasury borrowings, interest rates and other factors can have an upward or downward effect on these expenditures.

With 71% of the budget allocated to uncontrollable items, what discretion is left to the government to allocate money for so-called "controllable" categories or programs?

In Fiscal 1973, the total of "controllable" budget items requested by the President is $79.8 billion or about 30% of the total budget. Theoretically, this is the figure the President and Congress can work with in setting budget priorities and in allocating funds for new programs.

This is a decrease of 2% over the controllable budget estimate for Fiscal 1971 during which $81.4 billion, or 34%, of the total budget was allocated for controllable expenses.

Those concerned about the need for new and costly domestic programs in the area of revenue sharing, housing, education, transportation, job training, pollution control and welfare reforms would, at first glance, feel that $79.8 billion would provide enough leeway to make room for some or all of these needed items.

However, a closer look at the controllable side of the 1973 budget paints a different picture. Of the $79.8 billion controllable budget dollars, the 1973 budget requests $51.6 billion or 64.6% of the controllable budget for defense expenditures. This leaves $28.2 billion for civilian programs.

In Fiscal 1972, of the $81.4 billion in controllable expenses, $52.7 billion or 64.7% of the controllable expenses, were allocated for defense.

President Nixon's proposed budget for Fiscal 1973, therefore, does not show a significant shift in priorities from defense to domestic programs. Controllable defense spend-

ing has been cut only slightly from the 1972 level as a proportion of the controllable budget. This $1.1 billion decrease is accompanied by a decrease of $400 million in controllable spending for domestic programs such as revenue sharing, welfare reform and environmental quality.

The table below, however, showing the breakdown of controllable and uncontrollable budget items for 1971, 1972, and 1973, illustrates in dollar terms the impact of budget controllability.

SUMMARY TABLES

[In billions]

Controllability in 1972	Fiscal year— 1971 actual	1972 estimate	1973 estimate
Relatively uncontrollable under present law:			
Open ended programs and fixed costs:			
Social security, medicare and other social insurance trust funds	54.9	61.9	68.1
Interest	19.6	20.1	21.2
Veterans benefits: pensions, compensation, education, and insurance	7.6	8.5	8.7
Medicaid program	3.4	4.4	4.1
Other public assistance grants	6.3	8.7	8.2
Farm price supports	2.8	4.4	4.3
Food stamp program	1.6	2.1	2.3
Military retired pay	3.4	3.9	4.3
Postal Service	2.2	1.9	1.4
Legislative and judiciary	.5	.6	.7
Other	3.3	4.8	4.9
Outlays from prior-year contracts and obligations:			
National defense	22.1	20.6	19.7
Civilian programs	18.2	19.7	23.1
Allowances for pay raises:			
Department of Defense		0.8	2.7
Civilian agencies		.2	.8
Total, relatively uncontrollable outlays	145.7	162.8	174.6
Relatively controllable outlays:			
National defense	52.1	52.7	[1] 51.6
Civilian programs:			
General revenue sharing proposal		2.2	5.0
Other	21.0	26.4	23.2
Total, relatively controllable outlays	73.1	81.3	79.8
Allowance for contingencies		.3	.5
Undistributed intragovernmental transactions	−7.4	−7.9	−8.6
Total budget outlays	211.4	236.6	246.3

[1] Includes $400,000,000 for proposed volunteer Armed Forces pay adjustment.

BRAD MORSE: ANOTHER MILESTONE IN A DISTINGUISHED CAREER

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. CLEVELAND. Mr. Speaker, I am pleased to join my colleagues in paying tribute to FRANK BRADFORD MORSE, my friend, from the Fifth District of Massachusetts. BRAD will soon leave us to take up new duties as Under Secretary for Political and General Assembly Affairs for the United Nations. This new post is but another milestone in a long and distinguished career.

BRAD MORSE has been a member of this body for the last 11 years during which time he has again and again proven his wisdom, capacity for hard work, and dedication. As a member of the Foreign Affairs Committee he has demonstrated a thorough knowledge of the field of international relations. He has added to this knowledge as a congressional adviser to the U.S. delegation to the 18-Nation Disarmament Conference in Geneva, member of the Council of Foreign Relations, and Director of the Pan American Development Foundation.

As a member of the New England delegation, I have worked with BRAD MORSE on many occasions in dealing with some of the serious problems that face our area. My admiration for his energy and resourcefulness, coupled with his political wisdom and skill, is unbounded.

One proof of BRAD'S outstanding success as a representative of his district is that the population there is predominantly made up of Democrats. Yet every 2 years they have sent him, a Republican, back with a resounding vote of confidence. I know of this, because the southern part of my New Hampshire district borders his.

As a matter of fact, many of his constituents have demonstrated their wisdom and moved from his district into the southern portion of mine. In meeting these people I am constantly impressed with the enthusiasm which they have for this fine statesman. His personality and excellent performance have won their hearts and lasting admiration.

The enthusiasm, self-confidence, and zest with which BRAD MORSE attacks the most awesome problems have been an inspiration. I am grateful to have had the opportunity to serve with him in the U.S. Congress.

I regret that he will be leaving our ranks, but am convinced that he is going on to even more important and meaningful public service. His energy, pragmatism, and dedication to world peace and cooperation are precisely the qualities that the United Nations needs.

TRIBUTE FOR F. BRADFORD MORSE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MONAGAN. Mr. Speaker, I am happy to join my colleagues in paying tribute to one of the ablest Members of this body, a colleague on the House Foreign Affairs Committee, and a good friend of mine, F. BRADFORD MORSE.

The House of Representatives will sorely miss BRAD MORSE, for since he first came to Congress in 1960, he has distinguished himself as a man of extraordinary talent and energy. As the Representative from the Fifth District of Massachusetts, he has worked untiringly to express and meet the needs of his constituents. He has proved an effective and dedicated legislator, and a well-informed contributor to the lawmaking process.

Nowhere were these attributes more visible than in the field of foreign affairs. Through his conscientiousness and enthusiasm, BRAD has established himself as a foreign affairs expert in the House. His views are highly respected, and carry considerable weight among his colleagues. BRAD took a special interest in Latin American affairs, an area which has too often been neglected in the formulation of U.S. policy. Our present relationship with the Latin American nations are clearly in a state of turmoil and unrest. The task of the House in formulating a Latin American policy will certainly not be made any easier by the absence of BRAD MORSE.

I was fortunate to have the opportunity to work closely with BRAD on the Foreign Affairs Committee. I have also served with him on the U.S. delegation to the Interparliamentary Union, so I understand more than most the contribution he has made during the last 12 years. He has proved a valuable member of the committee, and a valuable Member of the House. He will be missed by all of us.

The talents which BRAD takes with him from the House of course excellently qualify him for his new appointment as United Nations Under Secretary General for Political and General Assembly Affairs. I am certain he will offer the same quality performance in this position as he offered the House of Representatives. With my colleagues, I am sorry he is leaving, but I wish him all the best in this new and important endeavor.

HON. F. BRADFORD MORSE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. QUIE. Mr. Speaker, I join in thanking the gentleman from Massachusetts (Mr. CONTE) for taking this

special order to honor our distinguished friend and colleague, the gentleman from Massachusetts (Mr. MORSE).

As he leaves this body to take on a new and broader challenge as Under Secretary General for Political and General Assembly Affairs in the United Nations to succeed the late Dr. Ralph Bunche, it is appropriate that those of us who have known and worked with BRAD MORSE should give witness to the high esteem in which we hold him and the eminent contributions he has made to the Congress, the country and a better world during his 11 years of service.

Others have cited his distinguished record.

I wish merely to express my thanks for BRAD'S unfailing friendship and moral support in the many joint undertakings we have tackled during our service in this body and to wish him the very best of luck in his new assignment.

I am confident that no more worthy successor to the late and great Ralph Bunche could have been selected.

NADER AND CONGRESS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RONCALIO. Mr. Speaker, Mark Twain once said that—

It is the will of God that we must have Congressmen, and we must bear the burden.

In an effort to help the American people "bear the burden" Ralph Nader's Congress project, made up of 80 professionals in Washington and volunteers in every congressional district and State capitol, currently is seeking to provide comprehensive information about the Congress.

A little light in the dark corners surely will be welcome. If the American people, through additional information, become more well informed about Congress and its function, our jobs as Members of Congress, should be made easier.

I welcome the study as I am sure many Members do.

One of the forms used by project volunteers in interviewing congressional district office staffers appeared in the CONGRESSIONAL RECORD recently. It seemed thorough and if honestly answered, capable of shedding light.

I am inserting today additional information describing the project. Included are two letters sent to every Member of Congress outlining the project. The second letter, mailed in February, notes that the project volunteers will be in district congressional offices and seeks suggestions from Members.

Other information I am inserting includes Mr. Nader's speech to the National Press Club in November and a short description of the project given to all district volunteers working on the project across the country.

The items follow:

ADDRESS BY RALPH NADER

There should be little disagreement over the assertion that ours is a society of unparalleled material wealth, and skill increasingly unable to solve, diminish or forestall problems to which wealth and skill should be responsive. This is a signal fact of American life that is the contemporary and gnawing American paradox. As our dollar gross national product zooms upward, our cities are rotting, malnutrition and disease stalk millions of impoverished citizens, pollution is increasing faster than GNP, the narcotics trade eats at the human fiber, government corruption and waste is busting out all over, bureaucracy has become the opiate of the people, consumer fraud grows hand in hand with big corporate dominance over the economy and much of government, rank and file disgruntlement with labor leadership deepens, housing, rapid transit and medical care seem to defy even a focused constituency for problem resolution, local schools are near bankruptcy in many parts of the country and the law stand mocked or manipulated by the powerful and viewed with increasing contempt by the poor and middle class who are given little access and less compassion by legal systems.

When was the last time the press reported that any of the country's major domestic problems—such as noted above—was rolled back? Americans, as problem solvers of yesteryear able to overcome the challenge to grow, now seem unable to overcome the agonies, and injustices sidestepped or created by that growth. This is not to say that we have no problem solvers today. Each week ways are being found to overcome obstacles to development of more efficient weapons, easier transportation into space and more facile persuasion of consumers to buy foot spray deodorants. There is a peculiar aversion however to solving problems which have a common unity—that they adversely affect millions of people as they go about their daily lives. A paralysis grips the land as major institutions—private and public—fail to deliver. Risk levels for the future, particularly from technology, are rising with little anticipatory planning.

We are entitled to ask—if we cannot reduce raging crises with all our wealth and talent, what is there left with which to achieve the necessary changes?

Hand in hand with models of change must go levers for change. Searching for these levers has been the preoccupation of many minds and many movements. Usually lacking, however, is a set of criteria to enable a more effective choice between the many change-agents which beckon. Selection of criteria is more than an academic exercise, for a proper pursuit of such enables a compression of time and energy, which a nation needs to reach toward its promise with the most just means. I submit the following criteria for the choice of effective change-agents.

1. Established legitimacy;
2. Adequate authority;
3. Sufficient resources;
4. Assurance of continuity;
5. Operations with high visibility;
6. Accessibility to a broad constituency;
7. Susceptibility to performance standards;
8. Ability to obtain information.
9. Functional insecurity of members of the change in maintaining their power;
10. Possession of energizing and guiding influence over other potential change-agents, and
11. Sensitivity to broadly based urgencies and pleas.

Obviously, few prevailing institutions can meet more than a few of these criteria. But the United States Congress could. Like the nerve center of a traffic control system, the Congress stands potentially as both reflector and initiator of operational democratic solutions and responses. The words "could" and "potentially" are used advisedly as expressions of hope and realistic prospect. For in its past and in its present, Congress has been a continuous underachiever.

It would be difficult to overstate the extent of abdication to which Congress has been driven by external and internal forces. Contrary to its preeminent constitutional authority and constitutional stature as the branch of government closest to the people it has been reduced to a puny twig through which flows the allocation of a massive taxpayer treasure chest of over $200 billion in appropriations largely at the beck and call of executive Branch and special interest advocacy and pressure. It reacts to the Executive far more than it initiates and the separation of powers between the two branches has been so eroded that its rare assertion by Congress makes headline news.

In the more important Congressional hearings and deliberations, secrecy is rampant which contributes to the great difficulty of the populace in establishing performance standards and specific accountabilities. More critical is the process of entrance to the national legislature—wracked with obstacles and expenses for those who wish to contend on the merits and the issues. The ability of Congress to tie itself into knots with archaic procedures primitive information systems and timidities in probing national abuses and Executive bureaucracy underlines the concentration of power within the Congress in a few hands. This plays into the hands of those interests outside who desire a ready deliverance of their requests through powerful Committee Chairmen who maximize their already considerable power by respecting each other's turf.

This is not to say that Congress is not allowed its tempers. Senior member prerogatives are respected with well trained Executive Branch etiquette and in direct proportion to their personal trivia or idiosyncracy. On occasion the legislature rises as one to remind other powers that it is, after all, in a distinctly marked place in the U.S. Constitution. The price of its routine subservience to special interests is an occasional assertion of independence. Nevertheless, the Congress remains the best private investment in the country, if we are to give any credence to the attentions and campaign contributions accorded its members. Where else can so few dollars prior to campaigns and the friendly treatment of the pressure group clientele reap such permissiveness toward corporate pillage and earn such raids on the U.S. Treasury?

True enough, the luster of what this institution could be like comes through in the courage and ideals of some hardworking members and staff. And on occasions, the Congress as a whole has given us a glimpse of how responsive it can be to citizens who have declined to abdicate. Yet many of its noblest programs are squandered or looted by the corporate state or turned into shocking opposites of what they were supposed to achieve.

What does the public know of Congress? Not much at all. There is, to be sure, a widespread cynicism about "politicians" along with a feeling that nothing can be done about them beyond mere endurance. At times, a reading of postures toward the Congress leads to the conclusion that three major attitudes prevail—that it is something to be manipulated by interest groups or bureaucracy, something to be ridiculed or something to be ignored either because it is an ornament or that it is hopelessly beyond reach.

I disagree on all three counts. I view the often futile efforts at internal reform by some Congressmen in Congress to have failed because they were largely undertaken with little understanding and less participation by citizens. I believe that an institution which yearly distributes or effects the distribution of several hundred billion dollars through the tax and grants system, which is possessed of broad constitutional powers to advance the well-being of Americans and,

to some degree, the rest of the world, which can air a nation's problems openly, which can secure the information with which to plan for the future intelligently, which can review the results of its decisions in government, industry and labor, and which can be run by the American people, is the prime level of change and justice in our country. Nothing remotely compares with the Congress as the hope of reclaiming America. In reclaiming the Congress, America revolutionizes itself. For in so doing there is a required emergence of citizenship, expertise and stamina such as this country has never seen.

It is every citizen's right and duty to strive for such development. And it should not have to be equivalent of reaching for the Stars. Accordingly, we are launching what is probably the most comprehensive and detailed study of the Congress since its establishment. The non-partisan Congress Project will enlist the assistance of hundreds of citizens covering nearly every Congressional District. Here in Washington about 80 graduate students and young professionals will conduct research during portions of this year long study. Today, the Project Director, Robert Fellmeth, is sending letters to all members of Congress informing them of the study and inviting their suggestions, cooperation and enthusiasm. The findings of the study will be made as widely available to the public as is possible. It will range from an analysis of the electoral and campaign process to individual profits of members of Congress to the internal workings of the legislature and its interaction with the Executive Branch and private constituencies. The study's purpose will be to concentrate on dynamic and internal forces, to diagnose deficiencies, record strengths and recommend the ways and means of effecting the desired changes based on past experience of the Congress and future prospects for reform.

Traditionally, the political system in this country has led Americans to look to the Presidency for inspiration and leadership. But the Congress can be a more effective leader and shaper and receiver of democratic values in just action. For some of Washington's old hands, this aspiration may be taken as bad humor if not explicitly bizarre. But if one considers the number of flexible and decentralized options and authorities available to Congress perhaps it is easier to conclude that the importance of being Congress far transcends its endemic delay and chronic inaction which its insulated surroundings have woven into its fabric. Certainly many previous studies, including some by former members of Congress, serve to confirm this observation.

If information is the currency of democracy, it is time to apply that principle to the sinews of citizenship involvement with their representatives in Congress. Who is to say that our Congressmen and Senators would not welcome the partiicpation of the people?

NADER TASK FORCE ON CONGRESS,
Washington, D.C., November 1, 1971.

DEAR MEMBER: An institution with as much impressive authority and power as the United States Congress deserves the full understanding of its citizens. Under the guidance of Ralph Nader, we are forming a large, nonpartisan study group to conduct a year-long inquiry into the structure and operations of Congress.

Our goal is to provide citizens with additional and comprehensive information about their Congress. We shall focus on the activities, procedures, and composition of the Senate and House of Representatives and examine their impact both in Washington, D.C. and at the local level.

Research will be conducted in Washington, D.C. by about 80 young professional and graduate students from all parts of the country during the spring and summer of 1972. In addition, information will be gathered in as many of the Congressional districts as possible. The end product will be a detailed and constructively framed report.

To ensure the accuracy and completeness of our analysis, we look forward to working and talking with you and your staff. We also hope that our findings and suggestions will be reviewed and considered by the Congress.

Your experience and guidance will be valuable in helping us transmit an active understanding of the legislative branch of government to the American people. We would welcome receiving any addresses, articles, or debates which you have prepared or conducted on Congressional activities and public issues, including your newsletter to constituents. Thank you.

Very truly yours,

ROBERT C. FELLMETH,
Project Director.

CONGRESS PROJECT,
Washington, D.C.

DEAR MEMBER: In a letter dated November 1, 1971, we explained the scope and purpose of our forthcoming Congress Project. An important segment of this study will be conducted in the home districts where researchers will contact your main district office in the course of obtaining information on the Congressional process.

Our researchers will request interviews with members of your staff to learn how Members of Congress interact with the citizenry. The interviewer, who will most likely be a constituent, will start work shortly. We wish to apprise you of their work and request your fullest cooperation. They will bring a "Description of the Project" and a letter of introduction with them to your district office.

In case our earlier letter was not brought to your attention, we would like to be placed on your mailing list to receive your newsletters, releases, as well as speeches, and written commentary relating to the structure, rules, powers, and improvement of the Congress or its constituent parts.

Sometime during the months of May through August, one of the researchers from the Congress Project will request an interview with you in Washington. Your assistance will be most appreciated; if you have any suggestions at any time, please forward them to us. Thank you.

Sincerely,

RALPH NADER.
ROBERT C. FELLMETH,
Project Director.

DESCRIPTION OF RALPH NADER'S CONGRESS PROJECT

Congress is potentially the best initiator of democratic solutions to the nation's problems and the best champion of citizen interests. The Constitution is designed to put Congress closer to the people than the other branches of the federal government. Its established legitimacy and enormous power, its potential for airing problems openly and providing flexible and decentralized alternative solutions, and its capability for full citizen access make the U.S. Congress the prime lever for change and justice in our country.

The Nader Congress Project, announced on November 2, 1972, will focus citizen attention and expertise upon the Congress. It will concentrate on forces both upon Congress and within Congress, diagnose deficiencies, record strengths, and recommend the ways and means of reform. Members of the project will analyze the campaign and election process, the workings of the legislature and its relations with the executive branch and private constituenices. Individual profits of Members of Congress will also appear in the study.

This project has been in preparation since the summer of 1971, when eleven students and professionals contributed background research papers. In September a permanent staff of seven in Washington, D.C., was assembled to do further research, planning, and recruiting.

The Nader Project consists of two groups. About 80 students and professionals are being selected to perform part-time investigation in Washington, D.C., in the summer.

A second group is being recruited to study nearly every state and Congressional district. These field researchers will be volunteer citizens, typically living in the districts they study. Their research will take place in February through September, 1972, in the local districts. They will research how each Member of Congress and the local constituency interact. They will help sketch a profile of that Member.

The project is expected to take approximately one year. It is intended to be a comprehensive and detailed study of the Congress.

SAN DIEGO FEDERAL BUILDING-COURTHOUSE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BOB WILSON. Mr. Speaker, I was pleased to support H.R. 10488 which passed the House yesterday, and I want to commend the House Public Works Committee for their close attention to this legislation. H.R. 10488 enables immediate construction of the San Diego Federal Building-Courthouse, a project of critical concern to our community.

This legislation is backed by the Nixon administration and would provide for the lease-purchase construction of 41 Federal buildings around the country, including the $44,200,000 San Diego project now being designed by architects. This lease-purchase program is needed to eliminate the backlog of Federal buildings that have been authorized, but not funded, for construction because of tight budget restrictions.

With the continued upward spiral of building costs, it is very important to proceed with these projects as soon as possible. Since 1959, annual appropriations for Federal building construction has averaged $115 million. Yet, the 41 Federal buildings currently awaiting funding would require more than $1 billion in appropriations. At the rate of appropriations over the past 13 years, it would take until 1982 to provide enough money for building the 41 authorized projects. Under this bill, construction could being almost immediately. In addition, this will allow the Government to deal better with the problem of inflated construction costs. Had the San Diego project been built soon after it was authorized in 1966, it would have cost $30 million rather than the now projected $44.2 million.

The General Services Administration has assured me that construction of the San Diego project could begin immediately upon completion of the design work.

SECOND-CLASS CITIZENSHIP FOR WELFARE RECIPIENTS? NEW YORK STATE SAYS "YES"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, since September of last year, the New York State Department of Social Services has been attempting to secure approval from the Department of Health, Education, and Welfare for two welfare demonstration projects.

The projects, Incentives for Independence and Public Service Work Opportunities, are political in origin. In an election year, the Republican Party, both in Washington and Albany, wants to show that it can cut welfare costs, even in a time of inflation and sky-high unemployment. Who are the victims? Primarily disadvantaged children and their mothers. The projects are a move to cut the cost of welfare by cutting the food budgets of poor Americans. If the projects are approved for New York State, disadvantaged families across the country can be sure that the steamroller is not far behind, ready to crush them too.

The Center on Social Welfare Policy and Law in New York City has submitted detailed objections to the Department of Health, Education, and Welfare, hoping to block this Orwellian scheme planned in Albany. I commend the center's comments to my colleagues so that they will be fully aware of the potential dangers facing their own less affluent constituents. I am also inserting my letter to John D. Twiname, Administrator of the Social and Rehabilitation Service, at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 20, 1972.

Hon. JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. TWINAME: I would like to take this opportunity to reiterate my total opposition to the Incentives for Independence Project and Public Service Work Opportunities Project proposals resubmitted by the State of New York.

The "new" proposals fail to correct any of the glaring inequities of the "old" proposals of last Fall and Winter. New York State is again asking for your approval of two demonstration projects designed to bestow second-class citizenship upon welfare recipients in my State. There is no question in my mind that the entire thrust of the Department of Social Services proposals is still in conflict with the intent of Congress in enacting Section 1115, authorizing demonstration projects.

I again urge you to disapprove these proposals and put to rest, once and for all, that myth which says poor people should be treated like children and manipulated into performing in "acceptable" modes of behavior in order to get the necessary money to feed and clothe themselves and their children.

Sincerely,

CHARLES B. RANGEL,
Member of Congress.

ANALYSIS OF PROPOSED NEW YORK PROJECTS IN PUBLIC ASSISTANCE PROGRAMS

(By Adele M. Blong)

1. Incentives for Independence (IFI)
2. Public Service Work Opportunities Project (PSWOP)

BACKGROUND

Section 1115 of the Social Security Act authorizes the Secretary of Health, Education, and Welfare (HEW) to waive certain requirements of the public assistance titles of the Social Security Act in order to allow a state to carry on an "experimental, pilot or demonstration project . . . likely to assist in promoting the objectives of [such titles]." (See also Handbook of Public Assistance Administration, Part IV, §§ 8440–8443.)

New York submitted applications to HEW under date of September 9 and September 10, 1971, asking for waivers under § 1115 to run two "experimental" programs on AFDC families titled "Incentives for Independence" (IFI) and "Public Service Work Opportunities" (PSWOP). The fundamental purposes of the projects as originally submitted were to reduce grants to FAP levels, and to require recipients to participate in work relief projects and conform their life-styles to models selected by the state. HEW had previously announced that the President had promised Governor Rockefeller approval of a work off program for AFDC families. Almost immediately on receipt of the applications, it indicated that they would be approved promptly notwithstanding the fact that they effected a drastic change in the status and grants of the recipients covered and represented a radical departure from the basic federal policies concerning assistance which have been developed from the experience of the last 30 years.

However, such approval was forestalled by a strong public outcry from recipient groups and interested third parties including voluntary organizations, legislators and other community representatives. By HEW's own account some three or four hundred comments or statements on the projects were received. Although many, if not most, of these comments voiced opposition to the basic concept of the projects and urged that they be rejected in toto, HEW advised New York that the projects would be approved if certain features were modified or deleted.

On November 11, New York submitted revised applications for both projects which deleted some of their more obviously Orwellian features but left their basic purpose unchanged, i.e., to use public assistance to control individual behavior by conditioning the amount of the grant and its receipt on the manifestation of behavior considered to be acceptable by the state. Accordingly, the revisions left most of the basic problems unanswered. In addition, certain of the changes and additions to the projects in the form of new mechanisms and requirements raised entirely new questions for analysis and comments. However, HEW refused to allow time for analysis and comment on the projects and instead announced their "approval" on Thanksgiving eve, November 24, 1971.

The obvious desire of the federal agency to avoid further public exposure and discussion of the merits of these projects is manifest. Its precipitous action is even more remarkable in view of the fact that it could not find the projects approvable as submitted. Thus, HEW recognized that the submissions were still incomplete and internally inconsistent, and approved the projects "contingent upon submission" of additional information and data. (Letters of November 24, 1971, from John Twiname, Administrator, SRS, to George Wyman, Commissioner, N.Y.S. D.S.S.) The listing of the required information required some seven pages and included such things as "a plan for general project activities (screening, referral, monitoring, etc.)," a plan setting forth the development of job slots, a plan for providing the required day care, and an explanation of the counseling components detailing the staff qualifications and the nature of the counseling and the scope of the recipient's rights in such counseling procedure. In other words, HEW approved the project applications without any knowledge of what the project would actually consist of or of how it would operate in relationship to people. HEW manifested its recognition of this fact in its letters to the state of February 9 and 10 repeating the request for information and stating that particular items would have to be "submitted to HEW for review prior to implementation of the program aspects of the demonstration."

Clearly, there is serious legal question as to whether HEW can "approve" a project application which by its own admission is totally lacking in the information necessary to determine its acceptability. In addition, the course of events since November 24, demonstrates the danger of such premature approval. Thus, as of February 22, 1972, the state, without supplying the requested data, formally requested "approval to initiate the project[s] effective February 24, 1972, with implementation of the program aspects . . . on April 1, 1972." Even more importantly, serious harm has been caused to hundreds of thousands of mothers and children who by HEW's action have been led to believe that the projects will necessarily be imposed on them. There is absolutely no reason why they should be subjected to the apprehension and anxiety which they are now suffering when HEW does not know whether the state could ever develop an acceptable plan for the project.

HEW had not yet responded to the state's February 22 request as of March 13, 1972, when it was ordered to withdraw the November 24 approval and hold the matter in abeyance for 30 days.

PROJECT DESIGN

As noted above, the major feature of the IFI and PSWOP projects is compulsory work for "employable" members of AFDC families, to be facilitated by forced placement of children in child-care. In most cases this will be unpaid work, i.e., work relief in which the "employable" person works off the family grant. The desire to require AFDC mothers to work off the grant supplied the major impetus for the projects. New York State enacted a work relief law in March of 1971 which applied to both HR and AFDC recipients and such a program has been in effect in HR since July of 1971. However, the state was unable to put the program into effect in AFDC because it was advised by HEW that it would lose federal funds if it imposed such requirements under the regular state plan. Accordingly, New York requested HEW to grant a waiver of federal requirements under §1115 of the Social Security Act in order to allow New York to conduct experimental projects to "test out" such work relief. This "test" under the name of PSWOP will cover all AFDC families in Manhattan, Staten Island and the area covered by the Bay Ridge Center in Brooklyn, as well as Albany, Cattaraugus, Chemung, Franklin, Greene, Nassau, Niagara, Oneida, Orange, Rockland and St. Lawrence Counties.

A. PSWOP—Work relief

Any person in the family over 15 who is not too ill or too old to work (under the agency's standards) will be considered employable and therefore available for work relief unless he or she is:

1. a child in the family and a full-time student;

2. the mother or other responsible relative caring for a child under six;

3. a person continuously needed in the home to care for another who is ill or incapacitated;

4. a female "caretaker" of a child in a home where there is an adult male relative who is registered for manpower services, training, or employment.

There is no indication of what standards are to be used in making this determination or of what, if any, rights an individual would have to challenge the determination. The proposal states only that decisions now reviewable will be subject to review. New York State does not presently have any clear policies on this question and most local agencies, including New York City do not consider such determinations to give rise to hearing rights. Operations under the current work program demonstrate the need for such hearings, e.g., out of 44,000 cases reviewed, four out of eleven had been improperly classified as employable.

Any person who cannot get a regular job within 30 days after he or she is classified as employable can be forced to participate in work relief. Work relief is work without pay. The person would be assigned to work for a public agency such as the New York City Health and Hospitals Corp., the Housing Authority, the Department of Social Services. He or she would not get a salary or any of the fringe benefits that normally are earned in employment, e.g., he or she would not be covered by health insurance, would not earn civil service status or credits in the pension system, would not get social security coverage, would not earn vacation time or sick leave. The hours worked would depend on the amount of the grant and the hourly rate assigned to the work. For example, if a mother with three children has to work off an assistance payment of $314 a month and she is assigned to work at $2.00 an hour, she would have to work at least 157 hours a month or 19 days a month to "earn" her family's assistance.

The application does not specify how the hourly rates are to be determined for particular work assignments but it appears to be assumed that most work will be valued at $1.85 an hour or $2.00 an hour in New York City. (New York City apparently intends to value slots at $2.00, $3.00 or $4.00, but there is no clear statement of the standards or criteria used for such differentiations.) This means that the work performed by assistance clients will be valued at less than the wages paid to employees doing comparable work. Thus, the work-off rate of $1.85 an hour or $3848 a year is far below the present minimum salary for state employment which is $4595 or the New York City municipal minimum of $5300. Even the New York City hourly rate of $2.00 an hour would only equal $4160. This disparity in "pay" is increased by the value of the extras or fringe benefits earned by regular employees.

The application is unclear as to the amount which the recipient would have to work off. Clearly a mother would have to work off the full amount of her family's regular monthly assistance, that is, the pre-added allowance plus the shelter grant, plus any special needs. However, it is not clear whether she will also be required to work off the allowance which will be provided to participants in work relief to cover the cost of transportation to the work site and lunches on work days. If so, most parents would end up working full-time for a full year for no pay. In fact, as explained below, they might well work full-time for a full year to lose money because of inadequate allowances for their work expenses.

The proposal does not specify how the amount of the work expense allowance will be determined. However, New York City currently allows only $0.95 a day for lunches. This fact plus the lack of any recognition of the other extra costs attributable to work, e.g., extra clothing required, additional food costs because of necessary changes in the family menus, assures that the family will actually end up with less money to meet their needs as the result of participation in a work relief project. It will be necessary for a mother to take money out of her family's already underbudgeted assistance grant to meet the costs of her participation in work relief.

Supposedly no one will be considered employable unless "adequate" child-care is provided. However, the proposal does not specify the ages of the children for whom child-care will be considered necessary. (The original proposal for the companion IFI project proposed to provide child care only up to age 11. This was raised to age 14 at HEW's request but there is still no similar guarantee in the PSWOP application.) In addition, such afterschool care as is described in the application is available only from 8:00 a.m. to 6:00 p.m. A working parent could easily have to travel an hour or more to or from work and might well not be able to be at home both before and after the child's return from child-care. It is particularly incongruous for the federal government which is so vigorously voicing concern over the spread of the drug problem to elementary and junior high schools, to sponsor a project which will compel parents to leave their children uncared for during part of the day.

Under the proposal, the agency—not the parent—will decide whether or not a child should be placed in child-care and whether a particular kind of care, e.g., "in-home" day care as opposed to a center, is adequate for the particular child's needs. The project does not specify what, if any rights a mother has to refuse to accept child care because she considers it unsuitable. It is not even clear that a parent would be entitled to a prior hearing on the adequacy of day care if she challenged the department's determination.

The lack of this protection is particularly important because of the project's emphasis on the use of "in-home" day-care, providing care for as many as five children possibly all of the same age in the "day-care mother's" home. Obviously there are serious questions as to the adequacy of in-home care unless the program is run under close supervision with the most careful screening of potential day-care providers and ongoing education, training and supervision. In such situations, there is only one adult in the home, with one person providing the care, and the potential for abuse is staggering.

However, far from indicating that a controlled approach will be followed, the project makes it quite clear that pressure will be brought to bear on recipients to volunteer to provide day-care; every employable female recipient will be told that she has the option of registering and being subject to referral to work relief or providing "in-home" day care. Thus, the state will force mothers and other female relatives to make a cruel choice between the needs of their own children and those of children of other recipients. A mother who feels that she must stay in the home to care for her own children will subtly be coerced to volunteer, whatever her doubts as to her abilities to serve as a day-care provider either in terms of her own self or the home environment. There is nothing in the program to suggest that this will be guarded against. In fact the agency's motive is clearly to the contrary—to create as many day-care slots as fast as possible to free up a sizable number of mothers for the work program. These slots would have to be created through in-home day-care as there are no vacancies in day-care centers. On the contrary, the state has been consistently unable to place WIN volunteers because of the lack of day-care for their children.

Any doubts as to the state's intentions as to the quality of care are resolved by the remaining information in the proposal. There are no standards specified as to the person or dwelling. Apparently, agency workers will be free to make their own decisions as to the suitability of a home for such purpose. No provision is made for any payment to cover the cost of providing meals and snacks to the children, much less to provide any books, games, or any other items which might normally be expected to be present in a "day-care" situation. Similarly, although the caretaker is supposedly required to assure the provision of adequate health care and the availability of a person to assist in emergencies, there is no indication of how she is to accomplish this without additional funds or any agency help.

The state has attempted to mask some of these deficiencies by submission of a plan purportedly followed by New York City in developing in-home day-care. There is, of course, no guarantee that this plan will be adhered to in the operation of the project in New York City, much less in other counties in the state. Furthermore, the plan is undated and there is no indication as to whether it represents current practice. The currency of the plan is in doubt in light of budget cutbacks in 1971 which severely reduced the funds available for administration of the in-home day-care development program.

In any case, the City plan supplies little if any assurance of a controlled program to achieve quality care. It is essentially standardless, giving the agency worker almost limitless discretion in determining to accept or reject a home. Thus, the worker is to determine the suitability of the mother based on the following:

"She should be able to relate well to people, to be free from judgmental attitudes about the Mother who leaves children in her care, and to be respectful of the opinion and wishes of others. She should be capable of sound judgment as well as able to cope with emergencies. She should have a sense of humor and enjoy children. She should show a willingness to learn and to accept training and supervision."

There is no mention at all of such things as the physical qualities or location of the home, which could be dealt with in objective terms.

The state proposal also raises serious questions as to the adequacy of funding for the in-home day-care which will be provided. Under the project as written, day-care would be an unpaid work relief activity. Although the state agency has advised third parties that it does not intend to include this as a work relief activity and that all family day-care mothers will be paid, there is no guarantee that this promise will be fulfilled unless it is specifically incorporated into the project application.

Even assuming that all day care mothers will be paid, it appears certain that the amount will be inadequate. While there is, of course, no specific information as to the rate of payment in the proposal, the state does estimate a cost of $65 per month for full-time in-home day-care for children under age six. Assuming 21 days of care per month, i.e., day-care five days a week, this would constitute a payment of $3.09 per child per day. It is ludicrous to suggest that this sum could represent a fair wage for a day-care mother. In addition, since no provision is made for the cost of food or for any other items, it is obvious that most if not all of the payment would go to meet the child's maintenance.

Clearly the project approach is inimical to

the provision of *adequate* day-care. In fact, since the state has not yet been able to come up with a plan for development of slots for the project, one can only wonder at how the program is expected to operate. Some answers can be found in the requirement that diligent efforts be made by all potentially employable individuals to obtain day-care needed to make them available for employment. This is noteworthy in two respects. First, the mother is required to find the care, although all of the decisions as to whether or not her children should be placed in day-care are to be made by the agency. Secondly, the proposal does not provide any specificity as to the meaning of the requirement, e.g., when the individual is required to seek day-care or how, or what constitutes "diligent efforts." The process in effect under the present state work program demonstrates the abuses which can flow from this open-ended requirement.

Current practice under the state work program is to require a mother to look for day-care in order to provide a basis for determining employability, regardless of whether or not there is any job for her. She is required to visit at least five day-care resources regardless of distance or accessibility from her home. No funds are provided for the cost of such visits. Of course, if the agency determines that the mother is not making bona fide efforts to secure day-care, she is subject to termination for failure to cooperate with the work program. This procedure is, of course, in contravention of the AFDC service plan which requires the agency to assume any burdens attached to the location of day-care, although HEW has not yet taken any action to put a stop to the practice.

The project application is silent as to the effect of a mother's failure to seek day-care (silence being the rule rather than the exception with regard to specification of the rights and obligations of participants), but there is no reason to think that the state intends to be any less repressive in the project than it is in the operation of the basic work program. Unless this matter is clarified in the project application, therefore, it can be assumed that the "diligent effort" requirement will be used to harass recipients as is being done under the state program.

Overall, the state's approach to day-care in the project is in direct contravention of the achievement of quality day-care and is intended simply to set up a program of cheap custodial baby-sitting with little or no protection against physical harm for the children involved and even less concern with the emotional harm of inadequate care under conditions which are trying for custodian and child alike.

The single most important item in the project is still undefined. The state has still not identified the types of jobs to which recipients will be assigned, the ways in which such job slots will be developed, nor the procedures which will be used in assigning a recipient to a particular job, despite HEW's statement of November 24 that development of such a plan for each demonstration district was a condition precedent to implementation of the program. In fact, the state's attempt to respond to this request demonstrates the total bankruptcy of its project planning. Thus, the state submitted the "job development plans" used by Franklin and Monroe Counties for placement of HR recipients. The so-called job development plan of Franklin County consists of two pages which do little more than state the fact that a list of HR recipients will be sent to the work relief coordinator and that the hours of work will be figured by dividing the grant amount by $1.85 an hour. Although the information from Monroe County is somewhat more detailed, it consists mainly of an identification of the DSS personnel and the forms included in the process and the routing of forms and recipients from one clerk to another.

Moreover, the details supplied by Monroe County indicate that there are no standards or criteria by which participants are selected for particular job slots. Rather the "liaison-Dispatcher" who receives the job orders merely reviews the file of available recipients to determine who can supply the skill and hours required and makes the assignment. There is no consideration of whether the job is suitable for the particular individual nor any consideration of individual choice or preference. There is not even any mention of a process for recognizing and dealing with a participant's objections, although several steps are devoted to "listening" to the problems of the *employer* and taking action acceptable to the *employer*. If a problem such as non-reporting arises, it is deale with by discussion between agency personnel who "jointly determine" the action to be taken without any communication with the participant.

The application sheds no light on the question of a participant's rights as it states merely that a recipient who refuses, without *good cause*, to participate in the work relief program will become ineligible. No indication is given as to standards which will be applied in determining good cause or even whether the client will be subject to the penalty applied under the state work program, i.e., a waiting period of 30 days before aid can be reinstated even if the individual is willing to immediately comply with the work requirement. There is no indication of whether the recipients will receive any of the supportive services mandated by federal law for participants in a work program. Clearly they will not receive the counselling which federal law requires be given prior to termination for refusal to accept work.

As to the jobs themselves, there is no requirement in the project application or elsewhere that they be positions which will provide any training or upgrading of skills or otherwise develop the individual's potential for true employability. Even individuals with a particular skill or experience will be required to take unskilled work unless there happens to be a position available that would allow them to utilize their skill or prior experience. Skilled or unskilled, there is little likelihood of any individual getting a job that would enhance employability. The "skill uses" listed in the Monroe County plan are:

1. clean-up;
2. trimming;
3. mowing grass;
4. marking roads;
5. light mechanical work;
6. building cleaning;
7. data processing;
8. clerical;
9. hospital work.

Similarly, the 100 slots available in the various towns in Franklin County are listed as follows:

1. kitchen services;
2. institutional aide;
3. ground maintenance;
4. highway maintenance;
5. simple maintenance of recreation areas and roads;
6. highway and building maintenance;
7. simple maintenance and auto mechanics;
8. building maintenance and auto mechanics;
9. highway maintenance and auto mechanics.

These facts alone would seem to be sufficient to demonstrate that the project has no possibility of promoting employability. But if this were not enough, one need only look to the known facts as to the employability and employment of members of AFDC families which, significantly, are nowhere discussed or even referred to in the proposal.

Thus, the applications proposes to subject 88,000 families to loss of rights guaranteed to them under federal law in order "to determine the impact on welfare dependency when every employable recipient is required to be working or in training." The proposal does not suggest that working off a grant could have any impact on dependency nor provide any information or estimates as to the number of "employable" recipients, and for good reason.

All the known information as to the characteristics of AFDC recipients in New York State demonstrates that a work program, and especially an unpaid work program which does not provide any training or skill development, is no answer to the problems which give rise to the need for assistance. Thus, in the IFI application, the state indicates that there are only 50,000 employable adults out of the 1.8 million people on assistance in New York State. Clearly it is not the lack of work motivation that has placed the other 1.75 million on assistance. Furthermore, these 50,000 employables are simply those people whose age, physical abilities and home situations would permit work, and they include "many recipients who have never been employed as well as those who lack education, training or skill necessary to obtain employment." (Annual Report of the State Board of Social Welfare, 3/71, Pub. No. 1016.) The state's own data destroy its thesis that work is the solution to the problems of the welfare system.

Another assumption of the project is that compulsory unpaid work is required because of the unwillingness of recipients to work. An HEW study of the AFDC program based on January 1971 data found that in New York State, 12.4 percent of AFDC mothers were employed or in training, 2.3 percent were awaiting WIN enrollment and 3 percent were actively seeking work, i.e., a total of 17.7 percent working or trying to find work. On the other hand, it was found that only 4.4 percent of the mothers might be available for employment but were not actively seeking work. (N.C.S.S. Report AFDC–1 (71), Table 21.) Furthermore, out of 5148 recipients referred to WIN in New York prior to March 1969, only 21 were found to have refused without good cause to accept work or training (N.C.S.S. Report to WIN, Tables 4, 8.) This both demolishes the State's assumption and demonstrates that the need is not for more punitive work requirements which provide no means of alleviating the family's need for assistance but for a positive program developing real jobs at decent wages.

The absence of such jobs is one more flaw in the state's rationale. How can a work relief program mean anything other than exploiting recipients as a source of cheap labor when there are no jobs which they could take in preference to work relief or to which they could "graduate" after having been "imbued with the work ethic" in work relief?

Only 2947 persons were placed in jobs after WIN training in 1970, although New York has 14,800 work and training slots. This was attributed to the fact that:

"The program has been adversely affected by a lack of employment opportunities caused by the general business slowdown during the past year and by a shortage of day-care facilities." (Annual Report of the State Board of Social Welfare and the New York State Department of Social Services for the year 1970.)

Since 1970, the unemployment rate among the poor has greatly increased and is now 9.7 percent. (Washington Post, Feb. 25, 1972, A–3.) Between December 1971 and December 1972, New York State lost 94,000 jobs, the unemployment in the state rose to 505,000 resulting in an increase in the unemployment rate from 4.9 percent to 6.0 percent; and unemployment insurance beneficiaries in the state increased by 27.6 percent to a level of 235,000. (City of New York Department of Social Services, Work Relief Employ-

ment Program, Administrative Proposal, p. 7.) Finally, conclusive evidence of the unreality of the state's supposed purpose is found in the results of the state work program. During the first six months of the program, only 13.9 percent of those recipients required to report to N.Y.S.E.S. were placed in jobs. Many of these placements were in positions which offered employment for less than three months and paid $1.85 an hour or less. (Brief Amicii Curiae of NWRO in *Dublino v. N.Y.S.D.S.S.*, U.S. District Court for the Western District of New York at 4–5.) 8.6 percent of those placed remained on the job less than three days and 2.2 percent were placed in seasonal agricultural work. A study of recipients placed during September revealed that one-third terminated in one week or less and another third terminated within 10 weeks. (N.Y.D.S.S., Work Relief Employment Program, supra.)

Clearly there can be no support for the project on the theory that it will alleviate the need for assistance by placing people in employment. However, the goals of the project include the achievement of certain behavioral modifications as well as "improve [ment of] the attitude of the public" and "decreas[ing] the costs of public assistance." Perhaps these goals provide the truest key to its purposes.

It is obvious that the fact that recipients are working off their grants does not in and of itself decrease the costs of public assistance. It could result in a decrease if the program resulted in individuals leaving the rolls or requiring less assistance because they had acquired paying jobs. However, given the fact that work relief is designed for those for whom "employment in the regular economy, training or public service employment is not available *or not appropriate*" and the facts noted above, it is apparent that the state has no real expectation in this regard. Costs could also be decreased if the program brings attrition, i.e., individuals being dropped for refusal to participate and/or foregoing assistance rather than participating in work relief.

For example, a mother who believes that her proper place is in the home caring for her child may well try to eke out a hand to mouth existence rather than seek assistance at the cost of leaving the home. The state admits that one of its purposes is to test the assumption that work relief will "reduce the number of new [AFDC] cases" by causing potential applicants "to exhaust all other available alternatives before seeking welfare eligibility." Since public assistance is a program of last resort to begin with and a family cannot become eligible unless it has depleted all its savings and has income below 90 per cent of its basic needs requirement as defined by the state, it seems quite clear that the state simply wants to see if work relief can discourage the needy from applying for assistance.

Although it is always difficult to believe that people in need can and will forego assistance, there have always been more people who could qualify for assistance than chose to do so. In 1960 it was concluded that there were 716,000 people in New York City alone living at or below the welfare level and not receiving assistance. (*The Enemies of the Poor*, James Graham, Random House, 1970, at 203.) Other studies have found as many as 13 per cent of people not on the rolls to be eligible. (*A Strategy to End Poverty*, Cloward & Piven, The Nation, May 2, 1966.) As late as 1967, New York City Welfare Commissioner reported that "there were nearly as many eligible families off the relief rolls as there are on." (New York Times, May 18, 1967, editorial.) This fact was attributed in New York as elsewhere to a deliberate suppression of information by welfare officials as to eligibility, to the fact of a "grueling bureaucratic obstacle course" to qualification, and the establishment of arbitrary and restrictive practices and conditions that included examination of such things as the individual's sexual behavior. (*We've Got Rights: The No-Longer Silent Welfare Poor*, Cloward & Piven, The New Republic, August 5, 1967, at 25.)

This trend was somewhat reversed in the late 1960's when the poor finally began to realize that the "welfare stigma" was a hoax which had been foisted on them, and a growing body of law began to limit the states' power to impose restrictive eligibility conditions which invaded the privacy and rights of recipients. Apparently New York thinks it has found a way to bring back the "good old days"—work relief, which serves notice on every mother that she must choose between making her own decisions as to the care and raising of her children or receiving assistance to provide food and shelter for her children and requires every applicant to accept the role of a bond slave as the price of assistance.

And there is yet another way in which the costs of assistance could be decreased in a figurative sense. The cost of assistance may be described as decreased even if the dollar expenditure is not reduced, if assistance is looked upon as buying certain services for the state. Certainly $3763, the grant for a family of four for a year, is not a costly figure if it is looked upon as an annual wage for full time year round employment, i.e., 2034 hours or 51 weeks at $1.85 an hour.

This approach could also explain how work relief can "improve the attitude of the public," i.e., the public may be willing to support the assistance program as a source of cheap labor (so cheap as to be free). It is difficult to conceive of any other relationship between work relief and public attitudes toward welfare except for a somewhat Machiavellian theory allegedly advanced by the state.

Thus, representatives of the state agency have reportedly suggested that the project could be used to show how few assistance recipients are truly employable.[1] Of course, if this is in fact the project purpose, it could be certainly accomplished more expeditiously and more economically, not to mention more humanely, by an informational campaign designed to bring the facts as to the makeup of the caseload to public attention.

The behavioral goals of the project are but another reflection of the stereotyping of recipients and mandating of life styles manifested in the brownie point programs. Thus the project assumes that these attitudes can be changed by work relief. No rationale or theory is advanced as to how such problems if they exist could be cured by work relief. If one considers the forced nature of the work, the segregation of the assistance recipient in the work setting, the lack of any recourse from arbitrary supervision, as well as the lack of any wage or income increment, it is difficult to see how one's self respect or initiative could be enhanced.

Finally, even if one could accept the state's theories as to the usefulness of this experiment, there is a very basic question which is left unanswered. What will the cost of the project be? (For these purposes we are referring to the financial cost. The human cost may be perceived from the points discussed above.)

The proposal identifies only the additional annual administrative costs attributable to the state's project staff and the local agency staff required to process cases which do *not* require day-care in order to be placed in the work program (under the state's estimate, 16,000 of the 88,000 families covered by the project). The annual salary and maintenance cost for the state staff is $127,814. This cost is to be met solely by federal funds. The local cost is $1,491,024 (1,028,761 for New York City alone). (However, the amount allowed for local costs in the funding request is only $1,165,000, on the assumption that the local offices will not be fully staffed throughout the project year.) In addition, there is the cost of the evaluation contract which is estimated to be $35,000 yearly. (Apparently, in recognition of its own inadequacies, the state has agreed to contract out the total evaluation component of the project.) These costs alone would amount to $1,653,838 yearly, without even reflecting the total cost of local administration.

The failure to fully identify and provide for local costs is critical, not only because it results in gross underestimation of the project costs but because it indicates that the state does not intend to authorize the additional staff which will be needed. Clearly the result will be gross understaffing, ensuring general mismanagement, high error rates, etc.—in a word, chaos.

There can be no other result in New York City which will be required to process 60,000 cases under the program. Nor is it any answer that the City would be required to take some of the steps, such as screening for employability, under the state work rules even if there were no project. The reason the City is only now beginning to so screen AFDC families and is doing so in small batches is because its severe staff shortages prevent it from doing any more. Without additional staff, the City cannot expand its capacity at the rate that would be required by the projects. For example, if only one-third of the 60,000 families require counselling either for job orientation, child care assessment, or any one of the myriad problems that could be caused by involuntary servitude, 400 caseworkers would be needed, assuming a basic caseload of 50 families per worker—the base ratio used by the City for high risk cases. The pressures engendered by the projects will, ipso facto, mean that these families will be high risk cases.

There is serious question as to whether the City could take on the additional tasks required by the project even if it received staff proportionate to the project needs. It is a well-known fact that administration of welfare in the City is at a crisis stage. Centers close daily or admit only clients whom the "doorkeeper" thinks have extreme necessities. Recipients wait on line day after day without getting to see a worker. At present, all 43 centers have less than 50 percent of the staff required in the General Services Component. The Bureau of Child Welfare is carrying vacancies of over 25 percent.

Caseworkers or service staff are still performing income maintenance functions in the separated centers because of insufficient clerical staff. Much of the misclassification of HR recipients as employable and the misrouting of recipients' checks to the SES offices has been attributed to the lack of staff to do the job properly. The check pick-up requirement alone adds tremendously to workloads because of the need to straighten out misroutings, deal with problems resulting from an individual's inability to report to SES at the scheduled time and consequent loss of the check, etc.

It is totally irresponsible to suggest adding any new functions or tasks in New York City until the department can resolve its present organizational problems. But to suggest adding functions without the additional staff required for each and every step is to destroy the last vestige of meeting human needs.

It appears that the problem of inadequate funding for staff may be far worse even than that stated in the application. Thus, the proposal assumes that 75 percent of the $1.4 M dollar cost of local staff will be met from federal funds. There is no authority for such funding since 75 percent federal matching is limited to reimbursement for services provided to clients. Even if one closed one's eyes to classification of referral to work relief

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Footnotes at end of article.

as a service, the project components could not be classified as services because they are compulsory. Under the services program, acceptance of any service must be voluntary with a refusal having no effect on the individual's continued eligibility.

There is also the direct cost of the work relief project itself, i.e., the supervisory personnel, materials required, etc. During the 1930's work relief experience in New York City, the average cost per case of participation in work relief was double the cost of maintaining the family on HR. (Millet, John D. *The Works Progress Administration in New York City*, Public Administration Service, Chicago, 1938, at 194.) Such cost may well be justified where the individual is receiving training or skill upgrading which will equip him to enter the labor market. However, it is sheer waste where the "job" leaves the individual exactly as it found him.

Another hidden cost of work relief is its effect on wage rates generally. Again, the 1930's experience demonstrated that the proliferation of cheap labor tended to drag down wage rates especially at the lowest level, where the decreases could least be accepted and absorbed by the worker.

Finally the proposal is completely silent as to the cost of day-care. This involves not only the cost per child but the basic cost of developing the additional day-care which would be required, that is, staff to investigate and evaluate possible new resources, to carry on supervision of facilities and particularly family day-care homes. Under current policies, one worker is needed to supervise 25 homes. On the average, initial establishment of a day-care home has required a lump sum payment of $275 to enable the home to meet minimum safety standards. Finally there is the direct cost per child, $90 per month in a home [2] or $3000 annually for a pre-schooler, $2000 for school age, in other facilities.

Stripped of all the hortatory language, the effects of the proposal are unequivocally clear:

1. The proposal presents a substantial threat to the development of quality day-care;

2. Implementation would require all day-care slots to be used for children of working parents leaving the countless other parents who require child care for personal or health reasons without any available resources;

3. Need is to be used to compel people to subject themselves to exploitation as cheap labor without any potential for a present or future change in their needy condition;

4. The threat of a work relief placement is to be used to deter needy families from applying for assistance.

The cost to all citizens both recipients and non recipients will be high, perhaps higher even in terms of the results that will flow from this alienation of the poor than in dollars. The benefits are, to this writer, imperceptible.

B. IFI—Work relief plus

In three of the project areas, the Bay Ridge Center in Brooklyn, Rockland County and Franklin County the state proposes to carry the experimentation beyond work relief into direct control over behavior and to apply more severe penalties for failure to cooperate in the work program.

In these areas, the family loses $66.00 a month ($800 a year) if an employable member fails to cooperate in the work program. Presumably the reduction will be double if there are two employable members, e.g., a mother and a teenager not in school and both fail to cooperate. This penalty would attach under the same standardless approach followed in the basic work-relief program. An individual could be terminated because of "unsatisfactory" participation in the work assignment but no standards are specified for this determination.

More emphasis is placed on the fact that the project will provide an alternative to work relief-created public service jobs funded under the Emergency Employment act,[3] designated in the proposal as the Public Service Employment Program—PSEP. The state originally indicated that there would be 1377 PSEP jobs, coincidently the same number as its estimate of employables in the three areas, and that they would pay a wage at or above the minimum wage in local public employment. The state subsequently reduced the number of PSE jobs to 621 at an annual wage of $5359. A family of four or more would get supplementary assistance to bring its income up to 90 percent of the state standard of need, e.g., under this program the total *gross* income of a family of four could be $5936. However, it appears that the state is still overestimating the number of jobs and the wages which can be produced under this program.

The funding of the program is based on a fixed allocation of $2,904,000 from the United States Department of Labor under the EEA. These funds are pooled with money saved under the assistance program under the project—the difference between what the state pays as assistance supplemental to wages and what it would have had to pay if the family had no earned income. However, this assistance saving is reduced by the cost of day care provided to participants in the program. The proposal overestimates the state contribution to the pooled account by consistently underestimating the cost of day-care. Thus, the state uses an *average* cost of $65 a month for in-home day-care although the payment actually made is $90 a month. Also the state suggests an average cost in a center of $1824 for a pre-school child, $770 for school age, while the true averages in New York City are $3000 and $2000 respectively. Any increase in day-care costs in the project estimate decreases the total amount available for wages. Accordingly, it can be assumed that there will be less than 621 paid jobs or that the pay will be less than $5359.

Although the project is supposedly designed to decrease dependency on public assistance by providing adequate income through employment, families in the project area will be dropped from assistance at a lower income level than is generally allowed under the regular state plan. Where a family on AFDC has earned income the amount of their grant is equal to the payment level for assistance (90 percent of the standard of need) minus their "available" income. Under federal law, available income means total wages less $30 a month and one-third of the remainder and less work expenses (income disregarded). For example, if mother's monthly wages were $450 and her work expenses were $125, her available income would be $450 minus $30 equals $420 minus ⅓ of the remainder ($140) equals $280 minus $120 work expenses, a total of $160 available income. If her regular monthly grant was $310, she would receive $310 minus $160, or $150 grant paid.

Accordingly, her total net income would be $330 plus $150, or $480.

However, the project will not apply the federally mandated income disregard. It will use a new formula which disregards $720 plus one-third of the remainder up to 150 percent of the FAP levels ($3600 for a family of four) and 25 percent of the remainder. By this method a family of four with a total gross income of $6128 or a take-home pay of $102.65 a week has attained self sufficiency. (The Bureau of Labor Statistics, Lower Living Standard for an urban family of four in May 1970 was $7060.) Under the current state plan, such a family would be eligible for supplemental assistance of at least $631, and medical assistance for all items of care and services covered under Mediaid.[4]

The project disregard deprives them of both. Where is the work incentive in a program which deprives a family of all aid at a point where income is obviously insufficient to meet all needs? Clearly there is a positive disincentive to work unless income can be expected to soar far above the cutoff point for aid.

Although the state steadfastly supports the reasonableness of this reduction, it does not intend to apply the reduced formula to any earned income which an AFDC family has at the outset of the project. "The new earned income exemption . . . would be applied to newly employed persons and additional earnings only." (Letter from Seymour Katz, Director, IFI, to Jule Sugarman, Commissioner, N.Y.C.D.S.S., 12-27-71.) Accordingly, there will be a distinction in AFDC families based on whether they began to work before or after the inception of the project. In addition, the restriction to new earnings belies the state's assertion that the new disregard will be of positive benefit because it will be applied to HR families in the project areas who currently receive only a minimal disregard under state law. (The IFI project covers both HR and AFDC families.) Since the father in an HR family will already be fully employed at the time the project starts, it appears that the disregard will not apply unless he increases his income and then only to the amount of such increase. There is no indication of what disregard will be applied to families who apply for assistance after the beginning of the project and already have earned income. In short, the positive benefits of the application of the disregard to "all families" seems as ephemeral as the job opportunities under PSEP.

Two of the brownie point features of the revised application have been retained. One is that AFDC children over 14 who are full-time students and not otherwise employed or in a training program will be required to participate in "community service projects." [5] The family's grant is reduced by $12.50 per month for any child who refuses to so participate. There is no allowance for, or recognition of the possibility of, good cause for a refusal in a particular case. In fact, the proposal even neglects to place responsibility for determination of whether there has been such refusal, i.e., is the determination to be made by DSS, ES, or both?

A stipend of $1.60 an hour is to be paid, but payment is limited to 150 hours per year. Under the project as written, the student could be required to work 360 hours per year, averaging out to a rate of $.67 per hour. The state has indicated that it intends to restrict the requirement to 150 hours per year, but there can be no assurance without a specific provision in the proposal. Moreover, the student has no choice as to whether the work is done during the school year (six hours every two weeks) or during the summer. Needless to say, it is somewhat ironic to require a student to work during the school year when he or she may be unable to get work in the summer.

Participation in the community service projects is limited to children of assistance families. This reflects not only segregation in fact, but an approach that only children of the poor need to develop motivation for work and good working habits. Furthermore, earning of the stipend of $1.60 per hour (exempt in determining assistance) is dependent upon *satisfactory* participation as determined by the work site supervisor and will include consideration of "program behavior, attitudes, etc." The student is required to report to the State Employment Service youth division, YOC, regardless of whether or not there is a slot available and there is no limit on the number of times a student could be required to report while waiting until a slot is available. Apparently, a student who refused to continue reporting to the center without job placement would incur the grant deduction penalty. There is no provision for

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payment for the cost of transportation to the YOC, nor any identification of the center to which they will be required to report. Contrary to the state's assertion, there are no YOC's in the neighborhoods covered by the projects. The nearest YOC to the Bay Ridge Center is in downtown Brooklyn and is a double fare ($1.40 round trip). It is actually closer to the Clinton Center which is described in the application as having only "fair" access to a YOC although the Bay Ridge access is supposedly "good."

As to the work itself, there are no provisions or standards with regard to the work which could be required or its possible location, i.e., the "community service" need not be in the student's own community. In addition, there is no indication of what, if any, allowance will be made for work expenses.

All of these questions as to actual operation seem somewhat beside the point. It is nothing short of incredible that the state would prepare a compelled program of after-school work for the very adolescents whose continuation in school is most jeopardized. Perhaps this is the state's answer to the over-crowding problem in the City schools. In fact the program would seem to be designed to produce sufficient alienation to ensure that the teenager will drop out of school, the institution which personifies the society that offers him or her this insult, and refuse to participate in the program, thus producing a saving in both assistance and educational budgets.

The second brownie feature relates to school attendance. A determination by the social services agency that a child "exhibits truant behavior" can lead to the family's being deprived of any control over, or voice in, the use of its grant. The parents in such a family must accept counseling and a plan for dealing with the child which is established by the welfare agency, or be put on a restricted grant. Under the restricted grant mechanism, the family's shelter allowance will be paid directly to the landlord and money will be deducted from their basic allowance to buy food stamps. The family will receive in cash only the balance left after the shelter grant and the purchase of food stamps has been deducted.

At the outset, it is to be noted that New York State is required to offer counseling services for educational problems under the Title IV–A and IV–B services program. 45 C.F.R. § 220.22. Therefore its provision "on an experimental basis" indicates that the state is currently violating the provisions of federal law by not supplying these services. Also, a system of compelled counseling is in direct violation of the federal requirement that a family have the right to accept or reject any plan of services 45 C.F.R. 220.16. Moreover, can there be any question that "compelled counseling" is a contradiction in terms?

The use of the restricted grant as a penalty for conduct which the agency considers unsuitable is in direct contravention of the purposes of the Social Security Act, which limits its use to cases of demonstrated inability to manage funds. This limitation is essential to the fundamental premise of the federal assistance program—direct money payment to the individual concerned without any control over conduct or behavior unrelated to need.

Even more fundamentally, the use of the vendor payment device as a penalty for refusing to surrender the normal rights of parental control is the grossest violation of fundamental rights of self determination and self control. If the child's or parent's behavior is not such as to warrant action under the generally applicable provisions of New York law relating to child welfare, the state has neither the right nor the authority to attempt to coerce changes in such behavior.

Of course, the direct payment of rent to the landlord also constitutes an unwarranted publication of the fact that the family is on assistance. However, this violation of privacy pales in comparison to the agency's plan to mandate group counseling. Thus, in the interest of saving money, parents will be required to discuss intimate details of their family life in group sessions. Again, of course, the concept of not allowing the individual to choose between individual or group sessions is in direct contravention of the accepted norms of counseling. But while the usual consequence of improper counseling may be a failure to resolve the problem or even its worsening, here, the family may suffer the restricted grant *penalty* if the parents are unable or unwilling to bare their souls in group sessions.

Lest the above not be sufficient to ensure docility on the part of poor families, the proposal is completely lacking in standards for its application so as to ensure that recipients are at the mercy of the agency. There is no definition of the term "truant behavior," e.g., the frequency, or length of absences. Nor is there any limit on the number frequency of counseling sessions which a family might be required to attend. As with the teen-age work project, there is no recognition that a parent might have good and valid reasons for refusal in a particular case, e.g., it is not altogether impossible that in a particular situation the child's truancy may be due to school conditions or behavior of school personnel, and that the focus on counseling for parents is misplaced. There is not even any specification of the qualifications of the counselors nor any indication of where they are to be obtained.

Finally, although the plan required for the child is supposed to be reached by "consensus" among the parents, agency worker and school personnel, there is no indication of who has the controlling vote in case of inability to reach an agreement. It may be safely assumed, however, that the views of either school personnel or agency worker or both will carry more weight than those of the parent. But then the whole thrust of the requirement ensures the destruction of any parental authority over the child. One wonders how the state expects a parent to deal with a child who knows that the parent is submitting to compelled counseling to continue receipt of the grant.

Although the IFI proposal expands on the penalties for failure to comply with the work requirement, it offers no information beyond that in the PSWOP proposal as to how the placement of children in day-care will be administered. In fact neither proposal indicates that there will be any evaluation of the day-care component. Certainly with a project of this magnitude and the degree of controversy as to the merits of different type of care, it would be only reasonable to attempt to produce and examine relevant data.

However, it is not hard to understand why this factor was overlooked since it is difficult to believe that either HEW or New York State really thinks that they will be running a project in the true sense of the word. The materials indicate preparation in a slipshod manner to create just enough of the appearance of a "project" to evade present requirements of federal law. For example, the state has responded to HEW's request for its rationale for selection of the Bay Ridge Center by submitting supporting documentation which would be laughable if it were not for its palpable disregard of the human lives involved. (HEW's request was prompted by the fact that the state had failed to conform the project materials to the change in the project site from the Hamilton Center to Bay Ridge.)

While one of the purported reasons for the original selection of Hamilton was that it was separated and automated, the state now omits this consideration altogether. Although Hamilton is separated, the caseload per caseworker precludes any truly meaningful service activity. As of February, 1971, the average number of cases per caseworker was 213 families (as compared to 171 for Hamilton Center or 134 for Clinton Center).[6] As discussed above, Bay Ridge's accessibility to a YOC is misstated. Finally, Hamilton with a caseload 50 percent Black, 50 percent Spanish-surnamed was selected because it was "reflective of the urban core area." Bay Ridge is purportedly selected because:

"The ethnic distribution in the center in these programs is extremely close to that of the ADC and Home Relief proportions in the City as a whole. Based on the 1971 AFDC Characteristics Study, the racial mix of the center is approximately 40% Negro, 46% Latin American and 14% White. (The ethnic distribution of the AFDC caseload in New York City was Negro, 45.3%, Latin American, 44.4%, White, 9.6%, Oriental, 0.2% and unknown, 0.5%.)"

The state's characterization of Bay Ridge is in direct contradiction of the statements of responsible city officials who have stated the racial mix as 65 percent Spanish-surname and 15–20 percent Black,[7] or 55 percent Spanish, 31 percent Black.[8] Apparently, the principle of rational selection had no place in the state's identification of project sites. Similarly the estimate of employables in the project areas continues to be 1377 although the change from Hamilton to Bay Ridge increases the number of families covered from 7100 to 9100, or from 26,000 to 37,000 people.

As with PSWOP, the IFI proposal does not identify all of the costs of the project. However, for openers, the yearly cost of special state staff for the project will be $608,255. The Department of Labor funds requested for PSEP and the Youth Work Program amount to $3,000,000. Data processing and evaluation contracts amount to $142,790 and $192,000 respectively. The additional cost of local administration is not identified. Nor is there any reference to the cost of day-care. Assertions are made as to payment for additional local staff being made out of assistance "savings." However, these "savings" reflect the transfer of part of the assistance cost for HR to the federal government; federal matching will be provided for HR in the project areas. Accordingly, the so-called saving does not change the fact of a real cost for local administration. As can be seen, the cost of this project can conservatively be estimated as staggering.

SUMMARY

Whatever the vagaries of the demonstration project authority vested in the Secretary by § 1115 of the Social Security Act, there is no reason to think that Congress ever intended to authorize denial of rights mandated under the federal statute. HEW itself has both implicitly and explicitly recognized that § 1115 does not authorize waivers which allow a state to diminish the rights which an individual would otherwise have. In fact, these projects would constitute the first overt use of § 1115 to give recipients less than they would be entitled to under the regular state plan or to impose eligibility conditions more onerous than those under the plan.

It is ludicrous to even speak of the state's proposal as a project whether viewed from the standpoint of size, methodology, or intent. A caseload of 88,000 families is equivalent to the total AFDC population of many states. How can such a scope be justified either as needed to obtain statistically valid results or as within the capacity of management in a project:

". . . I can only point to the language and history of the Social Security Act which clearly forbids Federal matching for 'payments for work' except where expressly authorized by the Congress. While it is also true that Section 1115 of the Act permits

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exceptions to be made in the case of limited work relief experiments, it is obvious that the Department has no basis for subverting the operative provisions of the law by allowing great numbers of exceptions through the 'experiment' loophole." (Letter of Elliot Richardson, Secretary of HEW, March 14, 1972.)

Apparently, however, the Secretary does not find it subversive to approve a so-called project which would cover over 88,503 families in New York State or a California work relief project which covers over 210,000 families or at least 9.5 percent of the total number of families receiving AFDC in the country will be subject to work relief. (September 1971, total AFDC families, 2,824,000.)

Where is the data supporting the plausibility of the "assumptions" which will be purportedly tested? Where any reasoned, thought through plan of operations? Thus, there is a fundamental procedural problem in approval of these projects, the lack of any true project design. The materials submitted by the state are merely a statement of purposes and effects without any detail as to the actual process which will be followed or the standards or guidelines which will be applied. For example, there is no delineation of the standards which will be used by workers to determine "satisfactory" participation in a work program, or "cooperation" with counseling or "good cause" for refusal to participate in work relief.

Assuming that any validity at all could attach to the projects, it would seem to be wholly dependent on the sophistication and meaningfulness of such standards, and on the ability of the state to construct standards which are susceptible of at least somewhat objective application. Yet the state has been unable to fashion such standards despite repeated requests by HEW since November 24. Clearly HEW cannot reach any reasoned judgment as to the relationship of the projects to the objectives of the Social Security Act when the materials do not provide any specific details as to the working of the project and further, are inconsistent on a number of points. Furthermore, it would be inhuman for HEW to again purport to approve these projects, thereby causing untold anxiety and apprehension to recipients when it does not even know whether the proposals will ever be in acceptable form.

However, perhaps both HEW and New York State consider that it would be wasteful to spend too much time on window dressing since any knowledgeable viewers will still be able to see through the real purpose. As discussed above, there is no question as to the unreality of the state's purported purpose of replacing assistance with employment. Even the officials who would be responsible for administration of the program have acknowledged its bankruptcy:

"We should not deceive ourselves or the public into believing that welfare problems are going to be solved by such ersatz programs as compelling people to work off a welfare check.

"They neither meet the financial needs of welfare recipients nor significantly reduce the welfare caseload. They are inherently inefficient methods of employing people. We should be acutely conscious that simply because we place thousands of people in training programs with stipends does not mean we have achieved a real solution to their financial needs. In fact we have set the stage for another personal failure for those individuals unless real jobs will be available at the end of the process. No wonder that bitterness and disillusionment rather than satisfaction and a feeling of achievement characterize so many of our manpower programs.

"There are, of course, much broader effects of these failures in public policy. Neither welfare payments nor manpower training stipends provide sufficient funds on which people can live decently. Consequently there is continuing deterioration in the stability of family life as more and more men give up hope that they will be able properly to support their families. Both the enormous crime rate, reported and unreported, and the tragic level of drug addiction, are directly related to the failure to create viable employment opportunities. Finally, the level of ethnic and racial polarization has deep roots in the fear of competition for a limited number of available jobs.

* * * * *

"Public officials have their own set of myths about the welfare population too, and they are deluded by these myths. Although the public work program is in many ways a repressive measure, we have found from our experience with the program thus far that the people required to participate are willing to work. They, however, are somewhat bewildered that anyone ever perceived their attitudes toward work differently. Isn't it plausible that they wonder why all the resources being expended to force them into public work are not used to create real jobs for them? This brings us back to the real issue.

"Rather than dissipate our resources on non-work income maintenance programs and forced work projects, and the support of layers upon layers of government employees needed to administer such programs, we need to devote our resources to productive use. We need to create genuine jobs for people which meet the real needs of the nation." (Testimony of Jule M. Sugarman, Administrator, Human Resources Administration, City of New York, before the Select Sub-Committee on Labor, House Committee on Labor and Education, Feb. 9, 1972).

This comes as no surprise to New York State which, in a spirit of admirable honesty, has made it quite clear that its fundamental purpose is to obtain "behavior modification." Clearly it is no more reasonable to look to such factors in a scheme of taxation based on individual behavior. Both would amount to punishment for unacceptable behavior in both legal and moral terms. Conditioning receipt of public benefits on acceptance of the views of one segment of society (apparently the white middle class) as to "individual betterment" and accetpable behavior patterns would violate the basic standards of due process and equal protection.

Notwithstanding its irrationality and illegality, the state apparently intends to try to condition individuals to accept control over all aspects of their lives as the consequences of being poor. The silent majority apparently is to be replaced by the silent poor, or perhaps the silent invisible poor.

FOOTNOTES

[1] Comment attributed to Barry Van Lare, Executive Deputy Commissioner, at October 7, 1971 meeting with New York community groups and voluntary agencies.

[2] The figure $65.00 used above in discussing family day-care is taken from the project proposals. However, the rate actually being paid under the regular plan is $90. The state has either understated the cost in the proposal or intends to pay less than the going rate in the projects.

[3] For a full discussion of welfare demonstrations under the EEA, see *Analysis of the EEA Welfare Demonstration Projects*, prepared by the Center on Social Welfare Policy and Law, Clearinghouse No. 7309.

[4] The diminution in grant is even greater than appears from this comparison. Thus, the state's description of current plans is based on $30 and one-third plus *$60* for work expenses. All available information indicates that $60 is not a reasonable estimate of work expenses. Under the state's own figures, deductions for social security, federal and state taxes alone for a family of four with a gross income of $6100 a month cannot reasonably cover all payroll deductions, transportation, lunches, uniforms, etc. (In New York City, with a $.35 subway fare, minimum transportation is $3.50 a week or $15 a month.)

[5] This results in the anomaly that a 15 year old child in school will be required to work but would not have to work if he or she had dropped out of school.

[6] The reference to Hamilton and Clinton is not meant as an indicator of the acceptability of such workloads, but merely to indicate the extremity of the problem in Bay Ridge.

[7] These figures are based on statements of the Director of the Bay Ridge Center.

[8] Figures used by N.Y.C.D.S.S.

THE OTHER SCHOOLBUS PROBLEM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, as you know 79 House Members have joined me in sponsoring schoolbus safety legislation. Those of my colleagues concerned with this vital subject may be interested in an article by Colman McCarthy entitled "The Other School Bus Problem" which appeared in the Washington Post, Friday, April 14, 1972. That article follows:

[From the Washington Post, Apr. 14, 1972]

THE OTHER SCHOOL BUS PROBLEM

(By Colman McCarthy)

As if school buses weren't getting enough national attention already—on school integration—the recent crash in Valley Cottage, N.Y., suggests there is another kind of attention school buses ought to be getting: on safety. At Valley Cottage two weeks ago, four students were killed and more than 40 others injured when their bus collided with a freight train at an unguarded railroad crossing. By coincidence, no sooner had federal investigators arrived in Nyack for the inevitable "fact finding" mission than another team weighed in with the facts on an earlier, and bloodier, crash in Colorado. Taken separately or together, the two crashes are sad reminders that the lives of thousands of children are needlessly risked daily because of low standards for school bus safety. Campaigning politicians keep on with clever talk about who should has made any load demands that the hauling be safe.

With 256,000 school buses operated by 275,000 drivers, and transporting 20 million children each day, the causes of unsafety are many. The Gunnison crash is almost a model in tragedy. First, the bus—a 1971 International Harvester (the same make used in 66 passenger vehicles for Washington public school children) was found by investigators to have had a history of both brake fade and difficulty in gear shifting. In this case, brake fade meant that after the hydraulic brakes were pumped three times—as the runaway bus descended a mountain slope—the braking power diminished. The driver, his brakes gone, tried to shift to a lower gear, but the bus was hurtling too fast for this. In panic, a well-meaning passenger rushed forward to pull the parking brake, but this effort only stalled the engine, putting the vehicle even more out of control. Federal investigators said brake fade was a definite cause of the crash. Although the driver was inexperienced, "this does not exempt the manufacturer (International Harverster) . . . from providing equipment systems with an adequate margin of safety." According to the Department of Transportation, some 1971 Harvester buses

are involved in a current recall for possible brake failures.

The Gunnison disaster is only one of many examples of brake problems among school buses. A 1970 government report on Huntsville, Ala., crash of a General Motors school bus said the accident "occurred when the brakes failed" as the vehicle came down a hill. One child was killed. In 1970, GM recalled 4,000 buses for possible brake problems. They were recalled twice more, once for clutches and once again for brakes. (A local owner of three 1969 GM buses reports that last month he had GM put new brakes on one bus. The company did, and the owner took them to the safety inspection station. The brakes flunked. He took the bus back to GM for adjusting but they flunked inspection again. And a third time. They passed on number four.)

A second abuse is that many school buses are driven by incompetent and untrained drivers. Gunnison is again a model. Investigators report that the 23-year-old driver "had only been driving school buses two weeks, had no previous formal school bus driver training, and had never driven this particular bus before." Parents want the best for their children, but the problem of drivers is one of small pay and awkward hours. Some states and school boards enforce strict requirements before a person is allowed to drive away with as many as 66 passengers, but other states are lax. Then also, driving a school bus is considered menial work. A recent study by Physicians for Automotive Safety says it is anything but. "Not only does a driver take a bus over a sometimes complicated route, and to a time schedule, but often has to keep in mind special instructions such as dropping children off at other people's homes instead of their own. To do all this, keeping order among as many as 100 children, and at the same time drive safely, requires a great deal of ability."

The question of discipline on the school bus has been talked about only in recent years regarding safety. At no other time during the school day, or any day, are so many children allowed to be on their own as on the school bus ride. How can drivers be careful about safety when wild kids are letting loose behind them—fighting, throwing things, bellowing and other reversions to the animal state? Children quickly pick up their parents feeling about the low status of the bus driver, and act accordingly, treating him like a servant. Occasionally, a bus driver, unconvinced of his supposed lowliness, will throw off an unruly student, letting him walk home—or more effective, forcing the child to phone up Dad at the office to come pick him up. Recently, in Norfolk, Va., plainclothes policemen began riding some school buses because more than half the school system's diciplinary problems were occurring on the buses. At Gunnison, a possible cause of the crash "was an internal distraction created by the noisy and rowdy behavior of the student passengers."

A fourth curse among school buses—also found amply in Gunnison—their flawed design. Injury and death are caused by the lack of structural integrity in the roof and sidewall area of the bus. In laymen's terms, this means the bus shells are poorly bolted and riveted. Children are easily thrown from the bus on impact, or if they stay within, are vulnerable to knife-like edges as they are heaved about. Many believe that seat belts (which few buses have) are the answer, but in collisions, or even sharp stops, even belted pupils still strike the top horizontal edge of the seats in front of them. Faces, necks, chests and teeth are injured. A study at the University of California at Los Angeles said that seats now in school buses are unsafe and should be replaced by high-strength, high-back models.

Because safety costs money, the question of how safe school buses should be made is often left either partially unanswered or not answered at all. The Department of Transportation has limited funds and staff, so priority is given to automobile safety where the death rate is higher; data show that there are as few as .05 fatalities per 100 million passenger miles of school bus travel compared to 2.1 fatalities for passenger cars. Yet the cost of safety is hardly prohibitive. Last year, two large companies that make school bus frames displayed in Washington a new type vehicle that met the most rigid standards for structural safety; one company—Ward Manufacturing, Conway, Arkansas—said the cost of its safer vehicle was only $390 more than the regular models, a small sum compared to the average bus price of $9,000 or $10,000. In Congress, Rep. Les Aspin (D-Wis.) has introduced a school bus safety bill that now has 79 co-sponsors. Among other sensible proposals, the bill would establish for the first time federal safety design standards for all school buses.

As crashes continue, alibis for inaction become thinner. The problems are known, the technology is available. The undecided question is whether the sources of money needed for safety—school boards, statehouses and Congress—think that saving childrens' lives unconvinced of his supposed lawliness, is important. Meanwhile the busing issue gets more speeches than busing safety.

PASQUALE CAGGIANO

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HARRINGTON. Mr. Speaker, the citizens of Lynn, Mass., recently suffered a grave loss in the death of their mayor, Pasquale Caggiano. Mayor Caggiano was stricken only a few months after he assumed office. But the force and vigor of his personality made a significant impact even in the tragically short time in which he had to govern.

He was an independent and outspoken man, who vigorously pursued the interests of his constituents as he saw them. He will be fondly remembered by his thousands and thousands of friends, and those of us who were his colleagues in government will miss working with him.

As an indication of the regard in which he was held, I wish to insert at this point the eulogy delivered at his funeral by the Reverend Joseph Massaro, CSS.:

EULOGY FOR PASQUALE CAGGIANO

Right reverend, very rev., and rev. fathers, Pasquale Caggiano's family and friends.

We do not come this morning to mourn the passing of a loved one, but strangely enough to celebrate—to celebrate the meaning of a man in his own community. We live and work so closely with one another that we easily recognize each others faults and failings. We take each other for granted. We never really see how each fits into the fabric of our lives. When death takes one from our sight and stills his voice, we are forced in spite of ourselves to pause and ask who this man is.

Mayor Pasquale Caggiano was a man who loved and enjoyed people. He was elected to exercise authority at a time when the whole meaning of authority is being questioned; he was called to leadership when the role of the leader is being challenged. I think "Pat" was what would be called a dynamic, forceful leader, a person who would plunge into new ventures and perhaps blaze new "dramatic trails". Essentially he was not a shy man, a quiet man; and because of these characteristics many loved him and admired him while others disagreed, but he did exercise leadership and a great desire to aid the city he so much loved.

St. Paul tells us "The life and death of each of us has its influence on others." If we live, we live for the Lord. And if we die, we die for the Lord. So that dead or alive, we belong to the Lord. Pat Caggiano belongs to the Lord—in life and now in death. He belongs to the Lord because of all the influence our Lord had on him during his life. An influence that prompted him to serve his God here at St. Francis for almost 40 years, a service that the priests and people of St. Francis cannot and will not ever forget.

The death of our dear friend, in a way, is one of the happy echoes of Christ's own death and resurrection. There are tears, yes—just as Christ cried at Bethany when he heard about the death of his friend Lazarus. But they are tears tinged with hope and joy, as we hear Christ say to our dear one what he said to Lazarus: "Come forth to the joy of eternal life with me and your friends in heaven."

So today we honor Pasquale Gaggiano, a man well known in the community by his public acts, well known by some, especially his family, by his private deeds. In his scale of values his own welfare and prosperity and his good name and fortune were not the first things that he sought. He sought to fulfill his function as a member of his larger family which was this parish and the community of Lynn. We do not stand here in judgement upon his activities. Yet when so many rise up to praise him, when there is such a chorus of acclaim for all that he did, then this community he served has set its seal upon his actions.

When such a man as this dies, our community is impoverished. We no longer have his example, we no longer experience his charity and gentleness, his concern for all of us, his desire to make us a united people better citizens of God and of the City. Perhaps we can see more clearly how much he meant to us and with what singleness of purpose he lived his life.

We do him the greatest honor not by merely sharing in this funeral liturgy in which the church commends his soul to the eternal Father: but by dedicating ourselves to the ideals of his life. That is to be community minded persons and to imitate his example of unselfish service to others.

This morning we thank almighty God for the marvelous gift he has given us in our brother Pat. We also thank his wife Olga and his family who shared him with us that we might walk on in the knowledge that this man is not dead and gone, but has risen to walk beside us, not as a memory or an example, but in the newness of life. It is wonderful to know that he still has need for us, that he needs us to proclaim visibly, in his name within the community the meaning of his life—to need one another, to be loved by one another and so to ennoble one another.

May God grant him eternal rest and peace. Amen.

MULTINATIONAL CORPORATIONS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GIBBONS. Mr. Speaker, at the request of AFL–CIO officials I recently inserted in the RECORD a letter from George Meany to Commerce Secretary Peter G. Peterson which criticized the Commerce

Department study "Policy Aspects of Foreign Investment by U.S. Multinational Corporations."

This insert appears on page 12574 of the April 13 RECORD.

Secretary Peterson has now replied to Mr. Meany and has provided me with a copy of his reply. In the interests of a balanced discussion of the operations of our multinational corporations, I would like to insert the Secretary's letter in the RECORD at this point.

THE SECRETARY OF COMMERCE,
Washington, D.C.

MR. GEORGE MEANY,
President, AFL–CIO,
Washington, D.C.

DEAR MR. MEANY: In your letter of March 20 you offered some criticism of the Department of Commerce staff study "Policy Aspects of Foreign Investment by U.S. Multinational Corporations." I appreciate this opportunity to respond. After reading your letter, I do not see any reason—as I will outline later—for altering our study conclusions. On this point we have opposing views. But there are two significant issues on which we are in agreement, and I would like to touch on them.

One point of agreement is that in international economic matters, as you put it, "the world has changed." Last August 15, the President demonstrated his awareness that we are in a new era by calling for fundamental changes in the world's monetary and trading systems. Since then a number of basic monetary and trading negotiations have strengthened America's competitive position and will provide jobs for American workers.

The year 1971 was, of course, the first year since 1893 that the U. S. had a trade deficit. Even so, there was a balance of trade in manufactured goods—$30.4 billion of exports and $30.4 billion of imports. Over the next couple of years, the currency revaluations should certainly improve on this—with an estimated swing to a trade surplus of several billion dollars. Furthermore, as our trade balance improves, U. S. jobs associated with trade should increase. A number of experts have estimated that between 60 and 70 thousand jobs are created for every $1 billion of favorable shift on our balance of trade. Some of these same studies show that jobs in export industries are higher paying jobs. Thus, I find it hard to accept your statement that the "jobs of millions of Americans are now adversely affected."

A second issue on which we can find common ground is the need to promote employment and reduce unemployment. Foreign competition—like domestic competition—does adversely affect particular industries. But the solution to this kind of problem lies in promotion of greater domestic economic expansion—not in rigid protectionist responses.

If the U.S. were to block imports unilaterally, there would be several serious consequences. Other countries would be encouraged to block *our* exports to them. This would obviously decrease U.S. jobs in these export industries. The stimulus that imports give domestic competition would be greatly reduced. Further, consumer costs would rise substantially, with the burden falling most heavily on low-income groups who can least afford price increases.

However, it is my view that when foreign competition brings unacceptably fast change we should be able to use adjustment aids, including *temporary* orderly marketing mechanisms, to help groups of workers in specific industries adjust. It is clear that a few should not be asked to bear a disproportionate burden for the benefits of an open international economy enjoyed by many.

You also made some specific comments on the Commerce study with which I cannot agree. As you know from reading the study, it is the first of a three-part effort in the Department's attempt to assess the impact of multinational corporations here and abroad. We expect to complete the next phase of the study in May. It will cover the numbers of domestic jobs, overseas investment, and exploits of more than 400 companies in all kinds of industries. The findings made in the first part of the staff study appear to be supported by the information we have received to date on the broader sample.

At one point in your letter you state that only 11 of the 14 industries were considered in compiling data on the employment effects of multinational companies. However, the paragraph to which you refer is immediately followed by a second that deals directly with the employment trends in the remaining three industries.

You also suggested other methods of examining employment trends; for example, by comparing employment in these 14 industries to total U.S. employment in general. I believe care must be used in projecting these numbers for reasons explained in the study.

But it is instructive to compare employment trends in these 14 industries to trends in all *manufacturing* industries. Thirteen of these 14 industries are manufacturing in nature. It is, therefore, appropriate to compare them with their own kind. By using the 7 percent figure that you suggest for all of the 14 industries we find it is very close to the 7.5 percent average increase in overall manufacturing employment during this period.

Further, you mentioned that these 14 industries showed a decline as a percentage of total U.S. employment. Again I feel it is helpful to compare these industries to *manufacturing* as a whole. Looked at in this way, these industries maintained their share of manufacturing employment between 1965 and 1970—i.e., 20.8 and 20.6 percent respectively.

Having responded to the points you raised, I feel it is important to mention that caution should be exercised in drawing conclusions from the published aggregate data because of the difficulties in separating the direct investment effects from other factors affecting employment. The study pointed out that:

"In view of the difficulty of separating direct investment effects from other macroeconomic factors affecting employment, caution must be exercised in drawing conclusions from this aggregate data. What seems clear from these data is that the effects on employment due to cyclic and other factors present in the domestic economy tend to swamp the adverse effects—if any—that might result from the foreign trade side. The argument that overseas investment is causing job losses in the United States does not appear to be borne out. Rather, the basic employment trend for these investment-oriented industries has been upward."

I believe that the analysis in the staff study is sound and revealing. Where industries or workers are adversely affetced by competition from abroad, it is my view that the best solution lies not in protectionist legislation, but in the promotion of economic expansion at home and an open international economy, where, to be sure, American products are treated equitably.

I appreciate this opportunity to respond to your letter since, although our points of view are divergent, our objective—a strong and growing U.S. economy—is the same. In an area where anecdotes and rhetoric have played such a large role, I welcome the opportunity to discuss analytical evidence with you. If members of your staff wish to review our research on this subject, my colleagues would be most happy to do so.

Sincerely,

(S) PETER G. PETERSON.

MORE SHIPYARD FOLLIES

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, some months ago, on the strength of various rumors circulating around this city and several newspaper stories, I called the attention of the House to the mess the Navy had got itself into with its decision to concentrate the bulk of this Nation's naval shipbuilding program in one yard—a new yard at that, with no previous track record. Today, I regret to say that the situation is obviously far more serious and cries out for a complete and thorough investigation by this House. I am referring of course, to the incredible cost overruns that have been incurred by the Navy at the Litton Shipbuilding Yard at Pascagoula, Miss.

I only hope that my criticism, indeed condemnation, of the Navy for the way it handled itself in awarding all these contracts to one yard is not interpreted as mere sour grapes from a Congressman representing another shipbuilding district. Whether the Navy gave any of this work to the Fore River Shipyard or not, the fact is it could only seem to even the most casual observer that the decision to concentrate a whole program in one yard, again, unproven and untested as it was, was obviously fraught with tremendous risk. What I objected to several years back, what I objected to a few months ago, and what I object to today is not that the Fore River Yard or some other yard did not succeed in getting work but that it was not even allowed to compete for the work, in effect. If other yards had been allowed to compete for some of this work, I would have been perfectly willing to allow the Fore River Shipyard in Quincy to take its chances fully confident that it would bid realistically for the work and deliver the goods. But others allegedly more knowledgeable than I, the proverbial powers that be, with their computers and their cost/efficiency surveys concluded that the Nation would be better served by funneling all the work involved into one yard. The only cry we heard around this town that everything was up to date in Pascagoula. Nowhere in the country could touch it for modern up-to-date techniques and equipment. Ignored in the process were the proven track records of other yards which have been in business since the early days of the Republic. Ignored in the process was highly skilled labor with a tradition of harmonious industrial relations. Ignored in the process was a record of consructing seaworthy ships with minimal delays and cost adjustments. Ignored in the process was a capacity to begin work immediately and deliver the ships on time. The whiz kids had their day, however, and a decision was made to experiment with the

Nation's defense requirements. The resulting mess as documented in the following articles is nothing short of a national scandal. It is time we get to the bottom of it. I, for one, do not intend to let the Navy get off the hook on this one any too easily. Too much is at stake, both in terms of national defense and our Nation's shipbuilding capabilities. While one yard in this country sits stuffed to the gills like a Christmas goose with work carrying it through practically the next century, other yards are withering on the vine and are in danger of disappearing from the scene altogether. In the process, a vital, valuable national resource is being squandered and lost forever. No one yard in this country, least of all a private yard, is capable of meeting this Nation's total naval defense needs.

The articles follow:

[From the Wall Street Journal]

LITTON'S HANDLING OF TWO NAVY SHIP CONTRACTS TO BE STUDIED—DELAYS, RISES IN COSTS CITED

WASHINGTON.—Two major naval ship construction programs of Litton Industries Inc. seem to be headed for serious trouble.

The House Armed Services Committee set aside regular business and announced yesterday it will investigate Litton's handling of the two multibillion-dollar contracts it won in recent years. The committee claims Litton is seriously behind schedule and over contract costs on both ship programs.

Meantime, Navy Secretary John Chafee apparently has rejected Litton's request for revision of one of the contracts. Though a final judgment hadn't been made yet, Mr. Chafee announced yesterday that a preliminary look at Litton's proposal "presents no basis for Litton not to be held to the terms of the present contract."

That contract covers construction of amphibious assault ships known as LHAs. Originally, the Navy ordered nine, but later cut the total to five ships; Litton claims it should be paid substantially more per ship because of the change.

The other program under fire is a 30-ship order for new destroyers known as the 963 Class. A recent cost estimate for them is $2.71 billion, or $90.5 million apiece. House sources claim this program is falling seriously behind schedule, though they declined to give specifics; the Navy is supposed to receive its first 963 Class in two years.

LHA production is at least 18 months behind schedule, which could cause the destroyer program serious delays. Litton is building both types of ships at its Pascagoula, Miss., yard.

The Navy agreed to renegotiate its original $1.12 billion LHA contract and give the company a higher per-ship price due to cutting the program from nine vessels to five. However, Litton's "voluminous and complex" new proposal, Mr. Chafee said, threatens to "involve major increases in the total contract amount," which means Litton wants more than the original nine ship price for building only five LHAs.

These trends caused the House committee to announce it will postpone other business to "review cost growths and delays" in the two construction programs.

Some shipbuilding experts have blamed Litton's troubles on its new Pascagoula shipyard, designed to be an automated "shipyard of the future." A series of management, labor, and technical problems have caused Litton to fall behind on both its naval and commercial ship construction. For example, when separately built sections of one freighter were joined together in the final production stage last year, many of the pieces didn't fit correctly.

[From the New York Times, Apr. 19, 1972]

LITTON PLEA PUT AT $400 MILLION

INCREASE FOR SHIP CONTRACT LINKED TO SOARING COSTS

(By Richard Witkin)

Litton Industries has asked the Navy for a price increase of about $400 million in its contract to build five amphibious assault ships, well-informed Washington sources disclosed yesterday.

The increase was reportedly sought to cover soaring costs caused by such factors as rising labor rates, 19-to-24-month production holdups and contractual fees for canceling four additional ships in the original order.

The Litton case, said to be documented in 10 thick volumes, was outlined by the Navy for the House Armed Services Committee in hearings that got under way Monday.

One official who attended the closed session said in an interview:

"It was the opinion of the Navy Department that this price increase would be rejected out of hand."

One Congressman, calling the $400 million figure an imprecise "ball park estimate," characterized the Litton request as "unbelievable."

Delivery dates

The ships, last estimated to cost $192 million each, are being built at Litton's highly automated new shipyard on the west bank of the Pascagoula River, Pascagoula, Miss.

Cascading problems have caused repeated slippage of delivery dates so that the first of the five amphibious assault craft, known as LHA's, is now estimated to be 19 months late. The ones behind it will be late up to two years.

Among the problems encountered have been the following:

Overoptimism on the technical job of getting a pioneering venture under way; repeated changes in top management personnel, who came largely from the aerospace industry and knew little of shipbuilding; difficulties in getting and keeping labor, and a strike and hurricane last fall.

The massive LHA difficulties have raised strong doubts about the ability of the untested new yard to carry out an even bigger contract to produce 30 newly designed DD-963-class destroyers.

Litton insists, however, that the LHA program should have no impact on the destroyers, and that the first of the DD-963's should be delivered on schedule in 1974.

Funds for 16 of the destroyers were appropriated in previous years. The contract cost is about $90 million each, but many knowledgeable observers expect the price to go well over $100 million.

At stake at the moment is a budget proposal for $600 million for seven more ships for the fiscal year ending June 30, 1973. Several House committee members have said privately that the committee might well refuse to approve the authorization, while others say that it is much too early to tell.

Payment method changes

The Litton case was evolving rapidly as a prime issue of the 1972 Congressional debate over alleged Pentagon waste, sharing the stage with the controversy over the Navy's F-14 Tomcat fighter.

On Monday, the Grumman Corporation's chairman, E. Clinton Towl, told the Senate Armed Services Committee that the company could not build 48 more planes unless the Navy "restructures" its contract. In other words, Grumman, like Litton, wants a big increase in the contract price.

The Navy and Litton have both indicated that it will take months to negotiate an agreement on the LHA issue. But Congressional sources said that the matter had to come to a head by fall because of critical terms of the current contract.

At that time, the sources said, the payments to Litton change over from a "cost" basis to a "progress of work" basis. In other words, Litton would only be paid in accord with how far it had progressed with construction of the ships, rather than in accord with how much it had spent.

The House committee was reported to have been told by Navy witnesses that Litton had already been paid 50 per cent of the contract price, whereas, even with the most generous calculation of engineering completed, only 25 per cent of the work had been done.

"Litton is confronted with a critical cash flow problem," a Congressional source said.

The company would not comment on these matters. The first of the long-delayed LHA's is now scheduled to be delievered to the Navy in April, 1974.

JOSEPHINE ROBERTS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MILLER of California. Mr. Speaker, Josephine Roberts, women's editor for the San Leandro Morning News, is an outstanding person; talented, competent, charming, and gracious.

Recently Jo Roberts was doubly honored when she was tendered a dinner recognizing her services to the community and was nominated for the Soroptimist Federation's Woman of Achievement Award.

The city council of San Leandro also recognized her efforts in behalf of their community and passed a resolution of commendation setting forth more eloquently than I ever could, the distinguished career of this extraordinary woman. I include this resolution as a part of these remarks and in closing join with Jo Roberts' many friends in wishing continued success in her many endeavors:

RESOLUTION OF COMMENDATION: JOSEPHINE ROBERTS

Whereas, San Leandro has truly been blessed with many outstanding citizens throughout the years, and it has been through the gifted foresight of our community leaders to render proper recognition of these fine and dedicated people, in a most appropriate and timely manner; and

Whereas, Josephine Roberts, whose humanitarian endeavors have been recognized by such organizations as the Soroptimist Club of San Leandro, the Portuguese Womens Society (first award so given in sixty-nine years), the Dooley Foundation, the Parent-Teachers Association, the American Legion Auxiliary, the Help a Retarded Tot Society, the Sister City Program, the American Cancer Society, the San Leandro Boys Club, the Arts Council, the San Leandro Girls Club, the Junior Chamber of Commerce and many other organizations; and

Whereas, she has been nominated for the "Outstanding Woman of Achievement" award by the Soroptimist International Association of the Soroptimist Federation of the Americas, Inc., and nominated for four awards for best Women's Page in the State of California; and

Whereas, Josephine Roberts efforts in behalf of her fellowman are legion and she continues to dedicate her life to the betterment of all:

Now, therefore, the City Council of the City of San Leandro does resolve as follows:

That this City Council does recognize Josephine Roberts' unselfish and generous contributions to the welfare of San Leandro

and extends to her the recognition so justly deserved.

WHAT TO DO WITH ALL OUR JUNK?

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HAGAN. Mr. Speaker, it is estimated that every American is responsible for more than 5 pounds of solid waste every day, or nearly 1 ton a year. Multiply this by 209 million persons and you get some idea of what we are doing to ourselves—a slow burial.

For those who have not looked at their own garbage can recently, what they can see is unbelievable. First, the waste food itself—thrown away portions, apple peelings, potato peelings, and such. Our grandmothers made excellent jelly out of apple cores and peelings. It is said that the most nutrition is found either in the peel or just underneath it. Some have estimated that millions of Asiatics could live well, foodwise, out of the average American garbage can.

Second, there is the vast amount of pasteboard cartons, bottle caps, and aluminum pans of all sizes and shapes. Then there is the built-in obsolescence we have to contend with in automobiles, refrigerators, washing machines, television sets, and so forth. Many landfill garbage operations will not accept these items. Where will they be stashed away? Only a small beginning is being made to compress these and recycle them through steel mills. In the meantime, small mountains of these hard and unwieldy gadgets of our civilization are accumulating.

One war in which every American should engage in wholeheartedly is the effort to solve the waste problem. It is already very late to begin the battle.

Jack Spalding in his Atlanta Journal column of April 2, 1972, discusses the problem interestingly, entitled "What To Do With All Our Junk," as follows:

WHAT TO DO WITH ALL OUR JUNK?

(By Jack Spalding)

The more abundant society has its weak points. One is waste products. These are things left over for which there is no use. We waste billions of dollars a year here.

For example; auto bodies after the cars have quit running. Some of the most beautiful countryside in all Georgia is defaced by same. Old autos, made up of lots of good metal for which there should be some sort of use (if only for fishing reefs), form unsightly piles along our most important highways.

Take a nice, quiet, unpaved mountain road. It leads along running streams, little water falls and banks of laurel. Lo. There's an abandoned school bus right there against the rhododendron. Or a small fleet of ex-pickup trucks, rusting away. It will be years until the metal rusts or before a kindly nature screens them with shrubs and hides them with creepers.

So much for cars. Clear the roadside of dead and abandoned ones and life will be better. Now on to beer cans, and other drinks, now that other drinks are being canned. There's no road pastoral enough to be without its can quota. But there's some little good to be said about roadside cans. They shine at night and do help mark the roadside. That is until a big rain comes when they're all over the pavement, waiting to cut your tires.

Garbage? Public sanitary services should be sufficient. But still there are people who save up their own in order to dump them in a neighbor's yard or wood lot early some morning. Once upon a time the heat of the sun and the rain helped decompose at least some of this. But now our garbage droppers, driven by some ironic urge for neatness, put their mess in plastic bags. These bags are awfully permanent and require personal handling unless you want to be reminded of your neighbor's bad manners daily.

These are the ordinary things, so ordinary that society may be so accustomed to them they're no longer eyesores. More's the pity.

There are other things, such as insoluble synthetic jugs and other containers along the banks of our watercourses.

There is the stuff you get at the store.

Some of it is packaged to death.

Consider a simple screw-driver.

Once upon a time you bought it, put it in your pocket (after paying) and took it home. Maybe a little sales ticket came with it, but it was no problem. A waste basket took care of that or the first rain dissolved it.

But now?

The screw driver is stapled to a piece of cardboard and covered by a plastic bubble. You need another screw driver to break in. And then what do you do with the cardboard and plastic?

Right. It becomes something else on the national litter heap.

Maybe this is good merchandising but it is getting to be poor ecology.

This is a big country but it is not big enough for the stuff we produce just to throw away. This waste is a sign of our wealth, sure, but do we have to be reassured of it every time we go for a drive?

Poorer countries don't have this problem, though they probably would love it.

They don't go in for wrapping quite as extensively and they use cars and components longer.

It is estimated that each and everyone of us is responsible for more than five pounds of solid waste a day.

This makes the national garbage problem something to marvel at.

Where does it go? Is there enough room in the country to keep handling it at this rate? Is it possible to go back to selling plain old screwdrivers, or is all merchandise going to be as much package as basic material from now on?

THIS YEAR IN JERUSALEM

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BRASCO. Mr. Speaker, 24 years ago, a new baby first uttered its cries in the family of nations. Birthed in the agony of the holocaust, it was the longest expected child in human political history. Conceived in the minds of suffering dreamers, its coming heralded a glittering new age of fulfillment for the Jewish people.

For more than 20 centuries, these people had roamed the face of the globe, driven by the whips of persecutors and followed by the curses of the ignorant, and always in response, the Jews raised their glasses and gave the hallowed toast, "Next year, Oh God, in Jerusalem."

Countless generations of Jews lived, suffered, and died without seeing that dream fulfilled. But before they went to their eternal rest, they passed on to their children that deathless dream. This hope became a reality in the minds of innumerable Jews. It aided them to learn who they were. It allowed them to place their persecutions in perspective. It was nurtured in their breasts under torture. It was the last word on their lips when they died.

And that toast—that noble expression of human yearning—became part of their way of life in the Diaspora. It stayed with and sustained them in the night of persecution and oppression.

It was heard in the temples of north Africa, in the time of Saladin. It was uttered secretly in homes in Spain when Torquemada and the Inquisition prevailed. It was echoed in the little shtetls of the Pale, and it rose to Heaven in a painful cry from the gas chamber of 200 death camps across the face of occupied Europe.

And God heard. And God lifted his hand. And when he unfolded that hand, a new breed of Jew walked the earth in His image. And they created and brought to birth and fruition the reality this 24th birthday we celebrate today.

Out of the furnace of 20 centuries of persecution came a new Jew. His back was no longer bent. His pack was no longer on his back. His cap was no longer clutched in his hand. He no longer stood in the gutter with his eyes upon the ground.

In his place stood that absolutely beautiful strange new breed we know as the Israeli. In one fell swoop—in 24 years—they have destroyed 1,000 old images of the Jewish past. The wandering Jew is gone, home at last. The frightened Jew is gone, a man at last. The stranger in a strange land is gone, by his own heart at last.

And his children are born and live free, bowing their heads and bending their knee to no living human being. And this is the most beautiful of all God's works.

The flow of history is inexorable. The pharaohs are gone. Nebuchadnezzar is gone. Torquemada is dead. The persecutors of Dreyfus are no longer even remembered, save by historians. Hitler is ashes. Stalin is dust. And who will remember Nasser in the Western World in another 10 years?

Yet the Jewish people live. And from the walls of Jerusalem that cry resounds, and a million echoes answer back, "This year—this year in Jerusalem."

TELEPHONE PRIVACY—XV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 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 phone book 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 13th 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:

SANTA ANA, CALIF.,
March 31, 1972.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR SIR: I noticed an article in the Pilot, a local newspaper of Newport Beach, Calif., about the bill you are introducing to curtail telephone solicitation.

Mrs. Walton and I get sick and tired of running to the phone for that kind of calls. Sometimes it means an interruption of our evening meal; other times we tear in from outdoors. We pay for the phone for our own, private use—not for the use of people trying to sell us something.

TAKOMA, WASH.,
April 6, 1972.

Congressman LES ASPIN,
House of Representatives.
Washington, D.C.

DEAR CONGRESSMAN ASPIN: The recent article in the Christian Science Monitor regarding your efforts to introduce a bill in the Congress restricting unsolicited business calls, was of great interest to me. I wrote to Congressman Floyd V. Hicks of this congressional district, within the past year concerning this very matter. I have spoken to many of my friends about this, too, and we are all in agreement that it is a nuisance, as well as an invasion of privacy. I do hope you will be given more publicity on this, so that more people will write to you and let you know their feelings.

APRIL 5, 1972.

Congressman LES ASPIN,
U.S. Congress, Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I would appreciate receiving a copy of your bill restricting telephone solicitations and any background material which might be useful in presenting a similar measure at the state level.

Thank you very much.

CARSON CITY, NEV.,
April 4, 1972.

Hon. LES ASPIN,
House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR SIR: I would appreciate receiving a copy of your recently introduce "Telephone Privacy Act". Members of our legislature are very interested in this problem.

NEW CANAAN, CONN.

DEAR MR. ASPIN: I'm delighted to read of your bill to allow us to request "no solicitation by phone" notices. I've wanted phone advertising totally banned because I pay for the phone for our pleasure & convenience. Unwanted mail, at least, they pay for. I open it or not at my own leisure. I, an ordinarily polite person, now explode over the phone in anger & to discourage this policy. I may be getting fewer interruptions because of it. But your legislation would help me & those of us who haven't yet reached the "rude" stage & I know some.

You can feel the support of everyone I talk to about it. Best of luck!

(P.S. We all answer the phone!)

ALEXANDRIA, VA.,
April 6, 1972.

DEAR MR. ASPIN: I have just read the article in the Congressional Record of March 30 concerning your bill on telephone restrictions. This is a great idea of yours and I sincerely hope that some action will be taken to put the bill into reality for all Americans.

My husband and I have also been bothered by these unwanted and nuisance calls. Since the telephone company gives out new phone numbers so easily, I hope that your bill states that the telephone company will bear the expense of the asterisk system or whatever is finally decided upon.

Good luck and success with your bill.

ARLINGTON, VA.,
April 12, 1972.

DEAR SIR: I am in favor of your House bill to stop unsolicited calls. Especially "land companies" and cemetery plots. Would not restrict blind, deaf or nonprofit companies.

ERROR COULD BE FATAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BENNETT. Mr. Speaker, I have just read an excellent editorial of Jacksonville Journal and I want to share it with the other Members of the House. So I include it here for their consideration. It points out the necessity to be careful in military expenditures to prevent waste, but also the need to be on the same side when today's troubled times are considered. The editorial entitled "Error Could Be Fatal" applies primarily to the ULMS project; but it could be equally applied in several other areas of developemnt as well:

ERROR COULD BE FATAL

A group of liberal congressmen who call themselves "Members of Congress for Peace through Law" is sharpening the axe for the Navy's undersea long-range missile system.

The system—referred to in government shorthand as ULMS—would consist of a fleet of giant new submarines bearing missiles with a range of 6,000 to 7,000 miles. The present Polaris-missile submarine fleet carries the Poseidon, which has a much shorter range.

President Nixon's proposed defense budget requests $977 million to begin serious work on ULMS. The congress group wants to cut this by well over half, to $380 million.

A report prepared by the group says ULMS is a pig in a poke which could wind up costing $40 billion—instead of the estimated $30 billion which has been estimated as the cost of building 30 ULMS subs. In addition, the report says, the ULMS program would point us in the wrong direction.

"We could have a much better bargaining position on disarmament with Russia if we proceeded now with work on a new long-range missile system only," the Congressmen said in their report.

There is, of course, always room for honest disagreement on which of several possible ways is best to strengthen the national defense. Nor is any serious effort to prevent waste in the expenditure of defense funds to be scorned as somehow "unpatriotic." Misuse of defense funds should and must be rooted out, in fact, because any waste can only weaken our defenses.

But even the report of the "Peace through Law" group itself raises some warning flags against accepting that group's recommendations.

The report acknowledges, for instance, that Soviet Russia is deeply involved in what appears to be a great effort to build up its own missile and submarine forces. This has more pointedly been reported by others. A blue-ribbon panel created by the President recently reported that Russia already has half again as many ICBMs as the United States and added:

"The situation which our country faces is without precedent . . . It is not too much to say that in the '70s neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure."

The congressional group admitted in its report that it did not know the full extent of Soviet intentions and capabilities.

This is very serious business. In the face of an acknowledged Soviet buildup, present Soviet superiority, and an inability to determine Russian intentions and capabilities, it is foolhardy to risk error on the side of weakness.

Spending funds on any unneeded project is to be deplored, always. But when it occurs it is always possible to discover the error and correct it. To fail to spend funds for a project that our most reliable defense experts tell us is needed, however, could be an error which proved to be literally fatal.

THE EXPLOITATION OF MEAT PRICES TO PROMOTE A CONTROLLED SOCIETY—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the exploitation of meat prices to promote a controlled society. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON THE EXPLOITATION OF MEAT PRICES TO PROMOTE A CONTROLLED SOCIETY

In a previous report on inflation and the new economic policy of the Administration, I explained that throughout the period of recorded history experiences of nations have clearly proved that wage and price controls have never been successful in stabilizing prices. On the contrary, history proves that the imposition by a government of price controls has inevitably tended to stifle initiative and the competitive spirit thereby causing production to go down. The economic consequences of reduced production have been higher prices and more controls including government rationing and black market operations.

In another report, I discussed food prices and American agriculture with the imminent agricultural expert, Dr. Dan P. Van Gorder, who expressed doubt that we would ever have an abundance of meat on the meat counter of this nation until we get completely rid of government interference in the market place.

In still another report on consumerism, I pointed out the controversial background of the organized consumerist leaders such as Ralph Naders and the Esther Petersons who consider business their target and profit their enemy and whose real goal is the destruction of the free enterprise system by placing private industry under socialist controls.

Recent events brought out in hearings on meat prices before the Agriculture Committee illustrate the validity of my remarks to you in the previous telecasts on wage and price controls, food prices and American agriculture and the consumer movement. So. I thought today we'd talk about the exploitation of meat prices by so-called consumerists to promote a controlled society.

The events to which I refer were triggered by full page advertisements in the two largest Washington newspapers. The contents of the ads were reported around the country by news agencies.

Across the top of the page in large letters is the statement: "You have the right to be informed about meat prices." Below that caption appears this message: "Meat prices are high and from all predictions will remain high. Beef is near the highest level since the end of the Korean War. Why are they so high?"

Following this message in large bold letters is this false answer as I shall explain later: "It begins at the source."

Then comes this explanation: "Livestock prices were not and are not now controlled under the present economic program. Less meat is reaching the market. Prices from our suppliers have skyrocketed. Because of all these reasons, you will find higher prices on almost all fresh meats."

And finally in bold letters there is a plan for consumer action: "We consumers can help bring prices down. Buy less meat. Use other forms of protein. Buy something else."

The full page advertisement was prepared by Mrs. Esther Peterson, consumer advisor for Giant Food, Inc., a regional supermarket chain based in Washington, D.C.

It is important to this discussion of the exploitation of meat prices to promote a controlled society to take a close look at the validity of the ad and to try to arrive at a conclusion as to its real purpose especially in the light of its author's background.

The ad proclaims that the rise in beef prices "Begins at the source." Since the farmer and the cattle rancher constitute the source, the public is led to believe that farmers are the culprits for the increased retail beef prices. Actually, in March of 1952 the farmer got 34½¢ per pound on the carcass for choice steers while 20 years later in March of 1972, he received 35¢ per pound—a 1% increase in 20 years. Now, compare that to the increase in the supermarket price from 95¢ per pound in March, 1952 for U.S. choice sirloin steak to $1.57 per pound in March of 1972—an increase of 65.3%.

The ad also reads: "Prices from our suppliers have skyrocketed." This statement is patently false as shown by the reliable reports of the National Provisioner Daily Market Service. On August 13, 1971, the last market day before President Nixon imposed the wage-price freeze, the price at which wholesalers bought both top choice beef and prime beef was 54¢ per pound. On March 21, 1972, the day the full page ad was run the first time, the wholesale price of both top choice and prime beef was 53¢ and 53½¢ respectively per pound without any price regulation.

Statistics also show that beef prices had been decreasing for 18 days consecutively just prior to the date of the ad stating that suppliers' prices had skyrocketed.

The statement in the ad calling upon consumers to buy less meat provoked an outcry of protests by Congressmen from cattle producing areas. The Livestock and Feed Grains Sub-committee of the Agriculture Committee of which I am a member held extensive hearings on meat prices, participated in not only by livestock growers but also by packers, distributors, retail and consumer representatives, and a representative of the Office of the Secretary of Agriculture.

The diverse points of view expressed in the hearings provide a good insight into the furor over meat prices.

First let's hear from the farmers—the men who raise the livestock—the source of the meat prices.

Mr. Edward Ladd, 50 year-old farmer from Rock Rapids, Iowa expressed concern over the fact that for some time the farmers' share of the consumers' dollar has remained stable while their costs have continued to skyrocket. His machinery repair cost increased 44% in the last 5 years and his taxes increased 29%. Farmer Ladd stated:

"Where have we gone so wrong as to think that it should be the consumer's inalienable right to buy meat for the same price as it was 20 years ago when their own disposable income has more than doubled in the same period? Somehow it is all right for automobiles to go up $150 to $200 every year and its all right for medical costs to go up 400% in the past 20 years, but it's not all right for farm products to go higher. Whenever prices start to go up in the livestock industry, we get hit with higher import quotas or some other device designed to hold down meat prices."

And Mr. Ladd added the grim warning that unless the long term profit in agriculture improves, young people will continue to choose careers outside of agriculture and the family farm as we know it will be a thing of the past.

Another farmer, Frank Buryanek of Sioux City, Iowa, 38 years old and father of 3 children, testified that his net farm income last year was $3445 or for his year's work 90¢ an hour. "This is why" Farmer Buryanek stated, "I get mad when the newspapers quote the so-called authorities who blame the farmer for high food prices." And he expressed this concern:

"The thing that concerns me is that the average age of an Iowan farmer is 56. Where are we going to get the young men to replace these men about to retire. With the profits we have been getting the last few years, no one can blame young men for leaving the farm for jobs in the city. Take these men off the family farm and it leads down only one path—corporate farming. The family farm has been a way of life in America since before the revolution. Don't take it away now . . . All we ask is a fighting chance. We are a minority—feeding the majority. Drive us off with bad prices and rising costs and you will be taking the backbone out of America."

He concluded his remarks to the Congressmen with this philosophical gem: "Tell your voters you heard it from a farmer. No man is farther from a phone booth but closer to God."

A spokesman for the American Meat Institute, whose membership includes 350 meat processing companies doing business in all 50 states, stated that for the long-term well-being of consumers in terms of their beef supply, policies should be followed which are encouraging rather than discouraging to farmers and ranchers—or those of us who like beef will end up with smaller supplies of meat at higher prices.

A representative of the Indiana Farm Bureau presented a similar view stating that agriculture's unparalleled production is the consumers' best safeguard against food shortages and meat price increases. There is no substitute for productivity.

Also testifying was Esther Peterson, who started the furor with her full page meat boycott ads. Farmers and other consumers alike are entitled to know just who she is.

Esther Peterson has a long record of close association and cooperation with subversives in working for a controlled economy and destruction of free enterprise.

At the recent hearings, Mrs. Peterson acknowledged her association with the Consumers Union. According to testimony before the House Committee on Un-American Activities in 1938, Consumers Union was formed as a result of a 1935 Communist Party directive to "launch a whole new series of united front organizations dealing ostensibly with the interests of consumers."

Consumers Union has been cited as a communist front by the U.S. Government as well as by the governments of California and Pennsylvania.

While special assistant to President Johnson for consumer affairs, Mrs. Peterson was instrumental in bringing about the formation of the Consumer Federation of America about 4 years ago and became one of its vice presidents. There is a close relationship between Consumers Union and the Consumer Federation of America. It is of interest that when an executive of a large national retail chain asked about becoming a member of the Consumer Federation of America, he was told that his company did not qualify since it had no consumer program and since it was run for profit. So, obviously Esther Peterson is opposed to the profit motive and the free enterprise system.

Many may wonder why a highly intelligent person like Esther Peterson would incite a price war between American farmers and consumers with her false and fraudulent ads attacking American farmers. The reason, of course, is that she wants a controlled society. One step in that direction is complete price controls by the controlling elite class. A clue that this is her purpose is revealed by the statement in her ad that one reason for high meat prices is "livestock prices were not and are not now controlled under the present economic program."

It is also apparent that she would have more controls over our farmers by her false charge that the high prices begin with the farmers and her statement that less meat is reaching the market.

The fact is that livestock prices are indirectly controlled. Corn and feed grains are controlled and have been since 1933. It is as impossible to produce beef and pork without feed grains as it is to play baseball without balls and bats. And Mrs. Peterson knows this. Beef and pork control was the major aim of the original AAA because the card-carrying communists who wrote the act realized fully that our livestock industry was the foundation of American farming. Herbert Hoover once stated that Western civilization was built around and sustained by livestock, particularly dairy cows.

What is the answer to the problem of high meat prices? The answer is increased productivity to meet consumer demands.

The answer is to take the shackles and controls off the farmer. It seems foolish to me that the U.S. taxpayers should pay farmers and other landowners not to produce, while at the same time we import food products from foreign countries. We should reduce food imports by encouraging our own farmers to produce more instead of paying them not to produce. When the farmers receive a fair price for their products, they are encouraged not only to market their cattle but also to increase production with the result that more food is made available to the consumers at lower prices.

History proves that price controls and constraint of and interference with the free operation of the law of supply and demand never stop at half way measures. We must either yield to complete controls or demand and get complete freedom.

I strongly recommend freedom in the American tradition. The food consumer and the food producers are dependent on one another—if one suffers then both are damaged.

CHAIRMAN CLAUDE D. PEPPER CALLS FOR ENACTMENT OF DISTRICT OF COLUMBIA HEROIN PARAPHERNALIA CONTROL LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, the House Select Committee on Crime has made an exhaustive investigation into the heroin paraphernalia trade. Without chemicals to cut the heroin, materials to package it, and hypodermic needles and syringes to inject it, the power of this deadly drug to destroy our communities would be greatly restricted.

On Wednesday, April 12, Chairman CLAUDE D. PEPPER testified before the Judiciary Subcommittee of the House District of Columbia Committee in support of H.R. 8569, legislation to help the government of the District of Columbia to suppress drug paraphernalia trafficking. As a cosponsor of this important bill, I hope swift congressional action will encourage other cities and States to enact their own antiparaphernalia laws.

It makes no sense, Mr. Speaker, to talk of a commitment to fight drug abuse without dealing with all the aspects of the narcotics crisis, including paraphernalia.

I am pleased to share Chairman PEPPER's testimony with my colleagues at this time:

TESTIMONY BY HON. CLAUDE PEPPER

Mr. Chairman and Members of the Subcommittee: Thank you for the invitation to appear today to testify on H.R. 8569, a bill designed to assist the Government of the District of Columbia suppress the drug paraphernalia trade and in so doing, combat the heroin traffic.

I am certain that every Member of this Subcommittee shares my shock and dismay at the epidemic proportions of drug abuse in America today. We must realize the fact that we now face what I believe to be the most serious domestic crisis of the past 100 years. Illicit drugs are directly threatening the mental and physical health of our youth. Drug related crimes are overwhelming the capacity of federal, state and local police in some parts of the United States and the epidemic is spreading fast. Narcotic addicts and drug abusers are seriously impairing the safety of our urban streets, the orderly operation of our court systems, and the capacities of our correctional institutions.

The Select Committee on Crime undertook the investigation of the drug problem after a series of overview hearings held in all parts of the country indicated there was direct relationship between the rise in drug abuse and the rise in crime. The investigation of the past two years has proved that relationship does indeed exist.

We found that the primary danger in the abuse of dangerous drugs, such as amphetamines, barbiturates, and L.S.D., is the mental and physical peril to the abuser. Dangerous drugs are relatively inexpensive, are not distributed in a highly organized manner, and are not physically addicting. The existence of these factors allows the dangerous drug abuser to lead a relatively normal life. However, the absence of these same factors in the case of heroin causes a heroin addict to be inevitably forced into a life of crime to satisfy the overwhelming daily physical need for an extremely expensive drug.

The State of New York has conducted a comprehensive study of the correlation between heroin addiction and crime. Howard A. Jones, Commissioner of the New York State Narcotic Addiction Control Commission, testified that 50 to 60 percent of all the street crimes reported to the police in the State of New York are committed by heroin addicts. Furthermore, The Commission has determined, and I quote, "the street addict is committing 120 crimes for every one that he is being arrested for." George McGrath, then the New York City Commissioner of Corrections, found that 40 percent of the males and 70 percent of the females arrested and jailed in New York City are heroin addicts. Mr. McGrath's percentages represent more than 40,000 people every year.

As you are aware, the District of Columbia has not escaped the heroin epidemic. On October 5, 1970, Dr. Robert L. DuPont, Director of the Narcotic Treatment Agency, testified that 45 percent of those arrested and jailed in the District are heroin addicts, a figure that nearly duplicates the experience of New York City. Since October of 1970, the heroin addiction problem of this city has grown significantly worse. At that time, Dr. DuPont estimated the number of addicts in the District to be 10,000. His current estimate is almost double that number. The Coroner of the District of Columbia reports that drug overdose deaths rose from 23 in 1969 to 83 in 1971, and that 25 died of overdoses in the first two months of 1972.

I believe it is clear that every possible, reasonable and prudent legislative measure must be adopted without delay to combat heroin trafficking. The Select Committee on Crime believes that H.R. 8569 is such a measure.

The heroin traffic is more than merely smuggling, distributing and selling heroin. A complementary trade in heroin paraphernalia is thriving and is essential to the heroin traffic. Allow me to briefly detail for you how the heroin traffic operates and how drug paraphernalia relates to it.

The raw opium harvested from poppies grown in Turkey, India, Iran and other parts of the Near East, is smuggled to Lebanon, France and Italy where it is processed into relatively pure heroin. A United States "importer", often an organized crime syndicate member, can purchase a kilogram of heroin in Europe for about $5,000. The importer, who never sees the drugs, arranges for the heroin to be smuggled into the United States by couriers, often called "mules." The methods of smuggling heroin into the United States are infinitely varied.

The importer sells the heroin to a major distributor called a "kilo-connection" for about $20,000 per kilo. The kilo-connection cuts the heroin he purchases one-for-one, with quinine hydrochloride, lactose [milk sugar], and mannite. By doing this, he doubles the volume and halves the potency of the drug. The quinine is believed to heighten the sensation, or "rush", the addict feels when he first injects the heroin. The lactose and the mannite inflate the volume and weight of the heroin.

The kilo-connection sells the now diluted heroin for $20,000 per kilo to an "ounce man". He also performs a one-for-one cut and divides the aggregate into ounces, each of which he sells for $800 to $900, or more than $56,000 for each kilogram. By this time, the kilo-connection has doubled his money and the ounce man has made a return of more than 150 percent on his investment.

The ounce man sells to one of the most important links in the distribution chain: the "dealer for weight". He controls the flow of heroin within a city or section of a city because he sells to the "pusher" or "street dealer". The dealer for weight is the highest link in the distribution chain to risk arrest. He makes a two-for-one cut and sells in ½ ounces or "pieces" for $600 or $700. The heroin sold to the pusher is only 6 or 7 percent heroin and the rest diluents. The dealer for weight also more than doubles his investment.

The pusher breaks the "pieces" into small portions which he sells to the street addict. Of course, the pusher has also made a cut so the street addict is receiving a substance which typically is 4 to 5 percent heroin. The pusher may or may not be an addict.

The bottom link in the distribution chain is the addict himself. If he can afford it, he may buy 20 or 30 doses from a pusher and sell them to other addicts for just enough profit to support his own habit. Statistics show that 50 percent of a heroin addict's income comes from selling drugs to other addicts.

The pusher prepares the heroin for street sales in a clandestine location known as a "cutting house" or a "factory". In New York City the pushers commonly package heroin in 1½" by 1½" glassine envelopes which the addicts call "bags". In Washington heroin is commonly sold in small No. 5 gelatin capsules which the addicts call "caps". The aggregate weight of a "cap" or a "bag" is about 90 milligrams, of which only 5 milligrams or so is heroin. Because there is so little heroin in each unit, addicts need to inject the contents of many "bags" or "caps" a day to satisfy their habit.

This description of the heroin traffic identifies two categories of material we refer to as heroin paraphernalia; the diluents or cutting agents, and the packages for the heroin such as gelatin capsules or glassine envelopes.

A third category of drug paraphernalia is the needles, syringes, or other devices used by addicts to actually inject heroin into their veins.

Great quantities of paraphernalia are needed to make the heroin traffic go. For every kilo of pure heroin that reaches the street, 45 pounds of diluents are needed. If each of New York City's 125,000 addicts shot only 5 bags a day, the local pushers would need more than 18 million glassine envelopes a month to stay in business. These are rough estimates of course. However, the investigation of the Select Committee on Crime has proved that drug paraphernalia is indeed big business.

Before we can judge what behavior is normal or legitimate. In other words, what are quinine hydrochloride, mannite, lactose, empty capsules and small glassine envelopes used for? How much of each is sold by honest pharmacists and businessmen?

John R. McHugh, director of professional services for Peoples Drug Stores, has an intimate understanding of how the 250 Peoples Drug Stores in the Washington area operate. In his testimony to the Crime Committee, Mr. McHugh said that all of these drug paraphernalia items are so rarely used that Peoples Drug Stores does not even have them in stock in their warehouse. The small gelatin capsules, No. 4 or 5, are of almost no use to a pharmacist because they are "too small to handle". There is absolutely no legitimate reason to sell them empty and in bulk. Quinine hydrochloride was commonly used once to fight malaria. Dextrose and Lactose are used by hospitals for babies' formula. However, Mr. McHugh said there is no legitimate reason to sell these items in bulk.

Mr. McHugh's statements were corroborated in full by Edward D. Spearbeck, Vice President of Drug Fair, who speaks for the 125 Drug Fair Stores.

And what about tiny glassine envelopes? The United States Envelope Co., which was the largest East Coast producer of these envelopes, informed the Committee that this product was intended for such exotic uses as storing small amounts of watch parts, string for pearls, decals, and beads.

With this information as a reference point of legitimate behavior, allow me to relate

what the Crime Committee found in New York City and Washington:

The Committee uncovered a single small store in New York City, called the Harlem Stationery Store, which had purchased 52 million, 1½ by 1½ inch glassine envelopes in 1969 from the United States Envelope Co. This envelope company sold only a total of 152 million of these envelopes that entire year. The owner of the Harlem Stationery Store admitted to a Committee Investigator that he knew these envelopes were used in the heroin trade. The Division Manager of th envelope company acknowledged that the Federal Bureau of Narcotics contacted him in 1967 and explained that their product was used to package heroin. Both the owner of the Harlem store and the officer of the envelope company protested that these glassine envelopes were a "legitimate" item which they had a right to sell with no questions asked.

I should note here, that at the strenuous urging of the Committee, the United States Envelope Company has voluntarily ceased to produce this small size glassine envelope.

The Committee found numerous pharmacies in New York City that are veritable supermarkets for heroin paraphernalia. The owner of the Greene Drug Store for example was selling 200 ounces of quinine hydrochloride a month, 1.2 million glassine envelopes per year, and large amounts of mannite regularly. Although it is usually difficult to estimate the financial gain of this type of profiteer, we learned through the undercover work of a Committee investigator that the Greene Drug Store was selling quinine for $30 per ounce and purchasing it at $4.25 per ounce. This means Mr. Greene was realizing a gross profit of approximately $64,000 per year from this one item alone.

Another New York City store, the Wayde Pharmacy, sold 107 ounces of quinine hydrochloride, 12 pounds of lactose, 24 pounds of dextrose, 32 pounds of mannite, 520,000 small glassine envelopes, and 1,700,000 empty No. 5 gelatin capsules in 1969 alone.

The Federal Bureau of Narcotics and the New York City Police Department were powerless to stop any of these supposedly "legitimate" businessmen from aiding the heroin traffic.

The District of Columbia heroin paraphernalia dealers operate exactly like those we uncovered in New York. However, one of these apparently legitimate drugstores, the Petworth Pharmacy, operated by Richard and Jerry Rosenberg, has been stopped by a criminal prosecution.

The Rosenbergs were arrested and charged with the possession of 36,500 No. 5 gelatin capsules, 384 ounces of quinine hydrochloride, 36 pounds of dextrose, and 125 pounds of lactose in violation of the District "burglar tools" statute, 22 D.C. Code, Section 3601. The Government successfully proved these items of heroin paraphernalia were implements that may reasonably be used in the commission of a crime.

Judge Tim Murphy, of the Superior Court, found the Rosenbergs guilty on September 21, 1971, but had a difficult time in doing so. The defendants advanced strong arguments challenging the "burglar tools" statute as unconstitutionally vague, and the sufficiency of the Government's proof of criminal intent. At the end of his lengthy and thoughtful opinion, which includes an excellent discussion of the heroin paraphernalia trade, Judge Murphy said:

"The report (of the Select Committee on Crime entitled Heroin and Heroin Paraphernalia) suggests that the District of Columbia does not have laws presently on the books which can be used to deal effectively with possession of No. 5 gelatin capsules, quinine hydrochloride, lactose and dextrose. The Court must agree with this view. Although it may constitutionally be used to prosecute for possession of these four items (at least when they are held in large quantities), Section 3601 is, as the case before the Court has illustrated, a clumsy and poor designed statute. If Congress is interested in curbing the traffic in these types of narcotic paraphernalia, it would do well to follow the advice of the Select Committee and adopt a comprehensive and up-to-date narcotic paraphernalia statute. . . ."

Section (a) of H.R. 8569 is intended to jail those who deal in drug paraphernalia intentionally to further the drug trade, to deter those who are tempted to do so, and to educate those wholesalers or retailers who ignorantly or negligently trade in these materials.

However, Section (a) meets a second specific need that was pointed out to the Committee by police officers from the State of Maryland and the District of Columbia. Too often, law officers, armed with a search warrant, enter a heroin pusher's "factory" seconds too late. The heroin has just been flushed down the toilet. All that remain are the tools of the pusher's trade: glassine envelopes or small capsules, quinine, lactose and dextrose. The way the law now stands, the pusher has almost certainly escaped arrest.

The penalty provisions for Section (a), which are contained in Section (c), parallel the penalties provided in the Federal Controlled Substances Act, and the proposed Controlled Substances Act for the District of Columbia (H.R. 11268). The penalty for trafficking in paraphernalia is the same as the penalty for trafficking in the applicable drug. For example, possessing quinine to cut heroin for sale.

Although Section (a) and (b) are primarily directed at the heroin traffic, both have a somewhat broader application. Selling needles, syringes, or other instruments he uses to consume his drugs. Typically, a heroin addict will carry a "kit" consisting of a bent spoon, a needle and syringe or eyedropper, and a bottle cap or "cooker" and other materials. Section (b) provides the same misdemeanor penalties for possession of paraphernalia as defined by Section (a) (1) for personal use as is provided in the Controlled Substances Act for possession of drugs for personal use.

Again, I thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to testify in behalf of H.R. 8569. I will be most happy to answer any questions you may have. The Select Committee on Crime would welcome the opportunity to assist you in your consideration of the drug paraphernalia trade in any way that we can.

CANCER CONTROL MONTH IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, I would like to take this opportunity to call attention to a recent proclamation by William Egan, Governor of Alaska. By proclamation the month of April 1972, has been set aside as "Cancer Control Month." In demonstration of my support of the war against cancer, I submit this proclamation into the RECORD:

PROCLAMATION—CANCER CONTROL MONTH

The American people are launching the greatest attack against cancer in the history of the world. It is estimated there will be 650,000 new cancer cases among men and women of all ages and children this year. Many forms of cancer are curable if detected early and treated promptly.

The American Cancer Society, in addition to support of vital research, alerts the public to cancer's warning signals. Some cancers can be prevented; most lung cancers are caused by cigarette smoking, and most skin cancers by frequent exposure to direct sunlight.

The medical profession must be kept informed of the latest advances in knowledge and nurses must know how best to care for cancer patients. The American Cancer Society provides invaluable aid in rehabilitation services to the cancer patient, improving the quality of survival. The American Cancer Society also provides crucial, flexible support for both laboratory researchers and clinicians.

Therefore, I, William A. Egan, Governor of Alaska, recognizing the significance of the program of education, service, and research of the American Cancer Society, proclaim April, 1972, as

CANCER CONTROL MONTH

in Alaska, I urge all residents of this State to support the efforts of the many dedicated volunteers so that the aim "To Cure Cancer in Our Lifetime" can be realized.

Dated this 29th day of March, 1972.

THE ANTI-AMERICAN PROTESTORS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, the so-called peaceniks that have plagued this country during recent months have now shown their true colors and anti-American sentiments.

No longer content with mouthing praises to Mao, carrying North Vietnamese flags, or desecrating American symbols, the peaceniks have now petitioned the Soviet Embassy here in Washington to "avenge Hanoi and Haiphong" and "send more missiles to shoot down more U.S. planes."

Publicly encouraging American defeat, the People's Committee for an NLF Victory presented a statement to Russian First Secretary Nikolay Popov which read in part:

We recognize that the use of Soviet armaments will result in the destruction of American bomber crews, but these crews, unlike the men who have been forced or duped into serving in the Armed Forces, are volunteers *who must bear the consequences of their actions.*

Mr. Speaker, it is time for the Congress to take action to stop these immoral acts of treason on the part of disloyal Americans who would hide behind the veil of supposed innocent idealism.

A related newsclipping follows:

[From the Washington Post, Apr. 20, 1972]

SHOOT DOWN MORE U.S. PLANES, U.S. PROTESTORS URGE SOVIETS

(By Paul Valentine)

In a new antiwar development here, about 20 American radicals yesterday formally asked the Soviet government to boost its military aid to North Vietnam and the National Liberation Front (NLF) to help defeat American forces in Indochina.

"We encourage you to continue and increase your aid," the group said in a statement issued at the Soviet Embassy, 1125 16th St. NW.

Calling itself the Peoples Committee for

an NLF Victory, the mostly youthful group stood in front of the embassy for a half hour holding signs saying "Avenge Hanoi and Haiphong" and "Send More Missiles to Shoot Down More U.S. Planes."

One participant, who identified herself only as Kathy Lewis of Washington, met briefly inside the embassy with first secretary Nikolay Popov and presented the group's petition.

The action came amid growing reverberations throughout the country against the escalated U.S. bombing of North Vietnam. War protest activists said it marks the first time that any faction of the broad-based American antiwar movement has publicly encouraged American defeat in Indochina.

"We recognize that the use of Soviet armaments will result in the destruction of American bomber crews," the group's statement said. "These crews, unlike the men who have been forced or duped into serving in the armed forces, are volunteers who must bear the consequences of their actions."

Heretofore, public antiwar sentiment has ranged from the neutral pacifism of Quaker groups to generalized sympathy for North Vietnam by various socialist factions.

The National Peace Action Coalition (NPAC), one of the largest antiwar umbrella organizations, for example, consistently has urged only immediate American withdrawal from Indochina. Several local NPAC activists privately voiced disapproval of the strategy of the group at the Soviet Embassy yesterday.

Members of the Peoples Committee group have few formal affiliations but are loosely associated with various freewheeling local communes such as the underground Quicksilver Times newspaper and the Breadbox Collective.

Henry Schoenfeld, an attorney accompanying the group at the embassy yesterday, said many antiwar activists "are afraid to support the other side . . . but the continuous mass murders committed by American bombers have made it impossible for some of us to stand by any longer."

Elsewhere yesterday, activists on local university campuses continued efforts to organize classroom boycotts and a general students strike for Friday.

The strike, sought by the Student Mobilization Committee and the National Student Association, would be a prelude to mass antiwar rallies scheduled by NPAC on Saturday in New York and Los Angeles.

An organization calling itself the Lawyers Action Coalition is planning a march here Saturday at noon, from Union Station to the Ellipse.

EARTH WEEK 1972

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, Earth Week 1972 provides an opportunity for all citizens to reaffirm the Nation's commitment to work toward a healthy and self-sustaining environment. Two years ago we celebrated Earth Day, this event beginning the annual series now known as Earth Week. This first event reflected a newly emerged national awareness, a budding concern with little in the way of national policy to give it meaning. Only 2 years removed, the hope is becoming a reality. In this short timespan we have made great strides in buttressing the environmental awareness with the machinery of laws and regulations so necessary to eventual success. It can happily be stated that Earth Week 1972 signifies but one element—though an important one—of a comprehensive public policy that seeks, in the words of the National Environmental Policy Act, to "encourage productive and enjoyable harmony between man and his environment." The activities that will occur during Earth Week 1972 in special ceremonies and classrooms throughout the country will pay homage to our continuing efforts to achieve this harmony.

While there are indications that significant progress has been made—and for this reason much to celebrate—Earth Week 1972 is in a sense more important and more critical than the observances in the past. The very progress of our involvement in pollution control has served to bring home the fact that at least some sacrifices on the part of the citizenry may be necessary if we are to achieve our goals. And after centuries of abuse of the environment this is no more than should be expected.

A recent Government report estimates that around $70 billion will have to be spent on air and water pollution control over the next 5-year period. This will amount, however, to only just over 1 percent of the increase in GNP over the same period. About one-fourth of the $70 billion will come from the public sector and the rest from the private. In regard to the private contribution, it is expected that it will have only a minimal adverse impact on employment and prices.

In addition, if our objectives are to be realized, there may need to be a cutback in the rate of growth of consumption of some commodities whose use has adverse environmental consequences. Energy consumption is a prime example. It is estimated that the demand for electrical power by the end of the current decade will double from its current level. Yet environmental regulations may prevent the use of our plentiful—but sulfur rich—coal deposits. Secretary of the Interior Morton has recommended the adoption of an "energy ethic" that would establish a national policy on the conservation of energy.

These various costs, if equitably shared by all, will not pose an unreasonable burden. Thus, we must not let the imposition of some sacrifice cause our resolve to waiver. At this critical juncture, we must not slacken off the pace.

There will be those, of course, who persist in dismissing the environmental concern as a fad; and there will be those who will voice approval as long as they think they are getting "something for nothing." But there is evidence that the majority of Americans—cutting across party and economic lines—not only realize that there will be a cost but are willing to see the job through. A recent Harris poll found that most people are willing to pay a $15 per year tax to finance Federal programs in air and water pollution. The poll showed, in addition, that support has been increasing over time. This is further corroborated by the overwhelming success throughout the country of referendums on bond issues that would finance pollution abatement activities.

Therefore with the somber realization of the possible sacrifices involved, we must as a Nation reaffirm our commitment to protect the environment and in so doing set an example for the nations of the world to follow. As President Nixon stated in proclaiming Earth Week, 1972:

> If man is to preserve the natural heritage upon which his survival and the quality of his life depend, he must make resolute choices and fix uncompromising priorities.

We have made, and are making, what we trust are resolute—and reasonable—choices. During Earth Week 1972 let us reaffirm our priorities in moving toward the restoration and protection of our environment.

SATELLITE COMMUNITIES: A PROPOSAL FOR A NEW HOUSING PROGRAM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MIKVA. Mr. Speaker, every once in a while we come across a perceptive analysis of a problem which shakes up our conventional attitudes and assumptions and frees our minds for fresh understanding of things we thought we already understood.

Just such an article appeared recently in the Center magazine. It is entitled "Satellite Communities: Proposal for a New Housing Program," and was written by Mr. Bernard Weissbourd, an expert in the housing field who is president of Metropolitan Structures, Inc., of Chicago and is also a member of the board of directors of the Center for the Study of Democratic Institutions in Santa Barbara, Calif.

Mr. Weissbourd points out how misguided our present programs and planning are, resting as they do on false assumptions about future population growth and housing markets. He goes on to explore a challenging new approach to dealing rationally with the future development of our urban centers, primarily through the establishment of satellite communities and new towns in town. Underlying his discussion of urban development is a keen awareness of the central importance of breaking down racial barriers in the housing market and in residential housing patterns.

Mr. Weissbourd's vision of the future is keen, and his analytical scalpel deftly wielded. He leaves us with much-needed hope for the future improvement of our urban condition, tainted only by the sad realization of how far behind the times is the thinking of present policymakers in the field of housing and community development.

I am pleased to commend Mr. Weissbourd's stimulating article to my colleagues, in order that they may share his optimistic vision of the future, and in the hope that our legislative efforts in this area will be improved as a result

The text of the article follows:

SATELLITE COMMUNITIES: A PROPOSAL FOR A NEW HOUSING PROGRAM

(By Bernard Weissbourd)

The term "urban crisis" has different meanings to different people. Those most immediately affected by hunger, lack of health services, unemployment, poor education, and housing shortages are the black and the poor—and their neighbors. Problems of air and water pollution, traffic congestion, and municipal finance, on the other hand, clearly affect everyone in the metropolis—whether he lives in the suburb or in the city. But to the poor these problems are not as immediate as their poverty. The "urban crisis" has a significantly different impact on different segments of the population, living in different sections of the metropolis. The severity of the problems also varies widely between metropolitan areas. In general, it is directly proportional to the size of the population, the growth of the population, and the size of the ghetto.

What strategies can we employ to combat these pressures? Financial aid to the cities, either by means of revenue-sharing or through the federal government's bearing a larger share of expenditures for education and welfare, will certainly be essential. Unwieldy governmental machinery will have to be bypassed, since problems of this urgency will not wait for the reorganization of fragmented governmental jurisdictions.

The program proposed here focuses on the problems of migration, pollution, transportation, unemployment, and segregation. Specifically, it recommends that:

The federal government, in cooperation with the states, should embark upon a land-acquisition program for new satellite communities. Acquiring enough land in the metropolitan areas where the problems are the greatest to accommodate half of the population growth expected by the year 2000 would require the surprisingly small investment of less than three billion dollars. If the land were properly located, this investment would yield a profit, unlike other governmental housing programs, which are typically operated at a loss.

Antidiscrimination laws should be affirmatively enforced through the lending policies of the F.H.A., V.A., and federally insured savings and loan associations and through the denial of federal funds to builders of segregated developments.

Existing federal subsidies for housing should be redirected toward families earning between six thousands dollars and twelve thousand dollars a year, and income limits on persons eligible for subsidized housing in satellite new communities should be removed.

An income-maintenance program should be established for lower-income people to assist them in buying or renting older housing.

The federal government should provide funds to rebuild substandard central city areas, perhaps as "new towns-in-town," after making a sufficient number of new homes available through the new satellite communities program. This would assure immediate accommodations for those displaced from the buildings to be demolished.

The heart of this program is the acquisition of land for new satellite communities which would house part of the population growth of selected metropolitan areas. The need for new communities is now widely acknowledged, although there is widespread confusion regarding their fundamental purpose as well as their financing, location, and size.

For example, David Rockefeller has called for a ten-billion-dollar private corporation to build satellite new communities on land acquired through the aid of a federal land corporation. *The New City*, a book produced by an impressive group of senators, congressmen, and national organizations of cities, counties, and mayors, advocates:

". . . financial assistance . . . from the federal government to enable the creation of one hundred new communities averaging one hundred thousand population each and ten new communities of at least one million in population."

Moreover, the Congress has passed new legislation authorizing federal loan guaranties for financing new communities. This new legislation identifies four types of new communities as eligible for federal assistance: satellite communities (on the outskirts of existing metropolitan areas as an alternative to subdivision development), urban growth centers (additions to small towns and cities), new towns-in-town (within central-city areas), and independent new cities unrelated to metropolitan areas that are already in existence.

Yet, the Congress, by enacting legislation providing funding for all four kinds of new communities, has avoided answering such basic questions as: What are the fundamental purposes of new communities? What kinds and sizes of new communities are most urgently needed? Where should they be located? The program proposed here is based on the conviction that new communities developed under current legislative policies will be located in the wrong places, will be too few, and only a small percentage of them will be desegregated.

I propose to show that while we need new communities for many reasons, their most important function is as part of a desegregation strategy that deals realistically with race and class; that we need satellite new communities rather than isolated new towns; and that the federal government should begin now to acquire the land for these new satellite communities instead of continuing to guarantee loans for private land acquisition. Finally, I propose to identify those metropolitan areas with the greatest need—where the land should be acquired for satellite new community programs significant enough to have an impact on the ghetto.

DESEGREGATION—RACE AND CLASS

The 1970 census returns demonstrate all too clearly that the dire prophecies of black inner cities encircled by white suburbs are being fulfilled. At least four major American cities, Atlanta, Newark, Gary, and Washington, now have central cores that are over fifty percent black. In addition to these, seven other cities have black ghettos of more than forty percent of the central city population. One reason is the flight of white population from the central cities. In Chicago, for example, the white population declined by more than half a million between 1960 and 1970; in Detroit there was a decline of 345,000 during the same period. The other factor, according to the Bureau of the Census, was that the "increase in the black population of the central cities proved to be both large and widespread, thus changing the racial mixture substantially." Though this situation is recognized as critical, most current proposals fail to deal realistically with political obstacles resulting from attitudes toward race and class.

Before addressing ourselves to this question, let us turn our attention toward another aspect of the problem. It has now become commonplace to recognize that the new suburbs are also the location of the new jobs, particularly the new industrial jobs, since industries find it more economical to build single-story plants on cheap suburban land than to build multistory plants on expensive city land. Only office jobs are increasing in the cities, and this trend is expected to continue. So we daily witness the remarkable phenomenon of inner-city blacks filling the expressways en route to their industrial jobs in the suburbs while, at the same time, suburban whites are fighting traffic in the opposite direction to get to their office jobs in the cities. This is a consequence of the separation of place of work from place of residence carried to absurdity.

The core of the problem is race. Black people need places to live near their work, yet white suburbia's level of anxiety at the prospect of an influx of black neighbors was expressed by President Nixon when he opposed Secretary Romney's proposal for using federal funds to open up the suburbs by calling it "forced integration"; and there are voices within the black community advocating total separatism

The strong resistance of white suburbia to the acceptance of black neighbors, in large part, is based upon a fear of inundation by an alien culture. Each suburban community fears that, if it becomes the first of its neighboring areas to welcome blacks, it will become the central focus of the entire black migration Given this white resistance and the understandable reluctance of black families to move into an inhospitable environment, legal and legislative efforts can open up the suburbs to only a few highly motivated black families intent upon securing better housing, better jobs, and better education for their children. Large numbers of black families will not be affected nor will the lower-class or the unemployed

Nevertheless, overcrowding in the ghetto and the resulting pressure on the white neighborhoods adjoining it must be relieved. Where housing is scarce and segregation prevails, the growing black population can only expand into the adjoining white neighborhoods. Block by block, as these white residents are squeezed out of their neighborhoods, they tend to reassemble in other ethnic or cultural enclaves farther out, which become that much more resistant to any black entry.

Land is scarce in the city, and urban renewal has destroyed more housing than it has created. It is very difficult to reproduce the high density of our ghettos except by building high-rise apartments—very high; these are now generally considered by ghetto residents as undesirable places to raise their children. The only land available, then, for housing the growing black population of our cities—if they are not simply to displace their white neighbors—is in the areas next to be developed at the suburban fringes or on inner-city industrial land no longer suitable for industry. Once population pressures in the ghetto have been relieved through new construction in out-lying areas, our inner cities can be rebuilt. London, for example, built new towns before the East End was cleared so that the residents of the East End had someplace to go before their homes were destroyed.

There is still another aspect of the situation that should not be neglected. Besides simply relieving the overcrowding in the ghetto it is also necessary to speak to the condition of despair in which most of its inhabitants find themselves. Satellite new communities provide an opportunity for white America to convince black America that there is someplace in the United States where there can really be hope, where Americans put into practice the ideals we profess, where there are good jobs, good housing, and a good education for children. Many black Americans may prefer to stay where they are, rejecting the new communities and the racial mixture they offer; but they would still be aware that this opportunity exists if they choose it.

Black separatists argue that the growth of black majorities in our cities will increase both the political and the economic power of the black community. There is certainly strength in this position. The business communities which occupy the center of those American cities with populations over forty per cent black will have to learn how to cope

with this reality. On the other hand, it would not seem plausible that the separatist movement would deny that same choice of environment to blacks that the majority society has always enjoyed. In any case, white society now has the power to open the way for black occupancy of homes in the suburbs and in new communities, and, if it is used, blacks can choose whether or not to live there.

Historically, the ethnic neighborhood functioned effectively as a place where the immigrant could adjust to the New World while he preserved his own culture and roots. His children usually became part of the majority culture. It is glaringly obvious, however, that this process is not operating for black people and that the barriers to upward mobility are greater for them than they were for the Irish, Italians, Jews, and other groups. Limited progress does occur, of course. Opportunities for employment and education are expanding, but the increasing ghettoization of black people is an insurmountable barrier to their entrance into the larger society unless it can be somehow revised.

We will be confronted for many years to come with a situation in which a number of central cities will be dominated by black groups. This means that one route for the black community will be the development of their own economic and cultural institutions, depending on this own initiative and on negotiations with white people having economic power in the city. Here an analogy to the biculturalism of Quebec might be relevant, where the French majority faces an English minority holding economic dominance.

An alternative route for black advancement lies in desegregation and the accompanying improvement in education, employment opportunities, and housing that a desegregated society can provide. The term "desegregation," however, does not imply that every street or apartment building has black residents in precise proportion to the total population. Obviously, economic status, distance from work, arbitrary personal preferences (including those based on race), and many other factors will continue to affect where and how people choose to live. Desegregation does require, however, that black people have the same opportunities to make choices that white people have. We must continuously be reminded that the success with which we develop an environment that will close the unconscionably wide gap between the opportunities available to black and white people will not only determine the future of many of our cities, it will also have an enormous influence on our national character and on our international relationships.

Any desegregation strategy must begin by making a proper distinction between race and class. This distinction has long been blurred, perhaps deliberately. For years the executive branch of the government "sold" Congress on housing legislation without ever mentioning the word "black." It was considered wiser to talk about "poverty," and the fact that there are twice as many poor whites as there are poor blacks in the United States.

President Nixon's statement of policies relative to equal housing opportunities has been attacked because of its lack of commitment to racial and economic integration. However, the statement deserves to be read in its entirety because, for the first time, the executive branch of the federal government has made the important distinction between racial and economic integration and has recognized the difference between opposition to building low-income housing in wealthy suburban areas and the movement of relatively affluent black families into those same suburbs.

Anyone with any experience in leasing apartments or in selling homes knows that it is much more difficult to mix different economic classes than to mix different races in this country. The 1970 census shows, in fact, that we are getting some small mixture of middle-income black and white families in suburban areas, and there are numerous examples of integrated buildings and neighborhoods in the cities. However, comparable examples of economic integration of rich and poor are rare.

The President's statement also acknowledges for the first time the role that the Federal Home Loan Bank plays in the housing market through its regulation of savings and loan associations. Almost all present financing for new homes and apartments involves the federal government in one way or another. About half of the outstanding mortgage debt on single-family homes is either F.H.A. or V.A. insured, and most of the balance is financed by savings and loan associations with deposits insured by the federal government and investments regulated by federal law. The remaining factor in home and apartment mortgage financing is the life insurance companies, and they most certainly would coöperate with any Equal Opportunity Program affecting the F.H.A., V.A., and savings and loan associations. If these lenders or loan guarantors were to provide funds only for equal opportunity developments, almost all new construction of homes and apartments would be desegregated, just as equal opportunity employers have partially succeeded in desegregating the work force.

It will be necessary, however to design separate programs for different income groups. Only families earning more than ten thousand dollars per year are able, at current market prices, to afford new homes or apartments outside the South. In the northern and western metropolitan areas approximately thirty-two percent of all black families earn more than ten thousand dollars a year, as compared to fifty-two percent of all white families. This means that in a metropolitan area with a population which is, say, twenty percent black (though most, of course, have a smaller percentage of black families), approximately thirteen percent of the total families who could afford to move into suburban areas might be black.

However, because the white families are already there, and because black families might hesitate to move into a potentially hostile environment, a much smaller percentage of black families can be expected to purchase or rent new housing in already built-up areas or in traditional suburban subdivisions, even with a free housing market. Since the percentage is likely to be relatively small, any action taken by the federal government in relation to open housing should not arouse enormous fears. Experience suggests that such a mix would be stable. Moreover, the fact that practically all new developments would have to be equal opportunity developments under such a plan means that no single development would run the risk of becoming the focus of more extensive change. Builders would be able to prove compliance by demonstrating that they have, in fact, sold or rented to black families or show that they have unsuccessfully advertised for, and have not discriminated against, them. Thus a modest degree of racial desegregation would be achieved; it will not, however, produce any substantial amount of economic mixture, since only families earning more than ten thousand dollars a year would be involved.

RACIAL AND ECONOMIC BALANCE

To facilitate the housing of black industrial workers near suburban plants other programs will be needed. This may be a more difficult goal because of the greater resistance to mixing economic classes than to mixing races. A better opportunity for achieving racial and economic heterogeneity is offered by new satellite communities. Desegregation here would signify real options in terms of where and how people want to live. Given a choice of locations in new communities, it is quite possible that people would sort themselves out: some into white neighborhoods, some into black, and some into mixed. It is also possible that some management people living in the new communities will isolate themselves from the factory workers, while others will prefer to mix with them. These options must always be kept open, because the principle of free choice is quite as important as any of the other concepts discussed here.

Housing middle-income people and industrial workers in new satellite communities will require some form of subsidy, since some of them may be earning only about six thousand dollars a year. This means that such a family can afford little more than $125 a month for rent. Of all black families living in the North and West, sixty-five percent earn at least six thousand dollars a year, as compared with seventy-nine per cent of all white families in those areas. This means that in a metropolitan area with a population, say twenty percent black (again this figure is larger than average), approximately seventeen percent of the total families who would move into such new communities would be black. Experience, again, indicates that such a population mix in new communities would be stable. However, even though black families would be welcome in such new communities, in contrast to the hostility of the existing suburbs, it is doubtful whether the percentage of blacks, at least in the initial phases of the program, would be as high as seventeen percent.

Income groups earning less than six thousand dollars a year present an entirely different problem. It is possible that the best way to deal with poverty is with money. Income maintenance or some form of negative income tax might be more effective answers to the problems of low-income families than housing subsidies. People in this income bracket may prefer to select older housing, spending a larger proportion of their total income on other necessities. If we are interested in achieving some degree of economic heterogeneity, new communities should then be prepared to accept their share of the new housing for this group in proportion to their presence in the metropolitan area as a whole.

The results of this program are likely to be that a small percentage of relatively affluent black families will live in the same suburban neighborhoods as white families of a similar economic level, in new housing. A larger percentage of both working-class and affluent black people will live in desegregated new satellite communities with whites of the same economic status. Poor families, both black and white, will live largely in the older housing and apartments, with a small percentage in new homes and apartments and in new satellite communities.

High-rise public housing, on the other hand, should be reserved exclusively for adults—either the elderly or young single or married people without families. The buildings are adequately constructed and can be utilized in much the same way as luxury high-rise apartments, by adults. For large families, income maintenance might permit them to buy older housing, preferably in a neighborhood with good schools, or provide a much more suitable environment for the children.

This approach is the opposite of the one we are now pursuing. We have for some time been providing new housing for poor people through public housing projects and for the relatively affluent through government subsidies for single-family homes. Instead, we should be providing new housing for middle-income people earning between six thousand dollars and twelve thousand dollars a year and allow those with lower

income to acquire older housing through income maintenance. People with incomes over twelve thousand dollars can afford their own housing, subsidized as at present through special income tax treatment of home ownership.

What has been proposed, then, is a four-point program:

Affirmative action to enforce antidiscrimination laws through F.H.A., V.A., and federal savings and loan association lending policies so that black families able to afford single-family homes can move to the suburbs.

Housing subsidies for middle-income people earning between six thousand dollars and twelve thousand dollars a year to enable them to afford new housing in new satellite communities.

An income maintenance program for lower-income people so that they may be able to purchase suitable older housing.

A new satellite communities program offering housing of varying price range in a choice of black, white, or racially mixed neighborhoods.

THE HIDDEN COST OF SUBSIDIES

The federal government pours at least ten billion dollars a year in direct or indirect subsidies into the housing market. The federal budget directly allocates approximately four to five billion dollars a year to housing, including appropriations for urban renewal, public housing, mortgage loan interest, subsidy programs, etc. This figure, however, does not include rent payments made for welfare recipients, which are indirectly financed by the federal government through matching funds to the states (in New York City alone these costs amount to eight hundred thousand dollars a year). The federal budget figure also does not include the major benefit involved in the whole system of F.H.A. and V.A. mortgage guaranties, nor does it include the funds supplied by the savings and loan associations, which have financed the large portion of so-called "private" housing development. By insuring deposits in savings and loans and requiring them to invest these funds in home mortgages, the government has made available a continuing supply of money to the housing market at a lower interest rate than could be obtained in a competitive money market. It would be difficult to calculate the extent of this benefit.

The outstanding mortgage debt, however, of the savings and loan associations exceeds $160 billion, and the outstanding F.H.A. and V.A. guaranties represent an even larger amount. If the interest differential is one percent, the benefit involved amounts to more than three billion dollars a year. The over-all cost to the government of its borrowings may be increased by these loans and guaranties, but to a degree next to impossible to measure.

To these subsidies must be added the cost to the federal government of the loss of revenues deriving from its tax treatment of home ownership. The deductions allowed home owners for mortgage interest payments and real-estate taxes is another form of subsidy. It has been estimated that, in 1966, the deductions for mortgage interest reduced revenues by $1.6 billion, and those for property taxes caused a reduction of $1.4 billion. It is also estimated that the failure to tax the value of occupying a home (imputed income) reduced revenues by four billion dollars. The total revenue lost to the federal government by special tax treatment of home ownership, therefore, amounts to some seven billion dollars a year, or more than the total amount in the federal budget earmarked for housing. Perhaps this analysis reflects a rather extreme point of view. However, if we were to follow the example of the Canadian government, which does not tax imputed income but does not allow the deduction of mortgage interest or of property taxes either, the gain in revenues would amount to three billion dollars a year.

Perhaps an example will clarify what is meant by "imputed income." If a home owner has a house worth thirty thousand dollars on which he has a mortgage of twenty thousand dollars his equity investment is ten thousand dollars. If that investment had been invested instead at eight per cent interest, it would be earning eight hundred dollars a year on which a taxpayer in the forty-per-cent bracket would pay $320 in income taxes. However, the home owner has a return on his ten-thousand-dollar investment of the privilege of occupying his own home, for which he pays no tax. This annual value is known as "imputed income."

The inequities involved in this arrangement are manifold. For example, the more expensive the house the larger the tax benefit of home ownership. If the home owner, on the other hand, were to decide to rent his house to another family, he would have to pay income tax on the amount by which the rent received exceeded his mortgage payments, operating costs, and real-estate taxes, except for the special tax treatment for depreciation of real estate, which in the early years will also make his eight-hundred-dollar to one-thousand-dollar return on his investment tax free. Instances of such special tax treatment exist throughout the tax laws. The investment credit for new plants and equipment is a comparable example.

My aim is not to reform the tax laws but rather to emphasize the size and extent of the subsidies available to home owners and landlords in the form of tax benefits as compared with the subsidies for moderate-income housing, where a three-per-cent interest subsidy on a sixteen-thousand-dollar mortgage amounts to only about $480 a year. Its after-tax value to a taxpayer in the forty-per-cent bracket, however, is only $192 a year, or considerably less than the subsidy to the home owner or landlord owning more expensive property in the example above.

It will undoubtedly take a major effort to organize and rationalize the whole subsidy system in the housing market. I am not suggesting that we do away with income tax deductions for mortgage interest and real-estate taxes or for depreciation. I am rather suggesting that we try to understand their impact on the housing market and make sure that comparable subsidies are made available to lower-income people as well.

Unfortunately, many people become quite moralistic when subsidies for the poor are concerned, and tend to worry about the problem of cheating. The opportunity to cheat is built into many of our housing programs when they specify minimum income levels. If a man's family is likely to be evicted from its apartment when his income increases, he is very likely either to avoid making more money or to be somewhat uncommunicative about the fact that he does. Such income limitations should be abolished in satellite communities. If a person earning more money still wishes to live among his lower-income neighbors, he should be encouraged to do so for the sake of economic heterogeneity. If he goes out and buys a home or rents a more expensive apartment, he is receiving another kind of subsidy, in any event. Furthermore, eliminating such income limitations will aid in overcoming racial prejudice. Experience has shown that the best way to encourage desegregation is to offer a bargain. Such integrated developments as Prairie Shores in Chicago and St. Francis Square in San Francisco have largely been successful because they offered well-designed apartments at a little less money. This policy creates a waiting list of potential tenants who are more concerned with getting in than they are with who lives next door.

Of the ten billion dollars that the federal government is spending in the housing market, a large portion has the effect of encouraging white home ownership in the suburbs and public housing for black people in the inner city. In other words—whether intentionally or not—it has resulted in increasing segregation. If we really were to decide to use these funds for the opposite goal, we could—within a decade—create many desegregated new communities, decrease overcrowding in the ghetto, reduce the pressure on its adjoining white neighborhoods, and encourage some black families to move into what are now all-white suburban areas.

Specifically, satellite new communities should receive a priority in the allocation of federal subsidies for low- and moderate-income housing in order to make it possible for everyone who works in the new community to live there. The amount of subsidy should vary with the income of the home owner or renter, so that no more than twenty-five per cent of his income is required for rent or mortgage payments.

NEW COMMUNITY OPTIONS

Why should we build satellite new communities? Why not consider a low- and moderate-income housing program in suburban locations instead? The fact is that the present level of resistance to the construction of such housing in already established suburban areas is so great that it is unlikely that very much low- and moderate-income housing will be built there. In bypassing these areas and creating new satellite communities on the vacant land beyond, the political opposition to desegregation is significantly reduced. Furthermore, building in such outlying areas where vacant land is still available requires a scale of development for roads, sewer and water, and other amenities, at least on the level of the planned unit development and approaching the scale of satellite communities, in any event.

Most of the advantages of new communities have been fully described elsewhere, so only a brief list will serve our purposes here. New communities offer options for living in black, white, or mixed neighborhoods; they can provide an integrated school system; they open up opportunities for employment in the new suburban industrial plants; they reduce automobile traffic by allowing people to live near their work, thus lessening air pollution and the drain on our diminishing oil resources.

Certainly, satellite new communities provide an organizing idea which permits the planning needed to rationalize our transportation systems as well as our land use. Furthermore, only in satellite new communities will it be possible to aggregate the housing market efficiently in order to make industrialized housing feasible while their higher density would permit us to protect the environment by saving land and preserving open space. Definite financial benefits would result from federal land acquisition for new satellite communities, and these savings could be channeled into housing needed to accommodate population growth and replace substandard housing.

As mentioned earlier, influential proponents of new communities have called for ten new cities of one million people each and one hundred new towns of one hundred thousand each. It is thought that a population of at least one hundred thousand is required in order to sustain the services necessary to a self-sufficient community. Satellite new communities, however, need not be self-sufficient since they can depend on the central city for many of these necessary services. Consequently, they might be as small as eight thousand to ten thousand people—i.e., neighborhood size, large enough to sustain an elementary school, community center, nursery, convenient shopping center, service station, recreational facilities, and other local amenities. Such neighborhoods exist in the new towns of Färsta and Vallingby, near Stockholm, and in Tapiola, outside of Helsinki.

These are largely town-house and apart-

ment communities as opposed to single-family homes, which are more characteristic of new communities in the United States. If one of the purposes of satellite new communities is to house the workers employed by outlying industries, they will have to consist partly of town houses and garden apartments, since only persons earning at least ten thousand dollars a year can afford new single-family homes in the northern and western United States at today's prices. However, these town houses and apartments could be sold as condominiums rather than rental units, if ownership is the desired goal.

Though satellite new communities might, in some instances, consist of as few as eight thousand to ten thousand people, in others larger populations are desirable, particularly if desegregation is our goal. Communities consisting of four such neighborhood units, or approximately thirty-five thousand people, could offer a choice of white, black, or integrated housing, with an integrated school system as well as other community activities.

Moreover, a satellite new community of thirty-five thousand people could be linked to the central city and to other similar communities by mass transportation. This becomes even more feasible if the town houses and apartments are centrally located near the mass transit station or bus stop, with single-family homes surrounding this central core. Such concentration of population at mass transit origins and destinations is necessary if it is to be workable at all.

Even larger satellite new communities are possible, though it is generally true that the larger the community, the more difficult the land acquisition process. Evanston, Illinois, an old suburban community, for example, has a population of eighty thousand and a school system which is integrated without excessive busing.

In metropolitan areas with very small black populations, like Minneapolis and Seattle, other means of desegregation are possible, so that satellite new communities there might be as small as eight thousand people. In those areas with large black populations where desegregation is a primary goal, new communities might better be built for thirty-five thousand people or more.

Very little land is required for a satellite new community of eight thousand to ten thousand people. Three thousand dwelling units at a modest apartment density of twenty units to the acre could be built on only 150 acres of land. An additional twenty acres could easily accommodate a school, shopping center, and other community facilities. In most metropolitan areas, tracts under two hundred acres are relatively easy to assemble. At mixed town house and apartment density, such a community might require four hundred acres; if four such neighborhoods are joined together to create a community of thirty-five thousand people, 1,600 acres would be more than adequate. Another four hundred acres could provide space for a high school, additional recreational facilities, and for industrial and commercial uses. However, in most metropolitan areas tracts as large as two thousand acres are usually quite difficult to assemble. In most places the government's power of eminent domain will be necessary to assemble the land for satellite new communities.

A community of forty thousand people on two thousand acres provides a density of twenty persons to the acre. The city of Chicago (including all of the land devoted to offices, industry, commerce, recreation, and other uses) has a density of more than seventy persons per acre, or more than 3.5 times as dense. Older suburbs of Chicago, like Berwyn, Cicerco, and Evanston also have much higher densities, i.e., thirty persons to the acre, with mixed residences including single-family homes, duplexes town houses, and apartments. Even some of the newer subdivisions built since World War II and consisting entirely of single-family homes have similar densities.

The lower density of twenty persons per acre has been chosen to demonstrate that, even at this low density, only one million acres of land will be needed for a satellite new communities program accommodating half of the expected growth in selected metropolitan areas during the next thirty years. The cost of acquiring this land at three thousand dollars per acre (the land for both Reston and Columbia was purchased for about $1,500 an acre) is only three billion dollars. So, if we build at higher densities, less land and less money will be required; if the land can be purchased for less than three thousand dollars an acre, a further saving can be obtained.

Half the expected population growth between 1970 and the year 2000 in thirty-eight selected metropolitan areas amounts to twenty-one million people. These selected metropolitan areas account for over eighty-five percent of the population, eighty-seven percent of the black population, and ninety percent of the population growth in all metropolitan areas of over five hundred thousand people. A more modest but more concentrated program involving twenty-four selected metropolitan areas would account for seventy-two percent of the population, eighty-three percent of the black population, and seventy-two percent of the population growth in metropolitan areas of over five hundred thousand people. These, then, are the metropolitan areas with the greatest degree of segregation, the greatest pressure on the environment, and the greatest problems resulting from size.

The more modest program would require eight hundred thousand acres in these selected areas for new satellite communities. This land could be acquired for less than $2.5 billion spent once, as opposed to the federal government's annual expenditure, both direct and indirect, of ten billion dollars for housing.

LAND ACQUISITION

I have suggested that the federal government, in cooperation with state agencies, acquire one million acres of land in certain metropolitan areas for satellite new communities. In addition to the value of early land acquisition to a satellite new communities program, the estimated three billion dollars required for this investment could be expected to yield a profit to the government.

Private land acquisition for new community development can presently be financed through federal loan guaranties. It appears that a number of such projects will be undertaken if only as a result of the rather favorable terms offered. The major flaw in this approach is that the land best suited to the development of new communities is seldom available under a single ownership and cannot be assembled without invoking the government's power of eminent domain. Consequently, many of these new communities will not be located where they are most needed. Moreover, piecemeal new community development competes with ordinary subdivision development, which makes desegregation difficult.

A bolder strategy is needed. If the federal government were immediately to acquire the land required for new satellite communities, many of the worst fears would be allayed. As David Rockefeller notes, a federal agency with "powers for planning and obtaining sites for new towns" might "perhaps provide guidance in terms of national land use planning." Whether the federal agency involved is part of the executive branch of the government or is a separate entity altogether, such as the T.V.A. (which I tend to prefer), the land should initially be acquired and *owned* by that agency. When land is privately owned, local zoning and building codes hamstring the development of new communities. This problem, however, tends to disappear when the new satellite community is part of a federal "enclave."

Local authorities, of course, should be involved in the process of planning the location of new communities. Perhaps the best agency for coordinating local with area-wide planning is the metropolitan area planning authority, which exists in nearly every major metropolitan area. In the Chicago area, for example, most federal grants to municipalities in northern Illinois must first be approved by the Northeast Illinois Planning Commission in order to show compliance with the commission's guidelines.

The profits to be made from a land acquisition program can accrue to the public's benefit. Private real-estate investors now reap the profits from increased land values created by public construction of subways, bridges, roads, airports, sewer plants, and other public utilities. Advance knowledge of highway interchanges creates instant fortunes in real estate. If land value profits created by public expenditures are recaptured for the public benefit, they can be reinvested in various aspects of new community development. In England, for example, land investments for new towns have nearly all been profitable for the government, although private investors in this country might expect a higher return.

The actual development of new communities, unlike land acquisition, should be accomplished by private developers rather than by the government. Urban-renewal procedures might serve as a model here, although we might experiment with other mixtures of government and private responsibility. Land for urban renewal is acquired by a public agency which also plans the major streets, public utilities, and land uses. Parcels of land are then sold to private developers. In this case, there is usually a write-down on the land because these projects are generally undertaken in depressed areas, while in the case of new satellite communities, the land could be resold at a profit.

Of course, there is more to a new community program than buying the land. Roads and streets, sewers, water, and other utilities must be provided. While the land itself may cost less than three thousand dollars per acre, the infrastructure (roads, streets, utilities, etc.) for such a project might well cost as much as fifteen thousand dollars per acre. This expenditure, however, is not entirely made at the beginning of the project since only major roads, storm water interceptors, and part of the sewage treatment plant must be installed then. Perhaps five thousand dollars per acre would be a more realistic figure to represent the primary investment in the infrastructure. The balance can ordinarily be provided by land sales. The point is that these particular expenses will have to be met in any event if the land is to be developed at all. State and local governments ordinarily bear the burden of these expenditures, which are more costly for ordinary subdivision than for new community development. There is no reason why these expenses should not be shared by the private developer to whom the land is sold, perhaps with loans guaranteed under the New Communities Act.

Urban land values have increased more than four hundred per cent within the last twenty years. A single-family lot which sold for one thousand dollars in 1950 cost over five thousand dollars in 1970. This increase is greater by far than the increase in the cost of living in general and greater even than the increase in building costs themselves. Properly located land is a unique form of monopoly: the supply is limited, and increased demand sends prices soaring. If the land is acquired by a governmental agency, however, the profits—as explained above—will accrue

to the public or be used for further new community development.

Numerous federal and state agencies presently are involved in the planning of roads and utilities. The federal government, moreover, is financing the acquisition of open lands. It would seem to be highly desirable to coordinate all these various efforts, so that planning for roads, mass transit systems, sewers, and water can coincide with land acquisition for new satellite communities and thereby guide the growth of our metropolitan areas.

A final and singularly important reason for suggesting that land be acquired now by the federal government is to establish the credibility of the new communities program. People need tangible evidence that we actually do have a national commitment to desegregated new communities. In the building industry, announcements of new projects are generally credible only when the builder owns the land.

I believe that the land for satellite new communities should be acquired in the areas next to be developed in our fastest growing metropolitan areas. This belief is based upon the judgment that these are the places where desegregated new communities are most necessary, and also that these are the areas where population growth will occur anyway. The Nixon Administration, however, has proposed a very different policy.

In July of 1970, the President's National Goals Research staff issued a report entitled "Toward Balanced Growth—Quantity with Quality." In effect, it recommended that both the government and the private sector intervene in order to change the pattern of population settlement and prevent the further growth of megalopolis. The Nixon Administration has thus called for the concentration of resources to bolster urban growth centers by improving employment opportunities and providing professional services in regions of limited growth.

While federal assistance and intervention in the development of urban growth centers may be desirable, as a substitute for a national urban policy it is sheer disaster. Even if migration to the cities continues, the influx will progressively dwindle. Since massive migration is already coming to an end, the plan for urban growth centers actually comes too late. Moreover, it is simply not possible to keep the largest metropolitan areas from growing without overhauling the entire economic distribution system, and the cost of such an enterprise would far outweigh the benefits. Major metropolitan areas will continue to grow for the same reasons that they have grown in the past, and industries will keep on locating on the outskirts of such cities in order to serve their markets and attract labor for their plants and warehouses. The situation must be quite exceptional if an industry decides to locate in an urban growth center in Kentucky in order to serve a market in Chicago.

The large metropolitan areas will also continue to remain the centers of the boom in office buildings. Office jobs in the New York area are expected to almost double by the year 2000 and to increase 2.5 times throughout the country as a whole between 1965 and the end of the century. It is remarkable that, though the twenty-four largest metropolitan areas contain only thirty-four percent of the nation's total population, they provide sixty-five percent of all its office jobs—and this percentage is expected to decline only slightly, in spite of government intervention to promote urban growth centers. The number of white-collar jobs first began moving ahead of blue-collar jobs in the mid-nineteen fifties, and it is expected that they will exceed all other forms of employment by 1980. Finally, metropolitan areas will continue to grow, even without significant migration, by the normal process of the birth of children to the residents. Serving these children and their families will be a motivational factor in the choice of location for many "service" industries.

If this is the real significance of metropolitan areas, then we must treat as commandable but, perhaps, futile attempt by the Administration to redistribute the population away from major metropolitan areas. Certainly, whenever possible, government offices, universities, defense contracts, etc., should be used to aid underdeveloped areas in the United States. This is simply a matter of not increasing congestion in built-up metropolitan areas. But to assume that any such effort can make a significant difference is a misconception. Whenever we encourage new cities in the prairies or urban growth centers or further growth in metropolitan areas of less than five hundred thousand people will have very little impact on such metropolitan areas as New York, Los Angeles, and Chicago, which will all continue to grow.

Similar considerations preclude the building of many new cities in the prairies. It is possible to build a few, perhaps, and this effort might be encouraged, in locations where a new university or federal installation provides an economic base for such an independent new town as an experiment in new technology. However, in the main, no cost benefit analysis can justify the federal government's intervention except where the action already is—i.e., in the areas to be developed during the next three decades on the outer fringes of the suburbs now encircling the major metropolitan areas. *After* these areas have been developed with satellite new communities, we can consider the creation of "new towns-in-town" on the vacated inner-city land which will become available, to replace substandard housing no longer needed in the ghetto.

Some people give the term "urban growth center" a different meaning. They talk, instead, about adding to existing satellite old communities, of which Aurora, Elgin, Joliet, and Waukegan are examples in the Chicago area. This concept has some merit. There is no reason why these old satellite communities should not be enlarged, provided that a desegregation program is an integral part of the plan.

POPULATION GROWTH AND HOUSING SUPPLY

It is argued that even if some twenty million people lived in "new towns" they would represent such a small percentage of the population as not to be significant. The 1970 census shows, however, that twenty million people constitute more than half the total population growth expected between now and the year 2000 in the metropolitan areas with the worst problems. A program of properly located new satellite communities to house this anticipated growth in the metropolitan areas where it is expected to occur would certainly have a major impact.

It was one anticipated that the population would double between 1960 and the end of the century. The Nixon Administration, however, has been talking about a slow rate of growth, while Congress places the figure for population growth between 1970 and the year 2000 at only seventy-five million people. Anthony Downs believes that the 1970 census data indicate that an increase of fifty to sixty million is a more realistic figure, and estimates that most of this growth will occur during the earlier portion of this 30-year period, with a point of zero population growth reached well before the turn of the century. My own calculations are based upon an increase of seventy million people between 1970 and the year 2000.

The birth rate is still declining, as it has since 1957, with a consequent lowering of the estimates of future population growth. Nevertheless, large numbers of post-World War II babies are now producing children of their own and will probably cause the population to increase over the next two decades—even if they have proportionately fewer children than previous generations had. In addition, we gain some four hundred thousand persons each year through immigration. Whether the population will begin to stabilize after this latest wave of new families depends largely upon what people believe about how many children they should have. A stable population within the next thirty years could have enormous economic and social implications well beyond the scope of this analysis. At any rate, an increase of seventy million people in a 30-year period is a reasonably manageable figure, as compared to earlier estimates of 150 to 180 million.

Based on the larger projections of population growth, the Kaiser Commission established in 1968 a goal of twenty-six million new housing units to be built over the next 10 years. I believe that this goal is excessive. It was officially adopted during the Johnson Administration and has become the basis for the housing policy of the Nixon Administration. This goal is based upon estimates of the number of new household formations, housing units required to replace substandard units, and units scheduled for demolition. Though the Administration's goal is based on too high an original estimate of future population growth, the error is partially offset by the fact that there are perhaps ten to twelve million households that we could consider inadequately housed, even though only six million dwellings would be classified as "substandard" by the official definition of the U.S. Bureau of the Census. Moreover, if the rate of abandonments continues to increase as it has in recent years, we may need still more replacement units than heretofore anticipated. As a recent study of rental housing in New York City points out:

"The increase in the number of housing units withdrawn from use since 1965 has been startling. During the early nineteen-sixties, roughly fifteen thousand units were annually removed from the active housing stock for reasons other than their demolition to make way for new construction. In the period 1965 to 1967, the annual average rose to thirty-eight thousand units. These recent losses have not been confined to the worst part of the stock, as is usually the case."

It is obvious that there are numerous uncertainties inherent in such projections. For example, the number of new units required each year will depend partly on how fast we want to eliminate substandard housing. In addition, these projections must take into account the increased vacancy rate necessitated by the increasing mobility of the population. Since I believe that all these considerations are important, I would prefer to choose the higher rather than the lower goal, while recognizing that—if we conceive the timetable for eradicating the inadequate housing supply as fifteen rather than ten years—a lower rate of production would be adequate.

In spite of all these considerations, a goal of 2,600,000 new housing units each year seems excessive in relation to a population growth of seventy million people in a period of thirty years. Even taking into account the replacement of inadequate housing, an increased vacancy rate, and the trend toward more abandonments, we should require no more than forty to forty-five million new units in the next thirty years, or an average of at most one and a half million units a year. If we build two million units a year for the next ten years to replace substandard housing, the rate might drop off to approximately one million to 1,500,000 per year for the remainder of the period. If the building industry makes the attempt to gear up for the Kaiser Commission's 2,600,000 units per year, on the other hand, serious discontinuity will result later. A rate of two million new units a year, therefore, seems a more appropriate goal.

The building industry is now producing two

million housing units a year, if we include mobile homes, so its present capacity is not the problem. The rapidly shrinking supply of construction labor, however, is serious enough to cause an eventual decline in production. Construction wages, as a result of the declining labor supply, are rising faster than those in almost any other sector of our generally inflationary economy, and the cost of housing has subsequently risen very rapidly. Though construction unions have been largely successful in minimizing minority participation, black labor, nevertheless, represents the only major labor pool left untapped; it is bound to become an indispensable component of any real solution to the problems of the industry. Given the government's "Operation Breakthrough" program, which was designed to encourage the industrialization of housing production, it is possible that the major thrust of black entry into the construction industry will be through the factory rather than in the field.

The most serious constraint, however, in the maintenance of adequate housing production has been the erratic fluctuations of "tight" and "loose" money. During periods of "tight" money, other industries tend to attract a larger share of available investment capital than does housing construction. The production of housing, therefore, falls off drastically until a period of "loose" money causes it to spurt suddenly ahead. While the federal government's policy of increasing the flow of money to the savings and loan associations and into subsidized housing programs does manage to smooth out these periodic fluctuations to some extent, a perceptive new approach for providing fresh capital to the housing industry will be necessary before these problems are entirely solved. Certainly, industry cannot be expected to invest substantial capital in industrialized housing until it is convinced that the demand for its product will not vary widely from year to year.

The excessively high projections of future population growth have not only led to erroneous estimates of the demand for housing but to the concept of "megalopolis" as well. This concept, while useful for some purposes, has had the negative effect of raising the false specter of an America running out of land. The megalopolis known as the Atlantic Region which stretches from Massachusetts to Virginia includes the cities of Boston, New York, Philadelphia, Baltimore, and Washington (or five of the fourteen metropolitan areas with populations over two million) and contains some thirty-five million people. Other megalopoles are the Lower Great Lakes, Region, the California Region, and the Florida Peninsula.

This situation sounds rather alarming unless two additional facts are also taken into consideration: there is no *other* identifiable urban region in this country that will exceed even *six* million by the year 2000, and none of these so-called megalopoles are actually running out of open space. It is not even accurate to refer to "San-San," as the California Region is sometimes called (San Francisco to San Diego), since a large amount of open country still exists in that region between the mountains and the coast that could not possibly be filled up by the year 2000. Similarly, the concept of a "Lower Great Lakes Region" assumes a continuous urban belt between Detroit and Chicago. Though the towns of Kalamazoo, Jackson, and Battle Creek are certainly growing, an automobile trip on route I–94, connecting Chicago and Detroit, clearly shows that there are still miles and miles of undeveloped farmland along that stretch. Florida, of course, still has its share of everglades, the palmetto scrub, and orange groves,

The idea that we are running out of land is patently not true. On the other hand, there are far more serious threats to urban life which require immediate attention. Both automobile ownership and consumption of electrical energy and fossil fuel is increasing at a much faster rate than the population as a whole. The concentration of people in megalopoles means a concentration of consumers whose capacity for consumption is potentially very much greater than its present level. If we are successful in raising the incomes of people now improverished in inner-city ghettos and they too become consumers of automobiles, ranges, air conditioning equipment, and other accounterments promised them as part of the "good life," the problem will begin to take on very serious dimensions. Thus, while availability of land may not pose a real threat, air and water pollution, depletion of our oil resources, and the disposal of waste heat emerge as possibly the most ominous consequences of the growing concentration of people in megalopoles.

Similarly, there is an enormous pressure to develop ocean shores, lake frontage, woods, and other natural resources outside the cities which will intensify as the society becomes more affluent. The real danger highlighted by the concept of megalopolis is not that we will run out of land but that we might run out of clean air, water, and natural resources.

CRITICAL TARGET AREAS

The 1970 census data not only indicate that previous population growth estimates and required housing units have been greatly exaggerated, they also show that a large percentage of that growth as well as a large percentage of the black population is concentrated in a few metropolitan areas. If we rank metropolitan areas according to size, growth, and black populations, we can then begin to establish some criteria for deciding which of these areas requires the most urgent attention, for which satellite new communities offer solution. It will also enable us to suggest the kinds of satellite communities needed and to estimate the amount of land required for these new communities.

Writers from each of the American regions tend to project the problems of their own area onto the country as a whole. The particular problems besetting New York and Los Angeles, for example, are often described as though they were typical of the entire country. I suggest rather that New York and Los Angeles are unique. Cities like Chicago, Philadelphia, Detroit, and Baltimore require a different kind of approach. Smaller metropolitan areas with fewer black people and less population growth can utilize other strategies more appropriate to their needs.

The census defines a place as "urban" if it has a population of fifty thousand or more people. A town of fifty thousand does not usually have an "urban crisis," as the term is normally used, or share the problems of cities like Chicago and Cleveland. To use the term "urban" for such places sometimes misleads people into enlarging the scope of the urban problem. In fact, if we limit our attention to cities with populations in excess of five hundred thousand, we will still find many metropolitan areas that neither manifest the problems nor require the solutions. discussed here. Smaller metropolitan areas may need a strategy for desegregation or suffer from various other urban ills, but the scale of these problems is too small to warrant the construction of satellite new communities.

CHART 1

Metropolitan area	Total population, 1970	Total black population	Percent black population	Total population, 1960	1970 population, central city	1970 black, central city	Percent black
New York, Newark, Patterson, Clifton, Passaic, Jersey City	15,354,000	2,367,000	15.4	14,182,000	8,793,000	1,978,000	22.5
Los Angeles, Long Beach, San Bernardino, Riverside, Ontario, Anaheim, Santa Ana, Garden Grove	9,588,000	824,000	8.6	7,552,000	3,925,000	553,000	14.1
Chicago, Gary, Hammond, East Chicago	7,608,000	1,340,000	17.6	6,794,000	3,697,000	1,214,000	32.8
Philadelphia	4,816,000	844,000	17.5	4,343,000	1,949,000	654,000	33.6
Detroit	4,196,000	756,000	18.0	3,762,000	1,509,000	659,000	43.7
San Francisco, Oakland, San Jose	4,181,000	348,000	8.3	3,291,000	1,524,000	232,000	15.2
Washington	2,861,000	704,000	24.6	2,064,000	757,000	538,000	71.1
Boston	2,754,000	127,000	4.6	2,595,000	641,000	105,000	16.3
Pittsburgh	2,402,000	170,000	7.1	2,405,000	520,000	105,000	20.2
St. Louis	2,634,000	379,000	16.0	2,105,000	622,000	254,000	40.9
Baltimore	2,071,000	490,000	23.7	1,084,000	906,000	420,000	46.4
Cleveland	2,064,000	333,000	16.1	1,909,000	751,000	288,000	38.3
Houston	1,983,000	383,000	19.3	1,418,000	1,233,000	317,000	25.7
Miami, Ft. Lauderdale	1,888,000	267,000	14.1	1,269,000	582,000	100,000	17.2
Minneapolis, St. Paul	1,814,000	32,000	1.8	1,482,000	744,000	30,000	4.0
Dallas	1,556,000	249,000	16.0	1,119,000	844,000	210,000	24.9
Seattle, Everett	1,422,000	42,000	2.9	1,107,000	584,000	38,000	6.5
Milwaukee	1,404,000	107,000	7.6	1,279,000	717,000	105,000	14.7
Atlanta	1,390,000	311,000	22.3	1,017,000	497,000	255,000	51.3
Cincinnati	1,385,000	152,000	11.0	1,268,000	453,000	125,000	27.6
San Diego	1,358,000	62,000	4.6	1,033,000	697,000	53,000	7.6
Buffalo	1,349,000	109,000	8.1	1,307,000	463,000	94,000	20.4
Kansas City	1,254,000	151,000	12.1	1,093,000	507,000	112,000	22.1
Denver	1,228,000	50,000	4.1	929,000	515,000	47,000	9.1
Indianapolis	1,110,000	137,000	12.4	944,000	745,000	134,000	18.0
New Orleans	1,046,000	324,000	31.0	907,000	593,000	267,000	45.0
Tampa, St. Petersburg	1,013,000	109,000	10.8	772,000	494,000	87,000	17.6
Portland	1,009,000	23,000	2.3	822,000	383,000	22,000	5.6
Subtotal	82,468,000	11,190,000	10.4	70,572,000	35,645,000	8,996,000	25.2

CHART 1—Continued

Metropolitan area	Total population, 1970	Total black population	Percent black population	Total population, 1960	1970 population, central city	1970 black, central city	Percent black
Phoenix	968,000	33,000	3.4	664,000	582,000	28,000	4.8
Columbus	916,000	106,000	11.6	755,000	540,000	100,000	18.5
Providence, Pawtucket, Warwick	911,000	21,000	2.5	821,000	340,000	16,000	4.7
Rochester	883,000	58,000	6.5	733,000	296,000	50,000	16.8
San Antonio	864,000	60,000	6.9	716,000	654,000	50,000	7.6
Dayton	850,000	94,000	11.0	727,000	244 000	74,000	30.5
Louisville	827,000	101,000	12.3	725,000	361,000	86,000	23.8
Sacramento	801,000	38,000	4.7	626,000	254,000	27,000	10.7
Memphis	770,000	289,000	37.5	675,000	624,000	243,000	38.9
Fort Worth	762,000	83,000	10.9	573,000	393,000	78,000	19.9
Birmingham	739,000	218,000	29.5	721,000	301,000	126,000	42.0
Albany, Schenectady, Troy	721,000	24,000	3.3	658,000	256,000	20,000	7.8
Toledo	691,000	57,000	8.3	631,000	384,000	53,000	13.8
Norfolk, Portsmouth	681,000	168,000	24.7	579,000	419,000	131,000	31.3
Akron	679,000	54,000	8.0	605,000	275,000	48,000	17.5
Hartford	664,000	51,000	7.6	549,000	158,000	44,000	27.9
Oklahoma City	641,000	54,000	8.5	512,000	366,000	50,000	13.7
Syracuse	636,000	23,000	3.7	564,000	197,000	21,000	10.8
Honolulu	629,000	7,000	1.2	500,000	325,000	2,000	.7
Greensboro, High Point, Winston-Salem	604,000	118,000	19.6	520,000	340,000	101,000	29.7
Salt Lake City	560,000	4,000	.7	448,000	176,000	2,000	1.2
Allentown, Bethlehem, Easton	544,000	6,000	1.2	492,000	215,000	5,000	1.5
Nashville	541,000	96,000	17.8	464,000	448,000	88,000	19.6
Omaha	540,000	37,000	6.8	548,000	347,000	34,000	9.9
Grand Rapids	539,000	23,000	4.3	462,000	198,000	22,000	11.3
Youngstown, Warren	536,000	51,000	9.4	509,000	203,000	44,000	21.7
Springfield, Chicopee, Holyoke	530,000	24,000	4.6	494,000	281,000	23,000	8.5
Jacksonville	529,000	118,000	22.3	455,000	529,000	118,000	22.3
Richmond	518,000	130,000	25.1	436,000	250,000	105,000	42.0
Wilmington	499,000	61,000	12.2	415,000	80,000	35,000	43.6
Total	103,041,000	13,397,000	13.0	88,059,000	45,681,000	10,820,000	23.7

Chart I lists those metropolitan areas in the United States with populations which exceeded five hundred thousand in 1970, ranked according to population size. Cities like New York, Newark, and other New Jersey cities have been grouped together in a single metropolitan area, as has Los Angeles, Anaheim etc., and Chicago, Gary, and East Chicago. These are actually unified metropolitan areas and are treated as such for purposes of this chart, though the census, for other reasons, lists them separately.

A look at the chart shows the concentration of urban population in a relatively few large metropolitan areas and an even denser concentration of the black population. For example, sixty-nine million Americans now live in the fourteen metropolitan areas with populations of approximately two million or more; eighty-two million live in cities over a million; more than eleven million of these eighty-two are black and nine of that eleven live in central cities. 103 million Americans live in metropolitan areas with populations over five hundred thousand, thirteen million of these "urban" dwellers are black, and only two of the thirteen million live in the suburban areas surrounding the central cities.

Those cities most in need of desegregation can also be identified from the chart. It indicates that, though a high proportion of the urban black population resides in a few large northern and western metropolitan areas, some smaller southern cities like Memphis, Birmingham, New Orleans, and Norfolk all have a very large proportion of black residents. These cities have their own distinct problems (and opportunities) and require some special attention.

The metropolitan areas listed on the chart may also be ranked according to size of growth between 1960 and 1970. It can be projected that perhaps forty to fifty million people will be added to these metropolitan areas during the next thirty years. Of course, it is one thing if an area of a million people increases by thirty per cent and becomes a city of 1,300,000; it is quite another if a metropolitan area like Los Angeles grows at a slower rate, but expands its population by two million people. Even if a metropolitan area of five hundred thousand doubles in size it will still not have the monumental problems of a city like New York, Los Angeles, or Chicago. The increase in population in Los Angeles during the last ten years was as large as the entire population of Cleveland or Baltimore or Houston. Yet only the city of Los Angeles could reach the present size of New York by the year 2000, and only San Francisco and Philadelphia might grow to the size of Chicago, and only Washington might exceed the present population of Detroit within thirty years. Certainly, it is clear that no city of less than two million people could possibly reach a population of seven million by the year 2000.

It is no longer appropriate to discuss metropolitan planning in broad, general terms. We need to consider each area separately and develop for each its own specific regional plan designed to protect the environment, provide for an adequate mass transportation system, and promote desegregation.

When all of the 1970 census data have become available and we are able to evaluate the latest statistics on employment, education, welfare, housing, crime, transportation, and the fiscal condition of the cities, perhaps some useful comparisons can be made in order to determine the effect, if any, the size of the metropolitan area, the growth rate of the population, and the size of the ghetto have on these problems. In the meantime, perhaps we can draw some tentative conclusions:

We should concentrate on the metropolitan areas with the largest populations, because that is where the people are, and size itself creates problems of transportation, pollution, and race relations.

We should concentrate on the metropolitan areas with the largest growth, because that is where the opportunities are, and that is where the environment will be destroyed if we do not act quickly.

We should concentrate on the metropolitan areas with the largest black populations, because that is where desegregation is most crucial.

VARYING LAND REQUIREMENTS

Applying these criteria to the metropolitan areas with populations over a million, it is possible to establish certain categories and to estimate the amount of land required for both a minimum and maximum satellite new community program.

The first category contains only New York and Los Angeles since their size and growth put them in a class by themselves. These areas will require, in addition to satellite new communities, either the construction of new cities on the scale of five hundred thousand to a million each, or the enlargement of existing suburban centers in order to accommodate the inevitable growth in population. The only other comparable metropolitan area is Chicago, though I have classified it in the second category since it shares more of the characteristics of metropolitan areas like Philadelphia, Detroit, Washington, St. Louis, Baltimore, Atlanta, San Francisco, Houston, Miami, and Dallas than it does those in the first category. All of the metropolitan areas in the second category grew by more than 250,000 people between 1960 and 1970, and all have black populations in excess of 250,000. The first seven of these areas have central cities that are over thirty per cent black, and each urgently requires a new satellite community program to desegregate, protect the environment, and accommodate part of the expected population growth.

The thirteen metropolitan areas in the first two categories contain nearly sixty percent of the black population. A minimum program consisting of satellite cities and communities for New York and Los Angeles and satellite new communities for the other eleven metropolitan areas would, nevertheless, accommodate a very large percentage of the people affected by the "urban crisis."

If we add a third category consisting of the other metropolitan areas with populations over five hundred thousand which grew by more than one hundred thousand people in the last decade and which have black populations exceeding one hundred thousand, we will have accounted for seventy-two percent of the population living in metropolitan areas of over five hundred thousand people, eighty-three percent of the black population of such areas, and seventy-two percent of the growth (Chart II). These metropolitan areas are Boston, Cleveland, Milwaukee, Cincinnati, Kansas City, Indianapolis, New Orleans, Tampa, Columbus, Louisville, and Norfolk.

CHART 2

Metropolitan areas	Total population, 1970	Black population, 1970	Growth, 1960–70
Group 1:			
New York	15,354,000	2,367,000	1,172,000
Los Angeles	9,588,000	824,000	2,036,000
Total	24,942,000	3,191,000	3,208,000
Group 2:			
Chicago	7,608,000	1,340,000	814,000
Philadelphia	4,816,000	844,000	473,000
Detroit	4,196,000	756,000	434,000
San Francisco	4,181,000	348,000	890,000
Washington	2,861,000	704,000	797,000
St. Louis	2,364,000	379,000	259,000
Baltimore	2,071,000	490,000	267,000
Houston	1,983,000	383,000	565,000
Miami	1,888,000	267,000	619,000
Dallas	1,556,000	249,000	437,000
Atlanta	1,390,000	311,000	373,000
Total	34,914,000	6,071,000	5,928,000
Group 3:			
Boston	2,754,000	127,000	159,000
Cleveland	2,064,000	333,000	155,000
Milwaukee	1,404,000	107,000	125,000
Cincinnati	1,385,000	152,000	127,000
Kansas City	1,254,000	151,000	161,000
Indianapolis	1,110,000	137,000	166,000
New Orleans	1,046,000	324,000	139,000
Tampa	1,013,000	109,000	241,000
Columbus	916,000	106,000	161,000
Louisville	827,000	101,000	102,000
Norfolk	681,000	168,000	102,000
Total	14,454,000	1,815,000	1,638,000
Group 4:			
Minneapolis	1,814,000	32,000	332,000
Seattle	1,422,000	42,000	315,000
San Diego	1,358,000	62,000	325,000
Denver	1,228,000	50,000	299,000
Portland	1,009,000	23,000	187,000
Phoenix	968,000	33,000	304,000
Total	7,799,000	242,000	1,762,000
Group 5:			
Rochester	883,000	58,000	150,000
San Antonio	864,000	60,000	148,000
Dayton	850,000	94,000	123,000
Sacramento	801,000	38,000	175,000
Fort Worth	762,000	83,000	189,000
Hartford	664,000	51,000	115,000
Honolulu	629,000	7,000	129,000
Salt Lake City	560,000	4,000	112,000
Total	6,013,000	395,000	1,141,000

Not all of these metropolitan areas require a satellite new community program of thirty thousand to one hundred thousand in size. In fact, some the smaller areas could best be served by satellite neighborhoods of eight thousand to ten thousand people. It is not our purpose here to plan all of the metropolitan areas, but rather to emphasize the need for focusing on areas of urgent need with a concentration of people and problems.

A fourth category might consist of those metropolitan areas with substantial growth but relatively small black populations. Minneapolis, Seattle, San Diego, Phoenix, Denver, and Portland would make up this list. A satellite-new- communities program in these areas would relate to the goals of managing growth, rationalizing mass transportation, protecting the environment, and providing an alternative to ordinary subdivision development. Desegregation in these areas can readily be achieved by other measures.

A fifth category, very similar to the fourth, would include such smaller metropolitan areas as Rochester, San Antonio, Dayton, Sacramento, Fort Worth, Hartford, Honolulu, and Salt Lake City. They all had substantial growth and none of them had very large black populations. Some could use a desegregation program, and—while a satellite neighborhood program would undoubtedly be beneficial—the urgency and the scale of the need for such a program in these areas is minimal.

Cities like Pittsburgh and Buffalo form a category of their own. Each had an insignificant record of growth between 1960 and 1970. There would be very little reason for a new-communities program in these areas, unless possibly to provide for replacement of substandard units—which is, of course, a program quite different from the one I described here.

AMOUNT OF LAND NEEDED

How much land, then, do we need for satellite new communities? The population of the United States as a whole grew by some 23,500,000 people between 1960 and 1970, and about fifteen million people were added to the metropolitan areas of over five hundred thousand in that period. As we noted, Congress expects that population to increase by another seventy-five million between 1970 and the year 2000, though some experts believe that a growth of fifty to sixty million is more realistic figure in view of the declining birth rate. For our purposes, however, it is reasonable to assume that each of the metropolitan areas will grow by approximately three times the growth it experienced between 1960 and 1970, but at a declining rate.

In order to calculate how many new communities we will need, let us assume that only half the population growth in each metropolitan area should be accommodated in new satellite communities. The balance of the growth can fill up vacant land in existing suburbs or vacant industrial land in the cities (perhaps as new towns-in-town). Moreover, to anticipate population growth in these new satellite communities, land should be made available so that they can reach their ultimate size over a 30-year period. In that case, no additional land would be required to replace substandard housing, since the new units would originally be built with this purpose in mind. The substandard units thus vacated in the cities can themselves become the sites of new dwellings in the city.

A minimum new-satellite-community program would call for the acquisition of land in the metropolitan areas listed in Groups #1 through #3. One-half of the estimated population growth during the next 30 years in those areas amounts to approximately 16 million people. A maximum program, on the other hand, would involve acquiring land for satellite communities in all of the metropolitan areas listed in Groups #1 through #5. One-half of the estimated 30-year growth in these areas would amount to almost twenty-one million people.

At twenty-one people (or approximately six units) to the acre—a relatively low density—one million acres of land would be required to house twenty-one million people. The land, in appropriate locations, may cost from one thousand dollars to three thousand dollars per acre. Therefore, a maximum of only three billion dollars is required for the entire land acquisition program I have described. Even at lower densities, or with more land allocated for industrial parks and commercial use, three billion dollars should be adequate. The minimum program, of course, would cost even less.

At densities of thirty-three persons per acre (including land for recreational, commercial, industrial, and other uses) the program would cost at most two billion dollars. Densities, of course, will vary from one metropolitan area to another. In smaller metropolitan areas, available land for satellite neighborhoods and communities will be less expensive and lower densities may be preferred, while land will be most expensive in areas like New York and Los Angeles, and therefore somewhat higher densities will be desirable.

Funds for land development are an initial expense rather than an annual expenditure, and the land ought to be resold for development at a profit. Moreover, three billion dollars spent once is a surprisingly small figure compared to the ten-billion-dollar *annual* expense of the federal government for housing.

LOCATION OF SATELLITE NEW COMMUNITIES

The metropolitan areas most in need of a satellite-new-communities program have already been identified. The next problem to be considered is where, within each metropolitan area, should they be located? While each metropolitan area requires a specific plan in order to adequately answer that question, there are certain definable principles to be considered in the acquisition of land.

The first step is to determine where *not* to build. In this regard, one can do no better than to paraphrase David Wallace's list of don'ts:

Don't build on the ocean beach. The shore and a substantial area next to it should be preserved in a natural state and be for public use and enjoyment.

Don't build at the river's edge or violate the riverside or the river's setting with inappropriate development. The quality and quantity of clean water, a vital natural resource, flood control, and public enjoyment require application of controls in all areas of the river landscapes.

Don't build on flood plains except under strict controls. Common sense (which doesn't usually prevail) would dictate limiting development where frequent floods occur.

Don't build on steep slopes or denude areas of forests. Amenity and water management, both vital to future urbanization, argue for this caveat.

Don't build in areas of great recreational value or unique visual personality. These areas can become the most valuable for people as open space close to urbanization.

Don't allow harmful development in violation of principles of natural conservation to remain. We must not be forever victims of mistakes of the past. Over time, uses that are clearly not in the public interest should be phased out, and nature reestablished in our cities.

These environmental safeguards actually remove very little land from circulation in comparison with the total amount available. Even in the Atlantic Region, with its present low-density consumption rates, enough land is left after securing these lands to accommodate all the development anticipated for the next fifty years.

If the removal of certain lands from development defines part of the form which the metropolitan area will take, the rest is defined by the design of the transportation system. This element of the metropolitan plan should be considered next—not only because the nature of the transportation system will determine the location of the satellite now communities, but also because the existence or absence of a mass transportation system has a major impact on the employment opportunities available to their residents.

Automobiles serve only low-density areas efficiently. If sufficient streets and parking spaces are provided to accommodate the automobiles of all the residents of medium-density areas, very little land is left over for the buildings. More urban land is presently used for transportation facilities than for any other function outside of residential. Most suburban zoning codes now require two parking spaces per apartment unit or town house, and over two-thirds of the land area in a typical suburban shopping center is earmarked for parking. A typical community college usually provides about 150 square feet of parking space per student, or one parking space for every two students. Though not all neighborhood obsolescence can be attributed to the automobile, it is certainly true that no urban neighborhood or industrial area developed prior to World War II has the space or design to accommodate a majority of its residents traveling by auto.

In the past, mass transit has been largely built to catch up with population growth, since only high density population centers can support it. However, both Stockholm and Toronto have shown us that mass transportation systems (in these instances, subways) can determine future growth. Unless the origin and destination of the transit system are in clustered locations, it is not possible to have a mass transit system at all. The automobile, on the other hand, lends itself rather to low-density, single-family housing. The process, then, is circular—the more expressways that are constructed, the more single-family homes are encouraged. Conversely, if subways or high-speed buses are provided, high-density developments are generated at their nodes. Since this appears to be one of the facts of life, good planning suggests that such subway stations or mass transit stops become the foci of new satellite communities with shopping, commercial, and municipal facilities, together with apartments, near the core, and single-family homes and townhouses located at the periphery.

A good deal of technological study has gone into the development of new mass transportation systems; it is not necessary at this stage to choose between them. It is sufficient to state that what is needed in most of our metroplitan areas is a series of new satellite communities linked to the central city and to each other by some form of high-speed mass transportation—whether it be subway, bus, monorail, or Gravity Vacuum Tube. Planning for transportation must be done simultaneously with determining the location of satellite communities, since each is closely related to the other.

In our larger metropolitan areas, the time now involved in traveling from one place to another exceeds the time devoted to any other single activity, except for sleep and education. The very least that will be accomplished by a good mass transportation system will be to provide inner-city residents with an opportunity to find their way quickly and inexpensively to the sites of the industrial jobs in outlying areas, while suburbanites similarly are able to commute to jobs downtown. Hopefully, if people eventually are able, through the development of new satellite communities, to live near their work, the total burden on the mass transportation system will be considerably diminished. It is even possible that recapturing those millions of hours of commuting time will contribute toward an improvement in the quality of life for the residents of both our cities and the new satellite communities.

THE INNER CITY

This focus on metropolitan areas does not deny that rural problems such as poverty, hunger, disease, poor education, and substandard housing also require urgent attention. Our description of urban racism as a conflict of black and white, is but a simplification of a larger problem involving Spanish-speaking people, Indians, Appalachian whites, and other minority groups in many of our larger cities. And, finally, our emphasis on new satellite communities does not imply that inner-city housing problems should be neglected. Industries able to provide significant employment for ghetto residents should be induced to locate there. The test for the industrial use of the land relates to the number of jobs created per acre. Only a few industries will qualify. The Brooklyn Navy Yard is an example of land of this type. In more instances, the land will be suitable for construction of "new towns-in-town."

Until a sufficient number of satellite new communities are built to relieve crowding in the ghetto, emphasis there should not be on urban renewal programs that displace more persons than they accommodate, but on programs that seek to improve the quality of education, to reduce unemployment, and to give ghetto residents a voice in the public decisions that affect their lives. What should be built in the ghetto, now, are medical facilities, schools, libraries, neighborhood centers, and adult job-training facilities. After satellite new communities have relieved the pressure of overcrowding, substandard housing in the ghetto can be eliminated, and "new towns-in-town" can be built on the vacated land. With overcrowding ended, ghetto rents and the artificially high value of slum buildings will decrease.

Creation of new satellite communities can serve as the catalyst for economic and social solutions to the nation's urban problems. Current policies and legislation, however, do not provide for these communities in sufficient number . . . in the most critical locations . . . or in a manner that will assure desegregation. Consequently, I have suggested a program of land acquisition now by an agency of the federal government. Most of the land needed could be acquired within two years of the passage of the necessary legislation through the government's power of eminent domain.

I am aware of the inevitable resistance to the idea of removing one million acres of land from private control by this method. But historic precedents for federal land utilization in the public interest exist. Land grants to colleges expanded public education; additional grants to railroads opened the west. And contemporary administrations have continued to acquire land for other public purposes such as construction of highways, slum clearance and urban renewal. I have tried to demonstrate that the creation of satellite communities by federal land acquisition would give us a new arena for the solution of our most critical urban problems. I believe that no other domestic public purpose deserves a higher priority.

WNBC–TV SALUTES THE CONTRIBUTION OF THE LATE HONORABLE ADAM CLAYTON POWELL TO THE FIGHT FOR EQUAL EMPLOYMENT OPPORTUNITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, on April 11, WBNC–TV called upon Congress to redesignate the recently enacted Equal Employment Opportunity Act in honor of the late Hon. Adam Clayton Powell. From his arrival in Congress in 1945 on, Adam was deeply concerned with ending the discrimination that sentenced millions of black citizens to the most menial of jobs at the lowest prevailing wages. His fight to establish a permanent Fair Employment Practices Commission ultimately resulted in the creation of the Equal Employment Opportunity Commission. Each step we take to strengthen that landmark legislation reminds us of Adam Clayton Powell's contribution to the struggle against racial discrimination.

I am pleased to share the WNBC–TV editorial with my colleagues in the House of Representatives.

The editorial follows:

ADAM CLAYTON POWELL

It is ironic that while Adam Clayton Powell lay in a death coma, he was achieving another of his major legislative triumphs. We refer to the Equal Employment Opportunity Act of 1972 just signed by President Nixon.

This act strengthens and expands the government's powers against discrimination in employment. Congressman Powell was the prime mover behind this legislation seven years ago.

Perhaps one of the most suitable memorials to Congressman Powell would be to change the cumbersome title of the act from the Equal Employment Opportunity Act to the Powell Amendment.

Let it stand as the final tribute to a man who compiled one of the most successful legislative records in the history of the United States. It is the way we shall always remember him.

CRIME AND CRIMINAL JUSTICE IN THE UNITED STATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HAMILTON. Mr. Speaker, I include the complete text of my Washington Report series on "Crime and Criminal Justice in the United States," as follows:

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON

In a very real sense, all Americans are victims of crime. Statistics from the FBI show that an increasing number become victims of some form of crime each year. All of us must bear the cost of crime, estimated to be in excess of $30 billion annually, in higher insurance rates, higher prices for goods and services, and in increased taxes to support the police, the courts, and the prisons.

There is an even more insidious cost—the fear of crime. The quality of life is seriously eroded when the fear of crime keeps Americans behind locked doors, away from downtown, and shut off from friends and neighbors after dark.

During the last decade (1960–1970), crime has increased 14 times faster than our population—176 percent as compared to a 13 percent population growth. Crime has spared no geographic region or level of society. In those 10 years, crime also has crept into the traditionally "peaceful" rural areas, showing in 1970 alone a 15 percent increase.

A partial count of the questionnaire which I sent to residents of the Ninth District shows that respondents think that crime is the most serious of our national problems. 40 percent indicated that they are personally afraid of crime in their areas. Concern about crime is also reflected in an increasing number of conversations and letters from Ninth District residents.

While the public's growing discontent and insistence upon action is often directed at the Federal government, the Federal government has surprisingly little direct control over crime in the streets. The Federal role is to give the strongest possible support to state and local police, courts, and prisons, which have the responsibility for curtailing crimes against life and property, the ones people fear most.

The system of criminal justice is comprised of (1) the police, the front line against crime, (2) the courts, which are struggling under increasing caseloads, and (3) the jails and prisons, most of them antiquated. The system has been the victim of neglect at all levels, and its shortcomings have become more pronounced under the pressure of increasing crime rates. While it may be smart politics to call for a "get tough" attitude, or demand "law and order," rhetoric simply will not stem the tide. In fact, any approach which only reinforces the present system with its weak-

nesses and shortcomings, is no longer feasible. We must look to reforms which:

Update, simplify, and standardize criminal codes across the country to conform to existing attitudes and customs.

Bring modern management and technology, such as data processing, into the judicial system.

Recognize and deal socially with such "non-victim" crimes as alcoholism and drug addiction which now clog court dockets.

Revamp our penal system, which are little more than schools for crime, and not for rehabilitation.

Intensify the attack on drug problems, with more emphasis on destroying the economic attractiveness of the illegal drug trade.

Develop more and newer methods of dealing with young offenders before they become involved in serious crimes.

Provide continuing training for policemen, and recognition of competency with higher salary levels.

But even these reforms will be insufficient to reverse the crime rate if the causes of crime are not dealt with. Mark on any map of a large city where there are slums, poor schools, high unemployment, poverty, bad housing, and a high incidence of sickness and mental illness, and you will also mark the area where crime flourishes (as former Attorney-General Ramsey Clark pointed out.) Any effective effort to control crime must eliminate the conditions which breed crime.

Until an enlightened public insists on structural changes in the criminal justice system and improves efforts to eliminate the conditions which breed crime, the war against crime will continue to be an ever growing and ever costly effort to catch and contain criminals and, in the long run, it will not be enough to win the war.

LAW ENFORCEMENT AND THE COURTS

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 with 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.

THE PRISON SYSTEM

America's prisons have been described as the stepchildren of the criminal justice system. They rank at the lowest level of priority for funds and, instead of serving as rehabilitation centers, they are little more than human warehouses. Fully 80 percent of their inmates come back again, convicted of another crime. (This is the most important statistic on crime, say the experts).

The best hope to reduce crime is to reduce the number of "repeaters," and no other single effort within the system, other than an effective corrections program, holds a fraction of the potential to reduce crime. Cutting the recidivism, or "returnee" rate to prisons, by half would mean a reduction of about 50 percent in the nation's crime rate.

Our prisons tend to be places of meaningless work, violence, drugs and despair. About 95 percent of all expenditures for corrections facilities is for custody, and only 5 percent is for education and training. State prisons, especially, tend to have as first priorities work programs to bring income to the system, and inmates are thrust into license plate manufacturing, or some similar effort, which fails to equip them for "outside" employment.

While federal and state corrections facilities usually have some form of rehabilitation, local jails are greatly deficient in this area. These jails usually lack the funds for any effective program of work or education, and the inmates become a jumble of short-term and first-term offenders, hardened criminals awaiting trial, appeal or conviction, and other inmates being held for other authorities. Of the 4,037 jails in the nation, 89 percent have no facilities for exercise, 89 percent have no educational facilities, 49 percent have no medical facilities, 26 percent are without visiting facilities, and 1.4 percent do not even have toilet facilities.

All through the system there is a critical lack of specialists such as caseworkers, psychiatrists, psychologists and counselors. There is a shortage, too, of adequately trained and adequately paid guards. Corrections officers average less than $6,000 a year, and only about 20 percent of them work at rehabilitation.

Penologists agree that about 20 to 30 percent of the present inmates are a danger to society and not capable of rehabilitation. If the remaining inmates can be corrected in less volatile, less restrictive local institutions, fewer maximum security prisons will be required. Rehabilitation, then, must be the goal of the corrections system. Following conviction:

1. Such prisoners must be screened and classified and rehabilitation procedures developed for them which are flexible enough to deal with the prisoners individually—the drunk driver, the bank robber, the embezzler and the rapist require vastly different rehabilitation methods.

2. A broader range of alternatives for dealing with offenders must be developed. Options should range from total release to total confinement, including work releases, halfway houses, pre-release guidance centers, community supervision, and most importantly, separate facilities for juvenile offenders.

3. Vocational training in high employment fields should be expanded and meaningful work experience in prison industries made available to the inmates.

4. More emphasis should be placed on small correctional centers, located in the community or the area they serve and offering flexible treatment which includes partial release, job training and counseling. These centers place offenders near the stabilizing influences of family and work.

5. Indeterminate sentences should be considered under certain circumstances.

6. Skilled manpower in corrections must be increased at all levels of the system.

With 19 out of every 20 persons sent to prison eventually returning to society, it is apparent that reforms in the present system, and a change in the public's attitude about the system, are needed if we are going to "turn around" the rising crime rate.

THE COURTS

The courts are the central, crucial institution in this country's criminal justice system. They separate the guilty from the innocent, shape the activities of the police, determine the work of the prisons, mold and apply the criminal law, and regulate the flow of the criminal justice process. Courts have the primary responsibilitity of the fair treatment of every individual, and for the speedy trials which our Constitution guarantees and which effective criminal deterrence demands.

Given this central role of the courts in our system, it is discouraging to note that American courts are often cramped, noisy and undignified places, with insufficient numbers of personnel who often lack training, carrying enormous case loads. Under the pressures of these handicaps, courts often become places where convictions are negotiated (the practice of "plea bargaining"), probation services are either non-existent or inadequate, parole officers struggle under excessive case loads, judges are selected through partisan politics, prosecutors serve only part-time and often for inadequate pay and with a total absence of business and management practices to handle efficiently the caseloads.

Obviously, the manpower of the court systems needs to be increased and upgraded by the use of seminars, conferences and institutes. The judge's time must be put to its best use, and qualified support from magistrates, referees, commissioners, bailiffs and secretaries is essential to enable the judge to do his best work.

But more than increased manpower is needed. The Federal courts have found that with about the same level of new cases beginning each year, and with far more judges to handle them, there are still twice as many cases pending as there were a few years ago. It has become clear that the Constitutional

right to speedy trial depends on more than just additional judges. The court system needs reform, including:

Improvement of facilities.

Expansion of pre-sentence investigations,

Reform of bail procedures,

Simplification of sentencing procedures, including greater flexibility,

Increased availability of probation services,

Establishment of standards of performance for the completion of various stages of criminal cases,

Establishment of court management systems with computerized record-keeping and the use of business and management techniques,

The creation of a unified court structure subject to administrative control,

The elimination from the system of trials for crimes without victims (a recent report showed that six men in one large city had been arrested and convicted for drunkenness more than 1,400 times over a period of years at a cost to the taxpayers of more than $600,000—yet they were not cured of alcoholism.)

Two areas, in addition to the police, corrections and the courts, need special attention in the fight to control crime. The police in several large American cities estimate that as much as 50 percent of crime is related to drug use. Drug abuse must be brought under control through a carefully coordinated attack employing research, education, law enforcement and rehabilitation. Also, since most crime is committed by minors (nearly two-thirds of all persons arrested for serious crimes are under 21), the nation's best hope for reducing crime is to reduce youth crime. In the handling of juvenile offenders, where at least many potential criminals could be turned around, the courts should be at their best, but are often at their worst.

State and local governments must continue to carry the major burden of reducing crime in this country. But the Federal government has an important role to play in strengthening law enforcement, crime prevention and the administration of justice. Federal support to local and state governments should concentrate on planning, the training of criminal justice personnel, coordination of national information systems, research and financial aid for operations.

These past several newsletters have tried to suggest steps this nation should take if it is to control crime. I have come to believe this nation can achieve a significant reduction in crime if it wants to. It will not be easy, but it is within our capability if individuals, private and public organizations become involved in planning and executing the required changes in the criminal justice system.

LEGISLATURE OF ALASKA OPPOSES REDUCTION IN THE U.S. COAST GUARD

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ALASKA STATE LEGISLATURE HOUSE JOINT RESOLUTION NO. 87 RELATING TO THE REDUCTION OF MANPOWER IN THE U.S. COAST GUARD

Be it resolved by the Legislature of the State of Alaska:

Whereas, beginning this month, the United States Coast Guard will begin reducing its current manpower by five per cent under orders of President Nixon; and

Whereas this cutback in the Coast Guard's manpower means the deactivation of 1,700 officers and men along with ten cutters, three aircraft, two LORAN stations, and one ocean vessel station; and

Whereas continuously for many years Alaska has requested more Coast Guard vessels and men to more adequately patrol our vast coastlines, protect our fisheries from the blatant intrusion of foreign vessels, and perform more never-ending search and rescue operations; and

Whereas Alaskans have been told that additional craft and manpower requested could not be released from other duty stations and transferred to Alaska; and

Whereas Alaska is desperately in need of more fisheries surveillance and search and rescue operations, the present complement of Coast Guard equipment currently in Alaska being totally inadequate to ensure the sanctity of our waters and resources and protection of lives and property;

Be it resolved by the Alaska Legislature that it protests vigorously the reduction of Coast Guard manpower and the deactivation of enforcement ships when Alaska is in urgent need of additional Coast Guard patrol capabilities in Alaska; and be it

Further resolved that the President is urged to reassess his ordered cutback in the current manpower of the United States Coast Guard and to direct the immediate reassignment of some of the men and ships to be deactivated to the jurisdiction of the Seventeenth Coast Guard District.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John A. Volpe, Secretary, Department of Transportation; Admiral Chester R. Bender, Commandant, United States Coast Guard; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

SCHOOL PROBLEMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, prior to 1954 when the main function of the Nation's schools was changed from education to integration, our youth were instructed and learned in an academic environment which was peaceful, disciplined, and conducive to education. The assignment of policemen to schools to keep order was an unheard of practice.

Today—after billions of taxpayers' dollars, 18 years of desegregation, integration, court-ordered busing and other experiments—disorder, confusion, and chaos have all but replaced education in schools throughout the land.

In spite of the fact that the 1964 Civil Rights Act prohibits busing to remove racial imbalance, Federal judges continue to order forced busing of students to achieve a judicially acceptable percentage of mixing by the races.

In Michigan, a Pontiac father, who bought a new home 4 blocks from a school he wanted his daughter to attend, was charged and tried for child neglect for refusal to allow his 13-year-old daughter to be bused crosstown to a school in a high crime area which a Pontiac police captain testified was an unsafe area.

Nearby Northwestern Senior High School in Hyattsville, Md. was closed last Friday as a result of disorder, reported triggered by racial tension between whites and blacks. There were several injuries and about 50 arrests and the police used tear gas.

The maintenance of orderly and quiet surroundings in which learning can take place has become all but impossible for school officials. One of the chief means used by principals to maintain discipline in schools has traditionally been the power to discipline by suspending or expeling unruly students. The NAACP legal defense fund now seeks to render that power ineffective through legal action to protect black students threatened with expulsion or suspension. Everyone would blame someone else except those responsible. All proposed solutions but aggravate the situation because they approach effects and not the cause.

The problems of our schools will never be solved until the people demand and are successful in having control and operation of public schools restored to local school boards in accordance with the wishes of the people served by the schools.

I ask that several related newsclippings follow:

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

HIGH COURT GETS NORFOLK BUSING PLEA

(By Lyle Denniston and John Mathews)

Norfolk's School Board has asked the Supreme Court to hold a special summer session if necessary to reach an early decision on school busing in the Virginia city.

In an appeal filed yesterday, the board challenged a March 7 decision by the 4th U.S. Court of Appeals ordering the board to set up a free bus system to carry out a new desegregation plan.

The board now operates no school buses, and it would have to spend $3 million to buy the necessary bus fleet to carry out the order, the board advised the justices.

As the appeal brought another major busing controversy before the Supreme Court, the 4th Court of Appeals began studying an appeal in the controversial Richmond desegregation case.

After a two-hour hearing yesterday in Richmond, the full bench of the appeals court began deliberating in private whether to uphold, modify or strike down Federal Judge Robert R. Merhige's desegregation order for Richmond area schools.

Merhige ruled that the Richmond city school system and the neighboring systems in Chesterfield and Henrico Counties must be merged to end segregation throughout the metropolitan area.

His ruling would involve additional busing of schoolchildren.

Busing is the key issue in the Norfolk case, which went to the Supreme Court yesterday.

The appeals court approved a school board plan for pairing and clustering of schools, but added a requirement that the board provide bus transportation to move students to their newly assigned schools.

The opinion of the lower court remarked: "The court cannot compel the student to attend a distant school and then fail to provide him with the means to reach that school."

The school board's appeal said school officials have assigned a "lower priority" to transportation than to other educational programs and should not have their decision forcibly changed by a federal court.

Meanwhile, it appeared the appeals court

faces a tough choice as it begins analyzing the Richmond case.

First, the court is being asked to enter a previously unchartered area of school desegregation law posed by the Merhige merger decision before the Supreme Court deals with another key desegregation case—the Denver decision—presumably not until next year.

The court also may have to act before Congress deals with President Nixon's antibusing program, which could affect whatever decision it renders. One provision of the President's program would bar federal courts from ordering city-suburban mergers, unless it can be shown separate school districts were being established for racially discriminatory reasons.

Finally, the court is considering a key decision with nationwide implications at a time when the nation is in the midst of a presidential election campaign where busing and school desegregation have been made key domestic issues by the candidates.

At yesterday's Richmond hearing, the University of Chicago law professor hired by the defendants—the state education board and the two county school boards—clearly dominated the proceedings.

Prof. Philip Kurland's entire presentation was built around the theme that the Merhige decision was "without precedent" in requiring a state government to merge racially identifiable school systems: The city's nearly 79 percent black schools and the two counties' more than 90 percent white schools.

Kurland, a recognized constitutional scholar, continually emphasized what made the Merhige decision unique and novel. "The national media notwithstanding," he said, "this is not a busing case."

He added that the case, unlike other desegregation or school cases, also does not involve disparities in the size or wealth of school systems, or the original setting up of boundary lines to discriminate against blacks.

A key missing element, he said, is that the record of the case does not show the city, county or state officials had anything to do with Richmond becoming a largely black school system and the counties largely white.

This point interested particularly Judge J. Braxton Craven, Jr., who closely questioned Norman Chachkin of the NAACP Legal Defense Fund, representing the black plaintiffs in the case, and George Little, lawyer for the Richmond school board which supports the merger concept.

Chachkin insisted the "racial imbalance (between city and suburbs) is the result of much discriminatory state action), including that of state education authorities."

Little, the city school board lawyer, said the state could not show "a compelling interest" why the school district lines should be maintained and that past official discrimination in the state raised suspicions about the racial intent of the boundary lines. He added that blacks could not receive a desegregated education within the city, so the only relief to provide desegregation was to desegregate beyond city lines into the suburbs.

Both sides want the court to decide the case on its merits, a decision it is likely to make within the next month or two. And that decision by the appeals court is certain to wind up eventually for consideration by the nation's highest court.

[From the Detroit Free Press, Apr. 7, 1972]

DAD ON TRIAL FOR DEFYING PONTIAC SCHOOL-BUS ORDER

(By Tim McNulty)

A Pontiac father who has refused to let his 13-year-old-daughter be bused crosstown to school went on trial Thursday for child neglect.

It was the first school district enforcement test of Pontiac's controversial court-ordered school busing.

"I will not let my girl go down to that area even if I have to go to jail," said Carl E. Merchant. "My main concern is the general area of the school. It's a high crime area. I have the right of a parent to look out for my child's safety."

Merchant has been charged in Oakland County Juvenile Court with neglect because he has kept his daughter Cari home from school since the beginning of the term last September.

* * * * *

The busing was part of Federal Judge Damon Keith's massive school busing order to achieve racial balance in Pontiac schools.

Merchant, 34, a weld inspector at General Motors Corp.'s Fisher Body plant in Pontiac, is white.

He bought a new home last year four blocks from Lincoln Junior High School, which is in a predominantly white neighborhood, because he wanted his seventh-grade daughter to go to school there, he said.

Jefferson Junior High School is in the center of Pontiac's black community.

Pontiac Police Capt. Harry Nye testified at Merchant's six-member jury trial Thursday that Jefferson is in "an unsafe area."

Asked by defense attorney Richard Kuhn whether he would let a white, 13-year-old girl walk alone down streets in the Jefferson school area, Nye said, "no."

Nye said because of the high crime in the area police patrols there are never less than two men.

Cari is the oldest of seven Merchant children, six of whom are of school age. All six children were withheld from schools for the first semester and then Merchant allowed five of them to attend.

Three of those five are being bused to schools.

Since Keith's enforced integration order all 36 Pontiac public schools have a ratio of 60 percent white students and 40 percent black students.

Merchant said he tried to enroll Cari in a private school but was unable to do so. He said he offered to drive her to and from other public schools rather than have her bused to Jefferson.

Cari was an A and B student at Baldwin Elementary School, which she previously attended.

Merchant said he found it "ridiculous" that his daughter had to be bused crosstown when there was a school near her home.

"A lot of people feel the same way but they're too damn afraid" to fight the busing order, Merchant said. "The people of Pontiac and Detroit have to know what's going on. I feel that I'm representing more people than just me."

Merchant is the first parent to be prosecuted by the Pontiac School District for withholding a child from school because of the busing order.

The school district said it did not know exactly how many parents were withholding children from Pontiac schools because of busing.

But it said it planned to prosecute a total of 211 parents it had reason to believe were doing so.

Under state law parents must send their children to school until the children are 16.

The Pontiac school district had expected an enrollment of 24,000 students this year. Enrollment figures, however, show less than 22,000.

Kuhn, a former state legislator, argued that under the U.S. Constitution parents have the right to keep children from school when their safety cannot be assured.

Merchant, Kuhn said, "is not guilty of any crime or neglect."

"Rather," he said, "he has taken the more important duty and responsibility of looking out for the health, welfare and, especially, the safety of his child.'

Clark Balch, school district supervisor for child accounting and attendance, said if the district lost its case against Merchant it probably would not appeal.

He said, however, it would continue to prosecute other parents who are believed to be keeping children out of school because of busing.

Balch was angered that the Oakland County prosecutor's office, which is prosecuting the case, and the defense attorney agreed to open the trial to newsmen.

"The real losers in all these cases are the kids," Balch said. "Our obligation is to protect them. And sometimes I think we're more concerned about that than the parents."

Balch said Cari will suffer from the publicity given the case.

"We're placed in a position of having to enforce Judge Keith's plan and we're in the middle," Balch said.

The case is being heard by Probate Judge Norman Barnard. It was adjourned until Friday.

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

SCORES ARRESTED IN SCHOOL MELEE

Between 40 and 50 young people were arrested by Prince Georges County police today as disorder, reportedly triggered by racial tension, erupted at Northwestern Senior High School.

County police rushed about 10 cruisers, several detectives cars and wagons to the school on Adelphi Road in Hyattsville and used tear gas to breakup a melee in the school cafeteria.

There apparently were several injuries. At least one girl was taken away by ambulance.

A heavy police guard was posted around the school after the initial disorder subsided. About 300 students were grouped in a parking lot at the rear of the school as many others left school to return home.

BUSED TO POLICE STATION

The operations division of the county police said at mid-day that between 40 and 50 youngsters had been arrested. It was not known how many were students. They were being taken to the Hyattsville police station in school buses.

By noon, police said the situation seemed to be under control.

According to preliminary reports, there had been a racial flareup yesterday at the school about a half mile from the College Park campus of the University of Maryland.

Police said that racial antagonism at the school had been developing over several weeks. School authorities and community organizers had been holding a series of meetings to try to dispel the tension.

SEVERAL FIGHTS

Yesterday, police said, several fights developed and "subsequently escalated to a confrontation this morning on the school grounds with about 50 blacks and 50 whites gathered outside in a standoff."

Police were summoned by school authorities. A meeting was convened in the school cafeteria and reports indicated that the disorder broke out there.

Reporters on the scene said that tear gas was used by police as they moved to restore order.

Charges against those arrested varied from assault and disorderly conduct to trespassing, the latter apparently lodged against non-students.

GIRL CALLED HOME

The mother of one senior girl at Northwestern said her daughter had called her from the campus, "petrified" as it appeared trouble was developing.

The mother said that tension had been growing at the campus "all this year," but officials had been able to head off trouble until this week.

Principal Raymond Reed said police, after the disturbance inside, gave the youths gathered outside 3 minutes to clear the area.

Police formed a line in the middle of the parking lot, separating blacks and whites. When they did not heed the 3-minute warning, arrests began.

Several days ago, Reed said, blacks and whites got into "an altercation" at a nearby carryout. He said he did not know the cause.

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

HYATTSVILLE SCHOOL SHUT AFTER STORMY MEETING

(By Lance Gay)

Northwest High School in Hyattsville was closed today after racial tensions flared last night in a heated three-hour meeting of parents, faculty members and students aimed at ironing out the troubles that have rocked the school since Monday.

Pandemonium broke out during the meeting in the school's cafeteria last night when a white student ran in, grabbed the microphone from a speaker and told the assemblage of about 800 persons that a white student had just been assaulted by nine black students in a school lavatory while the meeting was going on.

"While we're discussing it, it's going on," the student screamed into the microphone as students and parents jumped to their feet and some of the white students made threatening moves toward a knot of black students and parents in the room.

A few racial epithets were hurled and at least one white parent shook his fist at a black parent as Joseph Parker, chairman of the Prince Georges County Human Relations Committee vainly tried to restore order.

In the midst of confusion and yelling, more than 200 persons left the meeting and the building.

School Principal Raymond Reed called the Prince Georges County police after learning of the incident in the lavatory, and at least three uniformed officers entered the school but did not go into the cafeteria area. Reed confirmed that the incident in the lavatory involved an altercation between a white student and nine blacks.

One school official said the white youth was cut across the cheek with a knife during the scuffle.

Taking over the microphone, the ashen-faced Reed announced to the group that "in view of the unfortunate incidents" at the meeting, he and Asst. Supt. George Robinson had determined "it would be unwise to conduct school tomorrow."

"I'm hoping that a three-day cooling off period will solve some of the problems," Reed said after the announcement. He said classes will resume Monday "as normal—at least I hope so."

Students and parents in the school said last night they felt the meeting exacerbated, rather than allayed, tensions there.

After the raucous meeting, Steve Holland, a member of the Northwestern Black Student Union said, "All we have worked for this week—all we had accomplished—is gone, gone."

The meeting, called and sponsored by the county's Human Relations Committee, began in an atmosphere of subdued tension, the result of incidents early in the day.

Over the objections of school administrators who feared further trouble, the school's human relations committee had called assembly meetings to distribute recommendations drawn up by a panel of students and parents, designed to promote accord.

Reed said the assemblies, held in three shifts, went without trouble, and "there were no problems until late afternoon, about five minutes before school let out."

There were two minor scuffles between black and white students then, he said. One youth's mouth was bloodied, officials said.

And a junior at the school who suffers from polio and walks only with the aid of crutches, was assaulted by two black youths. As he was walking up a flight of stairs, one of them, he said, "for no reason," hit him in the stomach and the other pushed him down the stairs. His wallet, containing $2, fell from his pocket, he said, and one youth grabbed it. However, when the white youth yelled for help, he dropped the wallet and both black youngsters ran. He said he did not recognize them as students but was not certain. He was treated at Prince Georges Hospital and released, not seriously hurt.

Many students still were visibly angry about these incidents when the meeting convened at 8 p.m. The Rev. Perry Smith, a well-known county black leader and pastor of First Baptist Church of North Brentwood, read the recommendations of the students and parents.

Among other things, they called for tighter discipline in the school, parent involvement in investigation of police actions on Tuesday, establishment of a "trouble-shooting" team of parents which would be called immediately when trouble breaks out at the school, "gut-spilling" sessions for students to discuss grievances, and recognition of the school's Black Student Union as having equal status with the Student Government Association.

After the recommendations were read, there was to be a discussion with the assembly accepting or rejecting each of the 20 points.

Edward Reggin, a vice principal, called for stronger actions against a "very small and very devastating group, both black and white, whom I call hoodlums" in the school, "who prowl the halls and do not attend classes."

Reggin's speech was received with a standing ovation by most of the audience, including some of the whites who apparently interpreted his remarks as being directed at the black students and made gestures toward the blacks.

Roy Lincoln, chairman of the county's NAACP chapter, replied that it is "the un-American thing to say your children are hoodlums. They are children and should be treated as children . . . I demand the school system be completely fair and above board to all students," he said. His speech was given a standing ovation by the black parents and students and some whites. Some whites booed his remarks.

The meeting continued with speeches on the recommendations until, about 9 p.m., when the student ran in and told the group of the incident in a lavatory near the sprawling school's auditorium.

It took Parker about five minutes to restore some order. It was decided by a narrow show of hands among remaining parents and students to split up into smaller groups and go to classrooms in the building.

[From the Washington Evening Star, Apr. 19, 1972]

BLACKS MAPPING STUDENT RIGHTS FIGHT

(By John Mathews)

The NAACP Legal Defense Fund is planning to develop a coordinated legal strategy to protect the rights of black students who are being expelled and suspended in increasing numbers from desegregated Southern school systems.

Widespread disciplinary actions against black students in desegregated school systems are viewed by civil rights supporters as a key problem, tending to make many blacks—particularly young people—question the value of integration.

"Many students and parents are saying that at least in segregated school systems they received some education and were not excluded from school unjustly," said Charles Stephen Ralston, an NAACP lawyer in the fund's New York headquarters.

The Legal Defense Fund itself has two key cases in federal courts now involving student rights and plans to hold a national conference sometime soon on the issue of student suspensions and exclusions.

COORDINATED STRATEGY

"We are getting into this area in a substantial way and hope a conference can develop a coordinated legal strategy to attack the problem," Ralston said in a telephone interview yesterday.

Comprehensive figures are lacking on the extent of student expulsions and suspensions from Southern schools which first became apparent last school year, but the actions are thought to have accelerated this year with more desegregation, according to knowledgeable observers.

The Southern Regional Council recently surveyed 127 Southern school districts and found 11,146 cases this school year, the overwhelming majority being suspensions that often last five or more days.

In North Carolina, the number of expulsions is increasing since a new state law went into effect this school year which allows a school principal to permanently exclude a student who has been suspended twice and then found guilty of another offense.

Cases filed by the NAACP and other organizations in federal courts charge that most suspension and expulsion policies discriminate heavily against black students and that school systems cannot exclude a child from class without first providing due process in the form of a hearing.

The cases also raise the issue of whether permanent expulsion is unconstitutional since it deprives a student of his right to a public education. School systems, some of the cases argue, must provide alternative forms of education for expelled students.

Recently, the defense fund succeeded in having the U.S. 5th Circuit Court of Appeals in New Orleans order the return to class of some 40 students who were expelled by Tift County, Ga., school authorities for the rest of the academic year.

The students had held a silent vigil outside their high school in support of a request to have the contribution of black Americans included in the American History curriculum. The appeals court ordered the students returned to class, pending disposition of the case by a lower federal court.

ALTERNATIVE EDUCATION

In Charlotte, N.C., the Legal Aid Society of Mecklenburg County, has brought two class action suits in the school district that was the subject of the U.S. Supreme Court's landmark Swann decision almost a year ago.

The high court in that decision said school systems must fully desegregate, using measures like busing to create unitary school systems.

The legal aid lawyer, Shelley Blum, who several years ago taught in Washington schools, said the cases involve due process issues and the obligations of a school system to provide alternative education for expelled students.

Suspensions in the school system have increased in Charlotte along with increased school desegregation and tensions in junior and senior high schools.

In the 1968–69 school year before extensive desegregation, Blum said the system had

about 1,500 suspensions. The following year with high schools integrated the number rose to 3,200 then to 6,500 suspensions last year with systemwide desegregation.

HOSTILELY TOUCHING

Figures covering only the first two months of the current school year showed about 1,100 suspensions, Blum said. The number of expelled students already is almost equal, he added, to the total of 54 expulsions recorded last school year.

The suit filed this week involves four expelled students, 14 and 15-year-olds, Blum said. A junior high school girl was expelled when the new state law was applied. She was initially suspended for fighting, then for being off-campus without authorization, then expelled for cutting gym class, Blum said.

The other cases involve an epileptic girl who is occasionally hostile and disruptive, a junior high school boy who threatened to fight a teacher and another student who is accused of "hostilely touching" a teacher, he said.

The cases are being heard by District Judge James McMillan who issued the original Swann case decision.

ONE HUNDRED AND TWENTY-FIVE YEARS OF SPIRITUAL SERVICE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. KEMP. Mr. Speaker, Sunday, April 23, marks the 125th anniversary of the establishment of the Catholic Diocese of Buffalo, N.Y., and the 100th anniversary of the weekly diocesan newspaper, the Magnificat.

All of us in western New York State owe a debt of gratitude to The Most Reverend James C. McNulty, bishop of the Buffalo diocese, to the priests and nuns and the other members of religious orders under his spiritual leadership and to their forebearers for their vital and selfless contributions to the development of our community and our country.

Long before the flag of any nation was planted in North America, a French Franciscan missionary, Father Joseph de la Roche Dallion, arrived on the Niagara frontier in October 1626.

Father Dallion arrived in a spirit of peace and service among the Indians, a spirit which is carried on today by those of his faith who followed.

Preceding the establishment of the Buffalo diocese in 1847 with its first spiritual leader, Bishop John Timon, who was born in a Pennsylvania log cabin, the church had made an indelible mark in our community.

In 1821, Father Patrick Kelly already had begun to care for the hundreds of Catholics who had moved to western New York to help build the original Erie Canal. The first Catholic church in Buffalo, constructed of oak logs secured from the forest was completed in 1832. In the immediate years which followed, Father John Neumann ministered to his parishioners in Lancaster, North Bush, and Williamsville by walking for as long as 12 hours at a time with his vestments and altar kit on his back. After saying Mass, he would walk for miles, back to his residence, because there often was no other place to rest and sleep.

When Bishop Timon took charge of the new diocese, which at that time contained all the land west of Lake Cayuga, he held services in barns, homes, sheds, courthouses, halls, and other available facilities. Shortly after accepting diocesan leadership, he opened a seminary in his own home for young men entering the priesthood.

In 1848, Bishop Timon persuaded the Sisters of Charity in Baltimore to come to Buffalo where they took charge of a girls' orphanage and established a hospital in an old school building which is still standing at the corner of Virginia Street and St. Louis Place.

During the following year, a deadly cholera epidemic swept Buffalo, taking the lives of some 900 people in 5 months. Despite the extent of the tragedy, the dedicated care provided by the nuns established an amazing record of cures. Still, many children became orphans and Bishop Timon was instrumental in the founding of a boys' orphanage.

Diocesan high schools and institutions of higher learning followed, including Canisius, Villa Maria, D'Youville, Trocaire, Rosary Hill and Medaille Colleges, and St. Bonaventure and Niagara Universities.

Despite economic depressions and changing times, the weekly Magnificat has never missed the publishing of a single issue since its founding 100 years ago. Today, the diocesan newspaper is one of the leading religious journals in the United States.

The first edition was set entirely by hand, letter by letter, about a quarter of a million pieces in all. Press power was supplied by human muscle.

Along with the acquisition of modern printing equipment throughout its history, the Magnificat exhibited a community and social consciousness that was as progressive as its physical facilities. The first encyclical of Pope Leo XIII, issued in 1891, "On the Condition of Labor," was printed in its entirety. And the publication was the first Buffalo newspaper to carry the union label, demonstrating the church's diocesan's interest in the welfare of the laboring man. The shop remained union until the plant's dissolution in 1970.

Today, under the direction of Editor in Chief Monsignor Robert D. Duggan and General Manager Thomas G. Bennett, the Magnificat is setting new standards of religious journalism and planning even greater service for the future.

This publication's high standards are best summed up in its masthead, which states:

The policy of the Magnificat is framed in the ancient formula: In essentials, unity; in doubtful matters, liberty; in all things, charity.

Mr. Speaker, I wish to convey, on the occasion of these anniversaries, my very best regards and prayers for the continued successes of our diocese and our Magnificat.

A RECOLLECTION OF THE U.N.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DERWINSKI. Mr. Speaker, I direct the attention of the Members of the House to the recent retirement of William "Bill" Fulton, veteran correspondent of the Chicago Tribune who covered the U.N. for many years.

From the years in which I have followed Bill's column and my brief experience at the U.N., I believe that he knows that organization as well as any observer. This point is demonstrated in an article in the Tribune of April 15 in which he writes of some of the unusual situations and individuals he encountered in his years of covering the U.N.

The article follows:

A RECOLLECTION OF THE U.N.

(By William Fulton)

NEW YORK.—"The United Nations is largely protocol, Geritol, and alcohol," Adlai Stevenson said years after the world body had stumbled thru a number of crises and raised doubts as to its peace-keeping effectiveness.

Stevenson delivered his jocular summary while he was the chief American delegate. It was a remark typical of the man who had quipped when appointed to his U.N. post: "Flattery is all right, if you don't inhale."

Stevenson and I were both present in the winter of 1945–1946 when world leaders converged in London to launch the U.N. machinery.

The former Illinois governor served on the executive committee of the preparatory commission of the U.N. He took turns with me in entertaining the committee in an effort to convince the commission to make Chicago U.N. world headquarters.

Chicago lost that bid when the U.N. came to be headquarters at an old slaughter house site in New York.

It was the fall of 1962 and the U.N. debated one of its most dramatic situations—the Cuba missile crisis.

President Kennedy and Premier Nikita Khrushchev of the Soviet Union met on the edge of a nuclear holocaust and Stevenson pleaded America's case. Kennedy told a shocked nation on Oct. 22 that aerial photographs showed that the Cubans, with the aid of Russian technicians, were building offensive missile sites within striking distance of the major cities in the Western Hemisphere.

On Oct. 25, the Soviet delegate, Valerian Zorin, ridiculed American evidence of the missile preparations.

A few feet away, Stevenson scribbled on a yellow pad. "Let me ask you one simple question," Stevenson said. "Do you, Ambassador Zorin, deny that the Soviet Union has placed and is placing medium and intermediate missiles and sites in Cuba?

"Yes or no? Don't wait for the translation. Yes or no?"

Zorin fumbled for words. "I am not in an American court of law and, therefore, do not wish to answer a question put to me in the manner of a prosecuting counsel," he said.

"You are in the courtroom of world opinion," Stevenson shot back. "You have denied they exist. I am prepared to present the evidence in this room . . . now."

Aides from the U.S. mission set up an

easel. Enlarged photographs offered unmistakable evidence of the deadly work afoot in Cuba.

The impact here and abroad was profound. Friends called it Stevenson's "shining hour."

Prime Minister Clement Attlee, an unassuming gentleman whose Labor Party had just defeated Winston Churchill's Consevatives, gave the welcoming speech at the first General Assembly on Jan. 10, 1946.

Attlee called the U.N. "an invention fraught with great possibilities."

Churchill once had called Attlee "a sheep in sheep's clothing."

Fifty-one nations sent their representatives to the first assembly. Eleanor Roosevelt, garbed in black, sat in the hall as a member of the U.S. delegation.

Andrei Gromyko, the raven-haired Soviet ambassador to Washington, became active on the assembly floor that first session but did not fraternize with his colleages from the West. Gromyko not long after became the Soviet foreign minister.

Trygve Lie, the burly Norweigian foreign minister, was a standout in that first crowd. Lie lost the election for general assembly president to Paul-Henri Spaak, the foreign minister of Belgium, but later was elected the first secretary general.

Lie became an activist, not to the liking of the Russians who had supported him. A labor leader turned diplomat, Lie bluntly supported the West in the fight in South Korea and earned undying Soviet hatred. He was forced to resign in 1953, leaving what he called "the world's hardest job."

Dag Hammarskjold, Swedish diplomat and mystic, succeeded Lie. He served as secretary general until his death in a mysterious air crash in 1961 while on a Congo peace mission. Beneath Hammarskjold's aesthetic posture lay a Scandinavian toughness of mind that no one, including the Russians, could see in the beginning. He and the Russians came to verbal blows over action he took against the Communists when civil war erupted in the former Belgian Congo in 1960.

Khrushchev attracted a galaxy of world figures to the U.N. for the fiery debates in 1960 over the Congo. They included President Eisenhower, Yugoslavia's Tito, India's Nehru, Indonesia's Sukarno, and Britain's Harold Macmillan.

Khrushchev dashed across the assembly floor to embrace Fidel Castro of Cuba in a Russian bear hug.

Khrushchev took off his shoe and pounded his desk in a show of rage against Hammarskjold. He boasted to shocked diplomats that his factories were turning out deadly missiles "just like sausages."

One night I sat at the table beside Khrushchev and the king of Morocco at a reception. The Russian's shoes were wrinkled and cracked with age.

"We figure him as a peasant," remarked a knowledgeable member of the U.S. delegation. "He's a great improvement on Stalin, but we never know what he might do on impulse. He has all those missiles and new weapons, like a peasant with new farm machinery who is curious to try them out. We just hope that he won't."

Kremlin moves in the Security Council during the Arab-Israeli crisis of 1967 shifted like the windsands of the desert with the changing fortunes of the Egyptian armies.

The Soviet delegate at the time was Nikolai Fedorenko, a debonair veteran of China posts who wore red bow ties. Fedorenko could see no need for Big Four consultation while the Egyptians were swarming like locusts but he weakened with the ebbing of the Egyptian battle prowess. Suddenly he was willing to have negotiations take place. He smiled weakly and shook his head in a "no comment" gesture when I cornered him in the council lounge about his change of heart.

Sen. Warren Austin [R., Vermont], the U.S. permanent representative, had had his fill of politics when he entered the U.N. arena. Austin will go down in diplomatic history as the man who asked in all seriousness why the Arabs and Israelis couldn't settle their differences "in the true Christian spirit."

The Russians had demanded a three-man team to replace Hammarskjold but they dropped the demand when the secretary general's job was filled by U Thant, a Burmese leader of the Afro-Asian bloc. Thant managed to walk the tightrope between East and West for 10 years.

An East European ambassador, asked whether the Communists again would press for a troika, remarked: "Why should we, we have a troika right now." He referred to Thant's well known unwillingness to take any position on a Cold War issue.

Francis T. P. Plimpton, U.S. deputy representative to the U.N. in 1961–65, said of Thant that he had "preserved a posture of nonalignment characterized by many as gelatinous."

Henry Cabot Lodge became President Eisenhower's man at the U.N.

Lodge countered Khrushchev's revelation of the U–2 spy threats over Russia with the disclosure that the Russians had bugged the official seal of the U.S. Embassy in Moscow.

When it came time last December to name a new secretary general because of Thant's ailing health, the Soviet choice significantly still was Thant. He demurred and the Russians switched to Kurt Waldheim, an Austrian. Red China was in on the naming of a U.N. secretary general for the first time. Peking vetoed Waldheim at the start but later withdrew its opposition.

Waldheim, who likes to skate in Central Park, will have a chance to show his prowess skating on diplomatic thin ice. The other secretary generals had to glide between the U.S. and the Soviet Union. Now a third obstacle has been added—the People's Republic of China.

Waldheim has waded into the job with energy and industry. He has hurried about the world's capitals in quest of peace and jolted the secretariat by embarking on a $6 million economy program, something new in the U.N. bureaucracy.

Dealing with him on the U.S. side will be the chief representative, George Bush. Yankee-born and Texan by adoption, Bush said he believes the U.N. has filled an important role in keeping peace in certain areas. "Countries are allowed to let off steam and to make debating points," he said. "If agreements are not reached, and differences crop up as a result, that simply mirrors the world as it is."

AN IMPORTANT DECISION OF THE HIGH COURT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DINGELL. Mr. Speaker, yesterday the Supreme Court decided the so-called Mineral King case Sierra Club against Morton. This is an important decision, and one which I might say I consider incorrectly decided. In any case, I thought it important to have this decision set forth for the benefit of my colleagues.

I would particularly call to their attention the eloquent dissent of Justice William O. Douglas. He stresses the vital significance of seeing to it that the environmental interests themselves should be spoken to and for. I can only concur, and urge that the Congress address itself to this issue at an early date, to make its views on the subject abundantly clear to as well as to the Department of Justice, which opposed the intervenors in this case. Legislation is presently pending the judicial branch of the Government, before the Committee on Merchant Marine and Fisheries to correct the evils of this decision and I intend to move forward on it.

The opinion follows:

[Supreme Court of the United States, Syllabus]

SIERRA CLUB v. MORTON, SECRETARY OF THE INTERIOR, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

(No. 70–34. Argued November 17, 1971—Decided April 19, 1972)

Petitioner, a membership corporation with "a special interest in the conservation and sound maintenance of the national parks, game refuges, and forests of the country," brought this suit for a declaratory judgment and an injunction restraining federal officials from approving an extensive skiing development in the Mineral King Valley in the Sequoia National Forest. Petitioner relies on § 10 of the Administrative Procedure Act, which accords judicial review to a "person suffering legal wrong because of agency action, or [who is] adversely affected or aggrieved by agency action within the meaning of a relevant statute." On the theory that this was a "public" action involving questions as to the use of natural resources, petitioner did not allege that the challenged development would affect the club or its members in their activities or that they used Mineral King, but maintained that the project would adversely change the area's aesthetics and ecology. The District Court granted a preliminary injunction. The Court of Appeals reversed, holding that the club lacked standing, and had not shown irreparable injury. *Held:* A person has standing to seek judicial review under the Administrative Procedure Act only if he can show that he himself has suffered or will suffer injury, whether economic or otherwise. In this case, where petitioner asserted no individualized harm to itself or its members, it lacked standing to maintain the action. Pp. 4–14.

433 F. 2d 24, Affirmed.

Stewart, J., delivered the opinion of the Court, in which Burger, C. J., and White and Marshall, J.J., joined. Douglas, Brennan, and Blackmun, J.J., filed dissenting opinions. Powell and Rehnquist, J.J., took no part in the consideration of decision of the case.

[Supreme Court of the United States, No. 70–34]

SIERRA CLUB, PETITIONER, *v.* ROGERS C. B. MORTON, INDIVIDUALLY, AND AS SECRETARY OF THE INTERIOR OF THE UNITED STATES, ET AL.

(On Writ of Certiorari to the United States Court of Appeals to the Ninth Circuit, April 19, 1972)

MR. JUSTICE STEWART delivered the opinion of the Court.

I

The Mineral King Valley is an area of great natural beauty nestled in the Sierra Nevada Mountains in Tulare County, California, adjacent to Sequoia National Park. It has been part of the Sequoia National Forest since 1926, and is designated as a National Game Refuge by special Act of Congress.[1] Though once the site of extensive mining activity, Mineral King is now used almost exclusively for recreational purposes. Its relative inaccessibility and lack of development have limited the number of visitors each year,

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Footnotes at end of article.

and at the same time have preserved the valley's quality as a quasi-wilderness area largely uncluttered by the products of civilization.

The United States Forest Service, which is entrusted with the maintenance and administration of national forests, began in the late 1940's to give consideration to Mineral King as a potential site for recreational development. Prodded by a rapidly increasing demand for skiing facilities, the Forest Service published a prospectus in 1965, inviting bids from private developers for the construction and operation of a ski resort that would also serve as a summer recreation area. The proposal of Walt Disney Enterprises, Inc., was chosen from those of six bidders, and Disney received a three-year permit to conduct surveys and explorations in the valley in connection with its preparation of a complete master plan for the resort.

The final Disney plan, approved by the Forest Service in January, 1969, outlines a $35 million complex of motels, restaurants, swimming pools, parking lots, and other structures designed to accommodate 14,000 visitors daily. This complex is to be constructed on 80 acres of the valley floor under a 30-year use permit from the Forest Service. Other facilities, including ski lifts, ski trails, a cog-assisted railway, and utility installations, are to be constructed on the mountain slopes and in other parts of the valley under a revocable special use permit. To provide access to the resort, the State of California proposes to construct a highway 20 miles in length. A section of this road would traverse Sequoia National Park, as would a proposed high-voltage power line needed to provide electricity for the resort. Both the highway and the power line require the approval of the Department of the Interior, which is entrusted with the preservation and maintenance of the national parks.

Representatives of the Sierra Club, who favor maintaining Mineral King largely in its present state, followed the progress of recreational planning for the valley with close attention and increasing dismay. They unsuccessfully sought a public hearing on the proposed development in 1965, and in subsequent correspondence with officials of the Forest Service and the Department of the Interior, they expressed the Club's objections to Disney's plan as a whole and to particular features included in it. In June of 1969 the Club filed the present suit in the United States District Court for the Northern District of California, seeking a declaratory judgment that various aspects of the proposed development contravene federal laws and regulations governing the preservation of national parks, forests, and game refuges,[2] and also seeking preliminary and permanent injunctions restraining the federal officials involved from granting their approval or issuing permits in connection with the Mineral King project. The petitioner Sierra Club sued as a membership corporation with "a special interest in the conversation and sound maintenance of the national parks, game refuges, and forests of the country," and invoked the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

After two days of hearings, the District Court granted the requested preliminary injunction. It rejected the respondents' challenge to the Sierra Club's standing to sue, and determined that the hearing had raised questions "concerning possible excess of statutory authority, sufficiently substantial and serious to justify a preliminary injunction . . ." The respondents appealed, and the Court of Appeals for the Ninth Circuit reversed. 433 F. 2d 24. With respect to the petitioner's standing, the court noted that there was "on allegation in the complaint that members of the Sierra Club would be affected by the actions of [the respondents] other than the fact that the actions are personally displeasing or distasteful to them," *id.*, at 33, and concluded:

"We do not believe such club concern without a showing of more direct interest can constitute standing in the legal sense sufficient to challenge the exercise of responsibilities on behalf of all the citizens by two cabinet level officials of the government acting under Congressional and Constitutional authority." *Id.*, at 30.

Alternatively, the Court of Appeals held that the Sierra Club had not made an adequate showing of irreparable injury and likelihood of success on the merits to justify issuance of a preliminary injunction. The court thus vacated the injunction. The Sierra Club filed a petition for a writ of certiorari which we granted, 401 U.S. 907, to review the questions of federal law presented.

The first question presented is whether the Sierra Club has alleged facts that entitle it to obtain judicial review of the challenged action. Whether a party has a sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy is what has traditionally been referred to as the question of standing to sue. Where the party does not rely on any specific statute authorizing invocation of the judicial process, the question of standing depends upon whether the party has alleged such a "personal stake in the outcome of the controversy," *Baker* v. *Carr*, 369, U.S. 186, 204, as to ensure that "the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution." *Flast* v. *Cohen*, 392 U.S. 83, 101. Where, however, Congress has authorized public officials to perform certain functions according to law, and has provided by statute for judicial review of those actions under certain circumstances, the inquiry as to standing must begin with a determination of whether the statute in question authorizes review at the behest of the plaintiff.[3]

The Sierra Club relies upon § 10 of the Administrative Procedure Act (APA), 80 Stat. 392, 5 U.S.C. § 702, which provides:

"A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof."

Early decisions under this statute interpreted the language as adopting the various formulations of "legal interest" and "legal wrong" then prevailing as constitutional requirements of standing.[4] But, in *association of Data Processing Service Organizations, Inc.* v. *Camp*, 397 U.S. 150, and *Barlow* v. *Collins*, 397 U.S. 157, decided the same day, we held more broadly that persons had standing to obtain judicial review of federal agency action under § 10 of the APA where they had alleged that the challenged action had caused them "injury in fact," and where the alleged injury was to an interest "arguably within the zone of interests to be protected or regulated" by the statutes that the agencies were claimed to have violated.[5]

In *Data Processing*, the injury claimed by the petitioners consisted of harm to their competitive position in the computer servicing market through a ruling by the Comptroller of the Currency that national banks might perform data processing services for their customers. In *Barlow*, the petitioners were tenant farmers who claimed that certain regulations of the Secretary of Agriculture adversely affected their economic position *vis-à-vis* their landlords. These palpable economic injuries have long been recognized as sufficient to lay the basis for standing, with or without a specific statutory provision for judicial review.[6] Thus, neither *Data Processing* nor *Barlow* addressed itself to the question, which has arisen with increasing frequency in federal courts in recent years, as to what must be alleged by persons who claim injury of a noneconomic nature to interests that are widely shared.[7] That question is presented in this case.

III

The injury alleged by the Sierra Club will be incurred entirely by reason of the change in the uses to which Mineral King will be put, and the attendant change in the aesthetics and ecology of the area. Thus, in referring to the road to be built through Sequoia National Park, the complaint alleged that the development "would destroy or otherwise affect the scenery, natural and historic objects and wildlife of the park and would impair the enjoyment of the park for future generations." We do not question that this type of harm may amount to an "injury in fact" sufficient to lay the basis for standing under § 10 of the APA. Aesthetic and environmental well-being, like economic well-being, are important ingredients of the quality of life in our society, and the fact that particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process. But the "injury in fact" test requires more than an injury to a cognizable interest. It requires that the party seeking review be himself among the injured.

The impact of the proposed chages in the environment of Mineral King will not fall indiscriminately upon every citizen. The alleged injury will be felt directly only by those who use Mineral King and Sequoia National Park, and for whom the aesthetic and recreational values of the area will be lessened by the highway and ski resort. The Sierra Club failed to allege that it or its members would be affected in any of their activities or pastimes by the Disney development. Nowhere in the pleadings or affidavits did the Club state that its members use Mineral King for any purpose, much less that they use it in any way that would be significantly affected by the proposed actions of the respondents.[8]

The Club apparently regarded any allegations of individualized injury as superfluous, on the theory that this was a "public" action involving questions as to the use of natural resources, and that the Club's longstanding concern with and expertise in such matters were sufficient to give it standing as a "representative of the public."[9] This theory reflects a misunderstanding of our cases involving so-called "public actions" in the area of administrative law.

The origin of the theory advanced by the Sierra Club may be traced to a dictum in *Scripps-Howard Radio, Inc.* v. *FCC*, 316 U.S. 4, in which the licensee of a radio station in Cincinnati, Ohio, sought a stay of an order of the FCC allowing another radio station in a nearby city to change its frequency and increase its range. In discussing its power to grant a stay, the Court noted that "these private litigants have standing only as representatives of the public interest." *Id.*, at 14. But that observation did not describe the basis upon which the appellant was allowed to obtain judicial review as a "person aggrieved" within the meaning of the statute involved in that case,[10] since Scripps-Howard was clearly "aggrieved" by reason of the economic injury that it would suffer as a result of the Commission's action.[11] The Court's statement was rather directed to the theory upon which Congress had authorized judicial review of the Commission's actions. That theory had been described earlier in *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 477, as follows:

"Congress had some purpose in enacting § 402(b)(2). It may have been of opinion

Footnotes at end of article.

that one likely to be financially injured by the issue of a license would be the only person having a sufficient interest to bring to the attention of the appellate court errors of law in the action of the Commission in granting the license. It is within the power of Congress to confer such standing to prosecute an appeal."

Taken together, *Sanders* and *Scripps-Howard* thus established a dual proposition: the fact of economic injury is what gives a person standing to seek judicial review under the statute, but once review is properly invoked, that person may argue the public interest in support of his claim that the agency has failed to comply with its statutory mandate.[12] It was in the latter sense that the "standing" of the appellant in *Scripps-Howard* existed only as a "representative of the public interest." It is in a similar sense that we have used the phrase "private attorney general" to describe the function performed by persons upon whom Congress has conferred the right to seek judicial review of agency action. See *Data Processing, supra*, at 154.

The trend of cases arising under the APA and other statutes authorizing judicial review of federal agency action has been towards recognizing that injuries other than economic harm are sufficient to bring a person within the meaning of the statutory language, and towards discarding the notion that an injury that is widely shared is *ipso facto* not an injury sufficient to provide the basis for judicial review.[13] We noted this development with approval in *Data Processing, supra*, at 154, in saying that the interest alleged to have been injured "may reflect 'aesthetic, conservational, and recreational' as well as economic values." But broadening the categories of injury that may be alleged in support of standing is a different matter from abandoning the requirement that the party seeking review must have himself suffered an injury.

Some courts have indicated a willingness to take this latter step by conferring standing upon organizations that have demonstrated "an organizational interest in the problem" of environmental or consumer protection. *Environmental Defense Fund, Inc.* v. *Hardin*, 428 F. 2d 1093, 1097.[14] It is clear that an organization whose members are injured may represent those members in a proceeding for judicial review. See, *e.g., NAACP* v. *Button*, 371 U.S. 415, 428. But a mere "interest in a problem," no matter how longstanding the interest and no matter how qualified the organization is in evaluating the problem, is not sufficient by itself to render the organization "adversely affected" or "aggrieved" within the meaning of the APA. The Sierra Club is a large and long-established organization, with an historic commitment to the cause of protecting our Nation's natural heritage from man's depredations. But if a "special interest" in this subject were enough to entitle the Sierra Club to commence this litigation, there would appear to be no objective basis upon which to disallow a suit by any other bona fide "special interest" organization, however small or short-lived. And if any group with a bona fide 'special interest" could initiate such litigation, it is difficult to perceive why any individual citizen with the same bona fide special interest would not also be entitled to do so.

The requirement that a party seeking review must allege facts showing that he is himself adversely affected does not insulate executive action from judicial review, nor does it prevent any public interests from being protected through the judicial process.[15] It does serve as at least a rough attempt to put the decision as to whether review will be sought in the hands of those who have a direct stake in the outcome. That goal would be undermined were we to construe the APA to authorize judicial review at the behest of organizations or individuals who seek to do more than vindicate their own value preferences through the judicial process.[16] The principle that the Sierra Club would have us establish in this case would do just that.

As we conclude that the Court of Appeals was correct in its holding that the Sierra Club lacked standing to maintain this action, we do not reach any other questions presented in the petition, and we intimate no view on the merit of the complaint. The judgment is

Affirmed.

MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

[1] Act of July 3, 1926, 44 Stat. 821, 16 U.S.C. § 688.

[2] As analyzed by the District Court, the complaint alleged violations of law falling into four categories. First, it claimed that the special use permit for construction of the resort exceeded the maximum acreage limitation placed upon such permits by 16 U.S.C. § 497, and that issuance of a "revocable" use permit was beyond the authority of the Forest Service. Second, it challenged the proposed permit for the highway through Sequoia National Park on the grounds that the highway would not serve any of the purposes of the park in alleged violation of 16 U.C.S. § 1, and that it would destroy timber and other natural resources protected by 16 U.S.C. §§ 41 and 43. Third, it claimed that the Forest Service and the Department of the Interior had violated their own regulations by failing to hold adequate public hearings on the proposed project. Finally, the complaint asserted that 16 U.S.C. § 45(c) requires specific congressional authorization of a permit for construction of a power transmission line within the limits of a national park.

[3] Congress may not confer jurisdiction on Art. III federal courts to render advisory opinions, *Muskrat* v. *United States*, 219 U.S. 346, or to entertain "friendly" suits, *United States* v. *Johnson*, 319 U.S. 302, or to resolve "political questions," *Luther* v. *Borden*, 7 How. 1, because suits of this character are inconsistent with the judicial function under Art. III. But where a dispute is otherwise justiciable, the question whether the litigant is a "proper party to request an adjudication of a particular issue," *Flast* v. *Cohen*, 302 U.S. 83, 100, is one within the power of Congress to determine. Cf. *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 477; *Flast* v. *Cohen*, 392 U.S. 83, 120 (Harlan, J., dissenting); *Associated Industries* v. *Ickes*, 134 F. 2d 694, 704. See generally Berger, Standing to Sue in Public Actions: Is it a Constitutional Requirement?, 78 Yale L. J. 816, 837 ff. (1969); Jaffe, The Citizen as Litigant in Public Actions: The Non-Hohfeldian or Ideological Plaintiff, 116 U. Pa. L. Rev. 1033 (1968).

[4] See, *e.g., Kansas City Power & Light Co.* v. *McKay*, 225 F. 2d 924, 932; *Ove Gustavsson Contracting Co.* v. *Flocte*, 278 F. 2d 912, 914; *Duba* v. *Schuctzle*, 303 F. 2d 570, 574. The theory of a "legal interest" is expressed in its extreme form in *Alabama Power Co.* v. *Ickes*, 302 U.S. 464, 479–481. See also *Tennessee Electric Power Co.* v. *TVA*, 306 U.S. 118, 137–139.

[5] In deciding this case we do not reach any questions concerning the meaning of the "zone of interests" test or its possible application to the facts here presented.

[6] See, *e.g., Hardin* v. *Kentucky Utilities Co.*, 390 U.S. 1, 7; *Chicago* v. *Atchison, T. & S.F.R. Co.*, 357 U.S. 77, 83; *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 477.

[7] No question of standing was raised in *Citizens to Preserve Overton Park, Inc.* v. *Volpe*, 401 U.S. 402. The complaint in that case alleged that the organizational plaintiff represented members who were "residents of Memphis, Tennessee who use Overton Park as a park land and recreation area and who have been active since 1964 in efforts to preserve and protect Overton Park as a park land and recreation area."

[8] The only reference in the pleadings to the Sierra Club's interest in the dispute is contained in paragraph 3 of the complaint, which reads in its entirety as follows:
"Plaintiff Sierra Club is a non-profit corporation organized and operating under the laws of the State of California, with its principal place of business in San Francisco, California since 1892. Membership of the Club is approximately 78,000 nationally, with approximately 27,000 members residing in the San Francisco Bay area. For many years the Sierra Club by its activities and conduct has exhibited special interest in the conservation and sound maintenance of the national parks, game refuges and forests of the country, regularly serving as a responsible representative of persons similarly interested. One of the principal purposes of the Sierra Club is to protect, and conserve the national resources of the Sierra Nevada Mountains. Its interests would be vitally affected by the acts hereinafter described and would be aggrieved by those acts of the defendants as hereinafter more fully appears."

In an *amici curiae* brief filed in this Court by the Wilderness Society and others, it is asserted that the Sierra Club has conducted regular camping trips into the Mineral King area, and that various members of the Club have used and continue to use the area for recreational purposes. These allegations were not contained in the pleading, nor were they brought to the attention of the Court of Appeals. Moreover, the Sierra Club in its reply brief specifically declines to rely on its individualized interest, as a basis for standing. See n. 15, *Infra*. Our decision does not, of course, bar the Sierra Club from seeking in the District Court to amend its complaint by a motion under Rule 15, Federal Rules of Civil Procedure.

[9] This approach to the question of standing was adopted by the Court of Appeals for the Second Circuit in *Citizens Committee for the Hudson Valley* v. *Volpe*, 425 F. 2d 97, 105:

"We hold, therefore, that the public interest in environmental resources—an interest created by statutes affecting the issuance of this permit—is a legally protected interest affording these plaintiffs, as responsible representatives of the public, standing to obtain judicial review of agency action alleged to be in contravention of that public interest."

[10] The statute involved was § 402(b)(2) of the Communications Act of 1934, 48 Stat. 1064, 1093.

[11] This much is clear from the *Scripps-Howard* Court's citation of *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, in which the basis for standing was the competitive injury that the appellee would have suffered by the licensing of another radio station in its listening area.

[12] The distinction between standing to initiate a review proceeding, and standing to assert the rights of the public or of third persons once the proceeding is properly initiated, is discussed in 3 Davis, Administrative Law Treatise, §§ 22.05–22.07 (1958):

[13] See, *e.g., Environmental Defense Fund, Inc.* v. *Hardin*, 428 F. 2d 1093, 1097 (interest in health affected by decision of Secretary of Agriculture refusing to suspend registration of certain pesticides containing DDT); *Office of Communication of the United Church of Christ* v. *FCC*, 359 F. 2d 994, 1005 (interest of television viewers in the programming of a local station licensed by the FCC); *Scenic Hudson Preservation Conf.* v. *FPC*, 354 F. 2d 608, 615–616 (interests in aesthetics, recreation, and orderly community planning affected by FPC licensing of a hydroelectric project); *Reade* v. *Ewing*, 205 F. 2d 630, 631–632 (interest of consumers of oleo-margarine in fair labeling of product regulated by Federal Security Administration); *Crowther* v. *Seaborg*, 312 F. Supp. 1205, 1212 (interest

in health and safety of persons residing near the site of a proposed atomic blast).

[14] See *Citizens Committee for the Hudson Valley* v. *Volpe*, n. 8, *supra; Environmental Defense Fund, Inc.* v. *Corps of Engineers*, 325 F. Supp. 728, 734–736; *Izaak Walton League* v. *St. Clair*, 313 F. Supp. 1312, 1317. See also *Scenic Hudson Preservation Conf* v. *FPC*, *supra*, at 616:

"In order to ensure that the Federal Power Commission will adequately protect the public interest in the aesthetic, conservational, and recreational aspects of power development, those who by their activities and conduct have exhibited a special interest in such areas, must be held to be included in the class of 'aggrieved' parties under § 313(b) [of the Federal Power Act]."

In most, if not all of these cases, at least one party to the proceeding did assert an individualized injury either to himself or, in the case of an organization, to its members.

[15] In its reply brief, after noting the fact that it might have chosen to assert individualized injury to itself or to its members as a basis for standing, the Sierra Club states:

"The Government seeks to create a 'heads I win, tails you lose' situation in which either the courthouse door is barred for lack of assertion of a private, unique injury or a preliminary injunction is denied on the ground that the litigant has advanced private injury which does not warrant an injunction adverse to a competing public interest. Counsel have shaped their case to avoid this trap." The short answer to this contention is that the "trap" does not exist. The test of inquiry in fact goes only to the question of standing to obtain judicial review. Once this standing is established, the party may assert the interests of the general public in support of his claims for equitable relief. See n. 12 and accompanying text, *supra*.

[16] Every schoolboy may be familiar with de Tocqueville's famous observation, written in the 1830's, that "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." 1 Democracy in America 280 (Alfred A. Knopf, 1945). Less familiar, however, is de Tocqueville's further observation that judical review is effective largely because it is not available simply at the behest of a partisan faction, but is exercised only to remedy a particular, concrete injury.

"It will be seen, also, that by leaving it to private interest to censure the law, and by intimately uniting the trial of the law with the trial of an individual, legislation is protected from wanton, assaults and from the daily aggressions of party spirit. The errors of the legislator are exposed only to meet a real want; and it is always a positive and appreciable fact that must serve as the basis for prosecution." *Id.*, at 102.

MR. JUSTICE BLACKMUN, DISSENTING

The Court's opinion is a practical one espousing and adhering to traditional notions of standing as somewhat modernized by *Association of Data Processing Service Organizations, Inc.* v. *Camp*, 397 U.S. 150 (1970); *Barlow* v. *Collins*, 397 U.S. 159 (1970); and *Flast* v. *Cohen*, 392 U.S. 83 (1968). If this were an ordinary case, I would join the opinion and the Court's judgment and be quite content.

But this is not ordinary, run-of-the-mill litigation. The case poses—if only we choose to acknowledge and reach them—significant aspects of a wide, growing and disturbing problem, that is, the Nation's and the world's deteriorating environment with its resulting ecological disturbances. Must our law be so rigid and our procedural concepts so inflexible that we render ourselves helpless when the existing methods and the traditional concepts do not quite fit and do not prove to be entirely adequate for new issues?

The ultimate result of the Court's decision today, fear, and sadly so, is that the 35.3-million-dollar complex, over 10 times greater than the Forest Service's suggested minimum, will now hastily proceed to completion; that serious opposition to it will recede in discouragement; and that Mineral King, the "area of great natural beauty nestled in the Sierra Nevada Mountains," to use the Court's words, will become defaced, at least in part, and, like so many other areas, will cease to be "uncluttered by the products of civilization."

I believe this will come about because: (1) The District Court, although it accepted standing for the Sierra Club and granted preliminary injunctive relief, was reversed by the Court of Appeals, and this Court now upholds that reversal. (2) With the reversal, interim relief by the District Court is now out of the question and a permanent injunction becomes most unlikely. (3) The Sierra Club may not choose to amend its complaint or, if it does desire to do so, may not, at this late date, be granted permission. (4) The ever-present pressure to get the project underway will mount. (5) Once underway, any prospect of bringing it to a halt will grow dim. Reasons, most of them economic, for not stopping the project will have a tendency to multiply. And the irreparable harm will be largely inflicted in the earlier stages of construction and development.

Rather than pursue the course the Court has chosen to take by its affirmance of the judgment of the Court of Appeals, I would adopt one of two alternatives:

1. I would reverse that judgment and, instead, approve the judgment of the District Court which recognized standing in the Sierra Club and granted preliminary relief. I would be willing to do this on condition that the Sierra Club forthwith amend its complaint to meet the specifications the Court prescribes for standing. If Sierra Club fails or refuses to take that step, so be it; the case will then collapse. But if it does amend, the merits will be before the trial court once again. As the Court's footnote 2, *ante*, p. 3, so clearly reveals, the issues on the merits are substantial and deserve resolution. They assay new ground. They are crucial to the future of Mineral King. They raise important ramifications for the quality of the country's public land management. They pose the propriety of the "dual permit" device as a means of avoiding the 80-acre "recreation and resort" limitation imposed by Congress in 16 U.S.C. § 497, an issue that apparently has never been litigated, and is clearly substantial in light of the congressional expansion of the limitation in 1956 arguably to put teeth into the old, unrealistic five-acre limitation. In fact, they concern the propriety of the 80-acre permit itself and the consistency of the entire, enormous development with the statutory purposes of the Sequoia Game Refuge, of which the Valley is a part. In the context of this particular development, substantial questions are raised about the use of National Park area for Disney purposes for a new high speed road and a 600,000-volt power line to serve the complex. Lack of compliance with existing administrative regulations is also charged. These issues are not shallow or perfunctory.

2. Alternatively, I would permit an imaginative expansion of our traditional concepts of standing in order to enable an organization such as the Sierra Club, possessed, as it is, of pertinent, bona fide and well-recognized attributes and purposes in the area of environment, to litigate environmental issues. This incursion upon tradition need not be very extensive. Certainly, it should be no cause for alarm. It is no more progressive than was the decision in *Data Processing itself*. It need only recognize the interest of one who has a provable, sincere, dedicated, and established status. We need not fear that Pandora's box will be opened or that there will be no limit to the number of those who desire to participate in environmental litigation. The courts will exercise appropriate restraints just as they have exercised them in the past. Who would have suspected 20 years ago that the concepts of standing enunciated in *Data Processing* and *Barlow* would be the measure for today? And MR. JUSTICE DOUGLAS, in his eloquent opinion, has imaginatively suggested another means and one, in its own way, with obvious, appropriate and self-imposed limitations as to standing. As I read what he has written, he makes only one addition to the customary criteria (the existence of a genuine dispute; the assurance of adversariness; and a conviction that the party whose standing is challenged will adequately represent the interests he asserts), that is, that the litigant be one who speaks knowingly for the environmental values he asserts.

I make two passing references:

1. The first relates to the Disney figures presented to us. The complex, the Court notes, will accommodate 14,000 visitors a day (3,100 overnight; some 800 employers; 10 restaurants; 20 ski lifts). The State of California has proposed to build a new road from Hammond to Mineral King. That road, to the extent of 9.2 miles, is to traverse Sierra National Park. It will have only two lanes, with occasional passing areas, but it will be capable, it is said, of accommodating 700–800 vehicles per hour and a peak of 1,200 per hour. We are told that the State has agreed not to seek any further improvement in road access through the park.

If we assume that the 14,000 daily visitors come by automobile (rather than by helicopter or bus or other known or unknown means) and that each visiting automobile carries four passengers (an assumption, I am sure, that is far too optimistic), those 14,000 visitors will move in 3,500 vehicles. If we confine their movement (as I think we properly may for this mountain area) to 12 hours out of the daily 24, the 3,500 automobiles will pass any given point on the two-lane road at the rate of about 300 per hour. This amounts to five vehicles per minute, or an average of one every 12 seconds. This frequency is further increased to one every six seconds when the necessary return traffic along that same two-lane road is considered. And this does not include service vehicles and employees' cars. Is this the way we perpetuate the wilderness and its beauty, solitude and quiet?

2. The second relates to the fairly obvious fact that any resident of the Mineral King area—the real "user"—is an unlikely adversary for this Disney-governmental project. He naturally will be inclined to regard the situation as one that should benefit him economically. His fishing or camping or guiding or handyman or general outdoor prowess perhaps will find an early and ready market among the visitors. But that glow of anticipation will be short-lived at best. If he is a true lover of the wilderness—as is likely, or he would not be near Mineral King in the first place—it will not be long before he yearns for the good old days when masses of people—that 14,000 influx per day—and their thus far uncontrollable waste were unknown to Mineral King.

Do we need any further indication and proof that all this means that the area will no longer be one "of great natural beauty" and one "uncluttered by the products of civilization?" Are we to be rendered helpless to consider and evaluate allegations and challenges of this kind because of procedural limitations rooted in traditional concepts of standing? I suspect that this may be the result of today's holding. As the Court points out, *ante*, pp. 11–12, other federal tribunals have not felt themselves so

confined.[1] I would join those progressive holdings.

The Court chooses to conclude its opinion with a footnote reference to De Tocqueville. In this environmental context I personally prefer the older and particularly pertinent observation and warning of John Donne.[2]

FOOTNOTES

[1] *Environmental Defense Fund, Inc.* v. *Hardin*, 428 F. 1093, 1096–1097 (CADC 1970); *Citizens for the Hudson Valley* v. *Volpe*, 425 F. 2d 97, 101–105 (CA2 1970), cert. denied, 400 U.S. 949; *Scenic Hudson Preservation Conference* v. *FPC*, 354 F. 2d 608, 615–617 (CA2 1965); *Izaak Walton League* v. *St. Clair*, 313 F. Supp. 1312, 1316–1317 (Minn. 1970); *Environmental Defense Fund, Inc.* v. *Corps of Engineers*, 324 F. Supp. 878, 879–880 (DC 1971); *Environmental Defense Fund, Inc.* v. *Corps of Engineers*, 325 F. Supp. 728, 734–736 (ED Ark. 1971); *Sierra Club* v. *Hardin*, 325 F. Supp. 99, 107–112 (Alas. 1971); *Upper Pecos Association* v. *Stans*, 328 F. Supp. 332, 333–334 (N. Mex. 1971); *Cape May County Chapter, Inc., Izaak Walton League* v. *Macchia*, 329 F. Supp. 504, 510–514 (N.J. 1971).

See *National Automatic Laundry & Cleaning Council* v. *Schultz*, 443 F. 2d 689, 693–694 (CADC 1971); *West Virginia Highlands Conservancy* v. *Island Creek Coal Co.*, 441 F. 2d 232, 234–235 (CA4 1971); *Environmental Defense Fund, Inc.* v. *HEW*, 428 F. 2d 1083, 1085 n. 2 (CADC 1970); *Honchok* v. *Hardin*, 326 F. Supp. 988, 991 (Md. 1971).

[2] "No man is an Iland, intire of itselfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or of thine owne were; and man's death diminishes me, because I am involved in Mankinde; And therefore never send to know for whom the bell tolls; it tolls for thee." Devotions XVII.

MR. JUSTICE BRENNAN, DISSENTING

I agree that the Sierra Club has standing for the reasons stated by my Brother BLACKMUN in Alternative No. 2 of his dissent. I therefore would reach the merits. Since the Court does not do so, however, I simply note agreement with my Brother BLACKMUN that the merits are substantial.

MR. JUSTICE DOUGLAS, DISSENTING

I share the views of my Brother BLACKMUN and would reverse the judgment below.

The critical question of "standing" [1] would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage. Contemporary public concern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation. See Stone, Should Trees Have Standing? Toward Legal Rights for Natural Objects, 45 S. Cal. L. Rev. 450 (1972). This suit would therefore be more properly labeled as *Mineral King* v. *Morton*.

Inanimate objects are sometimes parties in litigation. A ship has a legal personality, a fiction found useful for maritime purposes.[2] The corporation sole—a creature of ecclesiastical law—is an acceptable adversary and large fortunes ride on its cases.[3] The ordinary corporation is a "person" for purposes of the adjudicatory processes, whether it represents proprietary, spiritual, aesthetic, or charitable causes.[4]

So it should be as respects valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. The river, for example, is the living symbol of all the life it sustains or nourishes—fish, aquatic insects, water ouzels, otter, fishes, deer, elk, bear, and all other animals, including man, who are dependent on it or who enjoy it for its sight, its sound, or its life. The river as plaintiff speaks for the ecological unit of life that is part of it. Those people who have a meaningful relation to that body of water—whether it be a fisherman, a canoeist, a zoologist, or a logger—must be able to speak for the values which the river represents and which are threatened with destruction.

I do not know Mineral King. I have never seen it nor travelled it, though I have seen articles describing its proposed "development" [5] notably Hano, *Protectionists* v. *Recreationists*—the Battle of Mineral King, N.Y. Times Mag., Aug. 17, 1969; and Browning, Mickey Mouse in the Mountains, Harper's March 1972, p. 65. The Sierra Club in its complaint alleges that "One of the principal purposes of the Sierra Club is to protect and conserve the national resources of the Sierra Nevada Mountains." The District Court held that this uncontested allegation made the Sierra Club "sufficiently aggrieved" to have "standing" to sue on behalf of Mineral King.

Mineral King is doubtless like other wonders of the Sierra Nevada such as Tuolumne Meadows and the John Muir Trail. Those who hike it, fish it, hunt it, camp in it, or frequent it, or visit it merely to sit in solitude and wonderment are legitimate spokesmen for it, whether they may be a few or many. Those who have that intimate relation with the inanimate object about to be injured, polluted, or othewise despoiled are its legitimate spokesmen.

The Solicitor General, whose views on this subject are in the Appendix to this opinion, takes a wholly different approach. He considers the problem in terms of "government by the Judiciary." With all respect, the problem is to make certain that the inanimate objects, which are the very core of America's beauty, have spokesmen before they are destroyed. It is, of course, true that most of them are under the control of a federal or state agency, The standards given those agencies are usually expressed in terms of the "public interest." Yet public interest" has so many differing shades of meaning as to be quite meaningless on the environmental front. Congress accordingly has adopted ecological standards in the National Environmental Policy Act of 1969, Pub. L. 91–90, 83 Stat. 852, 42 U.S.C § 4321, *et seq*, and guidelines for agency action have been provided by the Council on Environmental Quality of which Russell E. Train is Chairman. See 36 Fed. Reg. 7724.

Yet the pressures on agencies for favorable action oneway or the other are enormous. The suggestion that Congress can stop action which is undesirable is true in theory; yet even Congress is too remote to give meaningful direction and its machinery is too ponderous to use very often. The federal agencies of which I speak are not venal or corrupt. But they are notoriously under the control of powerful interests who manipulate them through advisory committees, or friendly working relations, or who have that natural affinity with the agency which in time develops between the regulator and the regulated.[6] As early as 1894, Attorney General Olney predicted that regulatory agencies might become "industry-minded," as illustrated by his forecast concerning the Interstate Commerce Commission:

"The Commission is or can be made of great use to the railroads. It satisfies the public clamor for supervision of the railroads, at the same time that supervision is almost entirely nominal. Moreover, the older the Commission gets to be, the more likely it is to take a business and railroad view of things." M. Josephson, The Politicos 526 (1938).

Years later a court of appeals observed, "the recurring question which has plagued public regulation of industry [is] whether the regulatory agency is unduly oriented toward the interests of the industry it is designed to regulate, rather than the public interest it is supposed to protect." *Moss* v. *CAB*, 430 F. 2d 891, 893 (CADC 1970). See also *Office of Communication of the United Church of Christ* v. *FCC*, 359 F. 2d 994, 1003–1004; *Udall* v. *FPC*, 387 U.S. 428; *Calvert Cliffs' Coordinating Committee, Inc.* v. *AEC*, 449 F. 2d 1109; *Environmental Defense Fund, Inc.* v. *Ruckelshaus*, 439 F. 2d 584; *Environmental Defense Fund, Inc.* v. *HEW*, 428 F. 2d 1083; *Scenic Hudson Preservation Conf.* v. *FPC*, 354 F. 2d 608, 620. But see Jaffe, The Federal Regulatory Agencies In a Perspective: Administrative Limitation In A Political Setting, 11 Bos. C. I. & C. Rev. 565 (1970) (labels "industry-mindedness" as "devil" theory).

The Forest Service—one of the federal agencies behind the scheme to despoil Mineral King—has been notorius for its alignment with lumber companies, although its mandate from Congress directs it to consider the various aspects of multiple use in its supervision of national forests.[7]

The voice of the inanimate object, therefore, should not be stilled. That does not mean that the judiciary takes over the managerial functions from the federal agency. It merely means that before these priceless bits of Americana (such as a valley, an alpine meadow, a river, or a lake) are forever lost or are so transformed as to be reduced to the eventual rubble of our urban environment, the voice of the existing beneficiaries of these environmental wonders should be heard.[8]

Perhaps they will not win. Perhaps the bulldozers of "progress" will plow under all the aesthetic wonders of this beautiful land. That is not the present question. The sole question is, who has standing to be heard?

Those who hike the Appalachian Trail into Sunfish Pond, New Jersey, and camp or sleep there, or run the Allagash in Maine, or climb the Guadalupes in West Texas, or who canoe and portage the Quetico Superior in Minnesota, certainly should have standing to defend those natural wonders before courts or agencies, though they live 3,000 miles away. Those who merely are caught up in environmental news or propaganda and flock to defend these waters or areas may be treated differently. That is why these environmental issues should be tendered by the inanimate object itself. Then there will be assurances that all of the forms of life [9] which it represents will stand before the court—the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams. Those inarticulate members of the ecological group cannot speak. But those people who have so frequented the place as to know its values and wonders will be able to speak for the entire ecological community.

Ecology reflects the land ethic; and Aldo Leopold wrote in A Sand County Almanac 204 (1949), "The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively, the land."

That, as I see it, is the issue of "standing" in the present case and controversy.

FOOTNOTES

[1] See generally *Data Processing Service* v. *Camp*, 397 U.S. 150 (1970); *Barlow* v. *Collins*, 397 U.S. 159 (1970); *Flast* v. *Cohen*, 302 U.S. 83 (1968). See also MR. JUSTICE BRENNAN'S concurring opinion in *Barlow* v *Collins*, *supra*, at 167. The issue of statutory standing aside, no doubt exists that "injury in fact" to "aesthetic" and "conservational" interests is here sufficiently threatened to satisfy the

case or controversy clause. *Data Processing Service* v. *Camp, supra,* at 154.

[2] *In rem* actions brought to adjudicate libellants' interests in vessels are well known in admiralty. Gilmore & Black, The Law of Admiralty 31 (1957). But admiralty also permits a salvage action to be brought in the name of the rescuing vessel. *The Comanche,* 75 U.S. (8 Wall.) 449, 476 (1869). And, in collision litigation, the first-libelled ship may counterclaim in its own name. *The Gylfe* v. *The Trujillo,* 209 F. 2d 386 (CA2 1954). Our case law has personified vessels:

"A ship is born when she is launched, and lives so long as her identity is preserved. Prior to her launching she is a mere congeries of wood and iron. . . . In the baptism of launching she receives her name, and from the moment her keel touches the water she is transformed. . . . She acquires a personality of her own." *Tucker* v. *Alexandroff,* 183 U.S. 424, 438.

[3] At common law, an office holder, such as a priest or the King, and his successors constituted a corporation sole, a legal entity distinct from the personality which managed it. Rights and duties were deemed to adhere to this device rather than to the office holder in order to provide continuity after the latter retired. The notion is occasionally revived by American courts. *E.g., Reid* v. *Barry,* 93 Fla. 849. 112 So. 846 (1927), discussed in Note, 12 Minn. L. Rev. 295 (1928), and in Note, 26 Mich. L. Rev. 545 (1928); see generally 1 Fletcher Cyclopedia Corporation, §§ 50–53; P. Potter, Law of Corporation 27 (1881).

[4] Early jurists considered the conventional corporation to be a highly artificial entity. Lord Coke opined that a corporation's creation "rests only in intendment and consideration of the law." The Case of Suttons Hospital, 77 Eng. Rep. 937, 973 (K.B. 1613). Mr. Chief Justice Marshall added that the device is "an artificial being, invisible, intangible, and existing only in contemplation of law." *Trustees of Dartmouth College* v. *Woodward,* 17 U.S. (4 Wheat.) 518, 636 (1819). Today suits in the names of corporations are taken for granted.

[5] Although in the past Mineral King Valley has annually supplied about 70,000 visitor-days of simpler and more rustic forms of recreation—hiking, camping and skiing (without lifts)—the Forest Service in 1949 and again in 1965 invited developers to submit proposals to "improve" the Valley for resort use. Walt Disney Productions won the competition and transformed the Service's idea into a mammoth project 10 times its originally proposed dimensions. For example, while the Forest Service prospectus called for an investment of at least $3 million and a sleeping capacity of at least 100, Disney will spend $35.3 million and will bed down 3300 persons by 1978. Disney also plans a nine-level parking structure with two supplemental lots for automobiles, 10 restaurants and 20 ski lifts. The Service's annual license revenue is hitched to Disney's profits. Under Disney's projections, the Valley will be forced to accommodate a tourist population twice as dense as that in Yosemite Valley on a busy day. And, although Disney has bought up much of the private land near the project, another commercial firm plans to transform an adjoining 160-acre parcel into a "piggyback" resort complex, further adding to the volume of human activity the Valley must endure. See generally; Note, Mineral King Valley: Who Shall Watch the Watchman? 25 Rutgers L. Rev. 103, 107 (1970); Thar's Gold in Those Hills, 206 The Nation 260 (1968). For a general critique of mass recreation enclaves in national forests see Christian Science Monitor, Nov. 22, 1965, at 5, col. 1. Michael Frome cautions that the national forests are "fragile" and "deteriorate rapidly with excessive recreation use" because "(t)he trampling effect alone eliminates vegetative growth, creating erosion and water runoff problems. The concentration of people, particularly in horse parties, on excessively steep slopes that follow old Indian or cattle routes, has torn up the landscape of the High Sierras in California and sent tons of wilderness soil washing downstream each year." M. Frome, The Forest Service 69 (1971).

[6] The federal budget annually includes about $75 million for underwriting about 1,500 advisory committees attached to various regulatory agencies. These groups are almost exclusively composed of industry representatives appointed by the President or by Cabinet members. Although public members may be on these committees, they are rarely asked to serve. Senator Lee Metcalf warns: "Industry advisory committees exist inside most important federal agencies, and even have offices in some. Legally, their function is purely as kibitzer, but in practice many have become internal lobbies—printing industry handouts in the Government Printing Office with taxpayers' money, and even influencing policies. Industry committees perform the dual function of stopping government from finding out about corporations while at the same time helping corporations get inside information about what government is doing. Sometimes, the same company that sits on an advisory council that obstructs or turns down a government questionnaire is precisely the company which is withholding information the government needs in order to enforce a law." Metcalf, The Vested Oracles: How Industry Regulates Government, 3 The Washington Monthly 45 (1971). For proceedings conducted by Senator Metcalf exposing these relationships, see Hearings on S. 3067 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 91st Cong., 2d Sess. (1970); Hearings on S. 1737, S. 1964, and S. 2064 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 92d Cong., 1st Sess. (1971).

The web spun about administrative agencies by industry representatives does not depend, of course, solely upon advisory committees for effectiveness. See Elman, Administrative Reform of the Federal Trade Commission, 59 Geo. L. J. 777, 788 (1971); Johnson, A New Fidelity to the Regulatory Ideal, 59 Geo. L. J. 869, 874, 906 (1971); R. Berkman & K Visecusi, Damming The West, The Ralph Nadar Study Group Report On The Bureau of Reclamation 155 (1971); R. Fellmeth, The Interstate Commerce Omission, Ralph Nadar Study Group on the Interstate Commerce Commission and Transportation 15–39 and *passim* (1970); J. Turner, The Chemical Feast, The Ralph Nader Study on Food Protection and the Food and Drug Administration *passism* (1970); Massed, The Regulatory Process, 26 Law and Contemporary Problems 181, 189 (1961); J. Landis, Report on Regulatory Agencies to the President-Elect 13, 69 (1960).

[7] The Forest Reserve Act of 1897, 30 Stat. 34, 16 U.S.C. § 551, imposed upon the Secretary of the Interior the duty to "preserve the [national] forests . . . from destruction" by regulating their "occupancy and use." In 1905 these duties and powers were transferred to the Forest Service created within the Department of Agriculture by the Act of Feb. 1, 1905, 33 Stat. 628, 16 U.S.C. § 472. The phrase "occupancy and use" has been the cornerstone for the concept of "multiple use" of national forests, that is, the policy that uses other than logging were also to be taken into consideration in managing our 154 national forests. This policy was made more explicit by the 1960 Multiple Use and Sustained Yield Act, 74 Stat. 215, 43 U.S.C. § 315, which provides that competing considerations should include outdoor recreation, range, timber, watershed, wildlife and fish purposes. The Forest Service, influenced by powerful logging interests, has, however, paid only lip service to its multiple use mandate and has auctioned away millions of timberland acres without considering environmental or conservational interests. The importance of national forests to the construction and logging industries results from the type of lumber grown therein which is well suited to builders' needs. For example, Western acreage produces douglas fir (structural support) and ponderosa pine (plywood lamination). In order to preserve the total acreage and so-called "maturity" of timber, the annual size of a Forest Service harvest is supposedly equated with expected yearly reforestation. Nonetheless, yearly cuts have increased from 5.6 billion board feet in 1950 to 13.74 billion in 1971. Forestry professionals challenge the Service's explanation that this 240% harvest increase is not really overcutting but instead has resulted from its improved management of timberlands. "Improved management" answer the critics is only a euphemism for exaggerated regrowth forecasts by the Service. N.Y. Times, Nov. 15, 1917, at 48, col. 1. Recent rises in lumber prices have caused a new round of industry pressure to auction more federally owned timber. See Wagner, Resources Report/ Lumbermen, conservationists head for new battle over government timber, 3 Nat. J. 657 (1971).

Aside from the issue of how much timber should be cut annually, another crucial question is *how* lumber should be harvested. Despite much criticism the Forest Service had adhered to a policy of permitting logging companies to "clearcut" tracts of auctioned acreage. "Clearcutting," somewhat analogous to strip mining, is the indiscriminate and complete shaving from the earth of all trees—regardless of size or age—often across hundreds of contiguous acres.

Of clearcutting Senator Gale McGee, a leading antagonist of Forest Service policy, complains: "The Forest Service's management policies are wreaking havoc with the environment. Soil is eroding, reforestation is neglected, if not ignored, streams are silting, and clearcutting remains a basic practice." N. Y. Times, Nov. 14, 1971, at 60, col. 2. He adds "In Wyoming . . . the Forest Service is very much nursemaid . . . to the lumber industry. . . ." Hearings on Management Practice on the Public Lands before the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs, pt. 1, at 7 (1971).

Senator Jennings Randolph offers a similar criticism of the leveling by lumber companies of large portions of the Monongahela National Forest in West Virginia. *Id.,* 9. See also 116 Cong. Rec. 36971 (1970) (reprinted speech of Sen. Jennings Randolph concerning Forest Service policy in Monongahela National Forest). To investigate similar controversy surrounding the Service's management of the Bitterroot National Forest in Montana, Senator Lee Metcalf recently asked forestry professionals at the University of Montana to study local harvesting practices. The faculty group concluded that public dissatisfaction had arisen from the Forest Service's "overriding concern for sawtimber production" and its "insensitivity to the related forest uses . . . and the public interest in environmental values." S. Doc. 91–115, 91st Cong., 2d Sess., 14 (1970). See also Behan, Timber Mining: Accusation or Prospect? 77 American Forests 4 (1971) (additional comments of faculty participant); Reich. The Public and the Nation's Forests, 50 Cal. L. Rev. 381–400 (1962).

Former Secretary of the Interior Walter Hickel similarly faulted clearcutting as excusable only as a money-saving harvesting practice for large lumber corporations. W. Hickel, Who Owns America? 130 (1971). See also Risser, the U.S. Forest Service; Smokey's Strip Miners, 3 The Washington Monthly 16 (1971). And at least one Forest Service study team shares some of these criticisms of clearcutting. U.S. Dept. of Agriculture, Forest

Management in Wyoming 12 (1971). See also Public Land Law Review Comm'n, Report to the President and to the Congress 44 (1970); Chapman, Effects of Logging upon Fish Resources of the West Coast, 60 J. of For. 533 (1962).

A third category of criticism results from the Service's huge backlog of delayed reforestation projects. It is true that Congress has underfunded replanting programs of the Service but it is also true that the Service and lumber companies have regularly ensured that Congress fully fund budgets requested for the Forest Service's "timber sales and management." Frome, The Environment and Timber Resources, What's Ahead for Our Public Lands? 24 (A. Pyles ed. 1970).

[8] Permitting a court to appoint a representative of an inanimate object would not be significantly different from customary judicial appointments of guardians *ad litem*, executors, conservators, receivers, or counsel for indigents.

The values that ride on decisions such as the present one are often not appreciated even by the so-called experts.

"A teaspoon of living earth contains 5 million bacteria, 20 million fungi, one million protozoa, and 200,000 algae. No living human can predict what vital miracles may be locked in this dab of life, this stupendous reservoir of genetic materials that have evolved continuously since the dawn of the earth. For example, molds have existed on earth for about 2 billion years. But only in this century did we unlock the secret of the penicillins, tetracyclines, and other antibiotics from the lowly molds, and thus fashion the most powerful and effective medicines ever discovered by man. Medical scientists still wince at the thought that we might have inadvertently wiped out the rhesus monkey, medically, the most important research animal on earth. And who knows what revelations might lie in the cells of the blackback gorilla nesting in his eyrie this moment in the Virunga Mountains of Rwanda? And what might we have learned from the European lion, the first species formally noted (in 80 A.D.) as extinct by the Romans?

"When a species is gone, it is gone forever. Nature's genetic chain, billions of years in the making, is broken for all time." 13 Conserv. 4 (Nov. 1971).

Aldo Leopold wrote in Round River (1953) p. 147:

"In Germany there is a mountain called the Spessart. Its south slope bears the most magnificent oaks in the world. American cabinetmakers, when they want the last word in quality, use Spessart oak. The north slope, which should be better, bears an indifferent stand of Scotch pine. Why? Both slopes are part of the same state forest; both have been managed with equally scrupulous care for two centuries. Why the difference?

"Kick up the litter under the oaks and you will see that the leaves rot almost as fast as they fall. Under the pines, though, the needles pile up as a thick duff; decay is much slower. Why? Because in the Middle Ages the south slope was preserved as a deer forest by a hunting bishop; the north slope was pastured, plowed, and cut by settlers, just as we do with our woodlots in Wisconsin and Iowa today. Only after this period of abuse something happened to the microscopic flora and fauna of the soil. The number of species was greatly reduced, *i.e.*, the digestive apparatus of the soil lost some of its parts. Two centuries of conservation have not sufficed to restore these losses. It required the modern microscope, and a century of research in soil science, to discover the existence of these 'small cogs and wheels' which determine harmony or disharmony between men and land in the Spessart."

[9] Senator Cranston has introduced a bill to establish a 35,000 acre Pupfish National Monument to honor the pupfish which are one inch long and are useless to man. S. 2141, 92d Cong., 1st Sess. They are too small to eat unfit for a home aquarium. But as Michael Frome has said:

"Still, I agree with Senator Cranston that saving the pupfish would symbolize our appreciation of diversity in God's tired old biosphere, the qualities which hold it together and the interaction of life forms. When fishermen rise up united to save the pupfish they can save the world as well." Field & Stream, December 1971, p. 74.

APPENDIX TO OPINION OF DOUGLAS, J.—STATEMENT OF THE SOLICITOR-GENERAL

"As far as I know, no case has yet been decided which holds that a plaintiff which merely asserts that, to quote from the complaint here, its interest would be widely affected, and that 'it would be aggrieved,' by the acts of the defendant, has standing to raise legal questions in court.

"But why not? Do not the courts exist to decide legal questions? And are they not the most impartial and learned agencies we have in our governmental system? Are there not many questions which must be decided by courts? Why should not the courts decide any question which any citizen wants to raise? As the tenor of my argument indicates, this raises, I think, a true question, perhaps a somewhat novel question, in the separation of powers. . . .

"Ours is not a government by the Judiciary. It is a government of three branches, each of which was intended to have broad and effective powers subject to checks and balances. In litigable cases, the courts have great authority. But the Founders also intended that the Congress should have wide powers, and that the executive branch should have wide powers. All these officers have great responsibilities. They are no less sworn than are the members of this Court to uphold the Constitution of the United States.

"This, I submit, is what really lies behind the standing doctrine, embodied in those cryptic words 'case' and 'controversy' in Article III of the Constitution. Analytically, one could have a system of government in which every legal question arising in the course of government would be decided by the courts. It would not be, I submit, a good system. More important, it is not the system which was ordained and established in our Constitution, as it has been understood for nearly 200 years.

"Over the past 20 or 25 years there has been a great shift in the decision of legal questions in our governmental operations into the courts. This has been the result of continuous whittling away of the numerous doctrines which have been established over the years, designed to minimize the number of governmental questions which it was the responsibility of the courts to consider.

"I have already mentioned the most ancient of all, case or controversy, which was early relied on to prevent the presentation of feigned issues to the court. But there are many other doctrines, which I cannot go into in detail: reviewability, justiciability, sovereign immunity, mootness in various aspects, statutes of limitations and laches, jurisdictional amount, real party in interest and various questions in relation to joinder. Under all of these headings, limitations which previously existed to minimize the number of questions decided in courts have broken down in varying degrees. I might also mention the explosive development of class actions which has thrown more and more issues into the courts. . . .

"If there is standing in this case, I find it very difficult to think of any legal issue arising in government which will not have to await one or more decisions of the court before the administrator sworn to uphold the law, can take any action. I'm not sure that this is good for the government. I'm not sure that it is good for the courts. I do find myself more and more sure that it is not the kind of allocation of governmental power in our tripartite constitutional system that was contemplated by the Founders. . . .

"I do not suggest that administrators can act at their whim and without any check at all. On the contrary, in this area they are subject to continuous check by the Congress. Congress can stop this development any time it want to."

THE MODERN STATE OF ISRAEL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, in 4 years, the United States will celebrate the 200th anniversary of its declaration of independence. We will have much upon which to reflect on that occasion—the growth of our industries and farms, the realization of the freedoms and liberties which were 200 years ago only dreams, the melding of the world's peoples into something we call the American citizen, the advances in science and education—and we will take a critical look at the future. Another anniversary, not so dissimilar from our own, occurs today, the 24th year of independence of the State of Israel. For the Israeli citizens, there is also much for reflection and for contemplation.

For Israel, the past extends backward through time to the earliest record of the Hebrew prophets and patriarchs, creating a continuum of history that is unbroken to the present day. The promises made by God to a wandering people seeking a homeland have been realized, the predictions of an ingathering of the exiles are still being turned into realities, and the threats of trials and hostilities are still being made. Israel is a modern state, but it is also an ancient nation that has faced more than once the specter of impending death and has risen like the phoenix to live again.

And Israel shall live. The Israeli people are willing to meet the challenges of modernization, and they are determined to create not just a viable state but a dynamic nation. The growth of Israeli industry, the almost magical planting of farms, vineyards and orchards in hostile deserts, the building of new cities and villages, the gathering together of the threads of mankind to create the Israeli citizen, are ample demonstrations of what the Israelis can do and are doing. And amid the building of the Israeli nation, there have been formidable attacks on the very right to live by hostile enemies of the Jewish people. But that challenge, too, was turned aside by a strength of arms and by a fierce resiliency of life—the Israelis have not waited 2000 years to be denied their dream in the 11th hour by aggression-bent neighbors.

For the future of Israel, there are still many problems to be solved, the resettlement of the new immigrants from the Soviet Union, the heavy debt incurred in defending their state, the search for peace with the Arabs, the continuation of the building for the future; but the Israelis are prepared for tomorrow and

they are capable of confronting the unknown. We share much with Israel, our love of freedom, our pioneering past, our desire for peace, our anticipation of the future, and we share a friendship in an age when friendship seems an obsolete commodity. On the 24th anniversary of the founding of the independent State of Israel, we extend our congratulations, and we reaffirm the friendship of the American and Israeli peoples.

EXCELLENT SPEECH BY BANKING COMMITTEE CHAIRMAN WRIGHT PATMAN ON NATION'S HOUSING PROBLEMS, BEFORE NATIONAL HOUSING CONFERENCE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mrs. SULLIVAN. Mr. Speaker, the Housing Subcommittee of the House Committee on Banking and Currency has been at work for several months on a comprehensive new housing bill intended to correct the admittedly serious problems in the operation of existing programs and in developing new programs or new techniques for meeting the needs of the American people for decent, sanitary homes in a good environment. We will soon be recommending such a bill to the full committee.

As the ranking majority member of that subcommittee, and as a member of that subcommittee since it was established in 1955, I know of no housing bill we have ever worked on which reflected as much intensive study as we have given to this pending measure. Instead of trying to patch up a hole here or there in existing programs, we have undertaken a comprehensive review through a series of panel investigations into every phase of production and financing and consumption of housing to determine how we can encourage the provision of more housing for all Americans, particularly those whose incomes are above the public housing or subsidized housing income levels but who are unable to afford a good home at today's extremely high construction and financing costs. These are the people who pay the taxes which help to subsidize low-income families in obtaining housing, but receive no help themselves in buying a home.

Under the chairmanship of Congressman WILLIAM A. BARRETT, of Pennsylvania, the Housing Subcommittee has done, I believe, a truly remarkable job of digging into the facts in this situation and documenting the needs for improvement in our housing supply.

We have been able to accomplish these purposes because we have had the full support and assistance of the chairman of the parent committee, the Honorable WRIGHT PATMAN, of Texas, in assigning staff members of the full committee to help in conducting a series of investigations into the frauds and deceits and scandals which have marked some of our housing programs.

INVESTIGATION BY AD HOC SUBCOMMITTEE ON HOME FINANCING PRACTICES AND PROCEDURES

In 1969, Chairman PATMAN established an Ad Hoc Subcommittee on Home Financing Practices and Procedures to investigate abuses in the sale of homes to low income families in inner city areas, particularly in the city of Washington. Out of this 91st Congress investigation, which I chaired, assisted by Representatives HANLEY and BRASCO, of New York, former Representative Mize, of Kansas, and Senator BEALL, or Maryland, who was then in the House, we uncovered the basic outlines of vast scandal involving housing speculators financed by some savings and loans which victimized many poor families in the Nation's Capital and elsewhere. Following the enactment of some corrective legislation in 1970, the full committee, under Chairman PATMAN, then pursued in this Congress the implications of this scandal as it involved the section 235 subsdized homeownership program, resulting in a complete halt of the entire 235 program until reforms were instituted by the Department of Housing and Urban Development.

The ad hoc subcommittee in 1969 and 1970 also exposed the cost-raising features of the mysterious "closing costs" or "settlement costs" of a home purchase, and the Housing Subcommittee pursued those issues in this Congress following an excellent series of articles by Ronald Kessler in the Washington Post and the introduction by Chairman PATMAN of a bill dealing specifically with closing costs.

NATIONAL HOUSING CONFERENCE SPEECH BY CHAIRMAN PATMAN

Last month, at the 41st annual convention of the National Housing Conference, a nonprofit organization which has been in the forefront since early New Deal days of the fight for better housing legislation for all Americans, Chairman PATMAN delivered a major address on the scope of today's housing problems, as reflected in extremely high interest rates, bureaucratic redtape, fake appraisals, fraud, real estate speculation, and built-in cost raising procedures which have grown up over the years, particularly in the closing costs and other fees which have added substantially to the expenses of purchasing a home and often involve kickbacks and commissions to lawyers and others who serve not the buyer but the seller or lender.

Chairman PATMAN's speech to the National Housing Conference provides a clear insight into the problems we have tried to solve in the forthcoming new housing bill. As he said in that speech:

> We have got to find the means to make these programs work better and that goal may not always coincide with the profit desires of all of the real estate and lending interests.

The recent news articles throughout the country on the abandonment of defective housing sold to low-income families at horribly inflated prices under terms which had the Federal Government not only guaranteeing the mortgage and interest but actually footing most of the monthly interest charges underscore the urgency of correcting past mistakes and avoiding their repetition. But the problems are not restricted just to subsidized housing for low-income families; our problems in the housing field cover the whole range of housing for moderate- and average-income families, as well as the very poor.

I urge the Members of the House to read Chairman PATMAN's remarks on this subject as preparation for consideration of the kind of housing bill we hope to bring before the House in the near future. He tells what the problems are, how we got into this situation, and some of the things we have to do about it. His remarks follow:

REMARKS OF HON. WRIGHT PATMAN, CHAIRMAN, HOUSE BANKING AND CURRENCY COMMITTEE, TO THE NATIONAL HOUSING CONFERENCE 41ST ANNUAL CONVENTION, STATLER HILTON HOTEL, WASHINGTON, D.C., MARCH 5, 1972

It is good to be back at the National Housing Conference. Developments have moved rapidly in the Housing field since I spoke to you last and today this industry is riding the crest of one of its best booms in history. This is encouraging and I know that many of the groups represented here today deserve a share of the credit for this increased production.

A mere recitation of the figures might lead the unsophisticated into thinking that we were well on the road to solving all of our housing and development problems. But this audience is not so easily deluded. You know that underneath these aggregate figures, many of our problems are actually becoming worse and moving farther and farther away from solutions. These hard, cold facts aren't talked about on the financial pages which herald the two million new starts for 1971.

To begin with, we are struggling against an overwhelming backlog of needs in the housing area. This backlog has been growing steadily for many decades and it reached desperation level in 1969 and 1970. In those two years, housing construction—for all practical purposes—ground to almost a total standstill in the wake of the high interest, tight money policies of the Nixon Administration.

In 1969, we were able to build only 1,400,000 new homes, and in 1970, only 1,430,000 new starts were recorded. So, it is obvious that the two million plus new starts of 1971 did not begin to make up for the depression years of 1969 and 1970—much less attack our long-standing deficiencies in low and moderate income housing. We all know that one reasonably good year does not begin to meet the really crushing housing needs of the nation. This is particularly true if we are talking about housing for the low and moderate income families of this nation.

The gap is widening between the affluent—who can afford to pay any price for shelter—and the low and moderate income families who are forced to live within tight budgets and whose financing is sharply restricted by the level of their income. So, simply announcing two million new starts as a record year—without finding out who bought the houses—doesn't really tell the American Public very much about our progress in providing housing—the kind of housing really demanded and needed by the great majority of the American people.

It is possible to play all kinds of numbers games with housing construction figures. It is an industry that is over-burdened with statistics. I don't want to add to this burden here today, but I think it is interesting to note that back in 1965, more than 50% of the homes built sold for under $20,000. In 1971, less than one-third of the homes built across the nation fell into this under-$20,000 category.

In 1971, more than one-third of the homes constructed were priced above $30,000, compared with only 13% in this more affluent category in 1965.

Without question, there are a number of factors involved in this trend, but any fair analysis would point the finger of blame primarily at the rising cost of financing and the prolonged period of high interest rates. Homebuilders and developers are businessmen and they know that most low and moderate income families cannot meet the downpayment and the monthly payments required when interest rates are at 7%, 7½% and 8% in various sectors of the nation.

Many builders have been forced to adjust their sights upward. They have started building more homes for the rich and for the families who could afford huge downpayments and high monthly interest charges. As a result, the low and moderate income housing areas have been abandoned—in many cases—at the very time of greatest need.

The truth is, a tremendous number of people—millions of good, hard-working Americans—cannot qualify for home mortgages when interest rates range between 7% and 8% plus fees—the conditions which exist today. This is a dangerous situation. We are asking for trouble when we develop programs—and monetary policy—which end up building housing for the affluent and ignoring the needs of the low and moderate income family. That isn't the American way and we are going to have to find the solution which will make housing—good, clean, sanitary shelter—available for all Americans.

The starting point has to be interest rates. This is the most costly item in any home and, as you know, the total interest payments usually are one and one-half to two times the actual principal of the average mortgage. In other words, the financing costs more—much more—than all the bricks, lumber, workmanship, land, plumbing and everything else that goes into the construction of a dwelling. So unless we have a program to reduce interest rates, we don't have much chance to reduce the cost of housing.

And despite all of the great propaganda that has rolled forth in recent months, we aren't doing a thing about high interest rates in the home mortgage area. This is a fact which is being clouded more and more to the detriment of our hopes to provide decent housing for everyone. The truth is, a great deal of propaganda has been generated about monetary conditions and interest rates as we have gotten nearer and nearer the 1972 election campaigns. In reality, mortgage interest rates have continued at extremely high levels. The Federal Home Loan Bank Board survey shows that average interest rates across the nation on new homes were 7.66% just prior to the freeze imposed on August 15. By the end of January, these same rates had risen to 7.77%. These are averages and of course this means in many parts of the country, interest rates are actually in the neighborhood of 8% plus fees and points.

If these interest rates weren't so hard on the people, the Administration's efforts to hide the facts—and to distort the facts—would be comical. Virtually every expert in the Federal Government has testified or issued a press release telling the public that home mortgage rates had declined after the President imposed the wage-price freeze back last August 15.

When we pointed out that the monthly surveys of the Federal Home Loan Bank Board actually showed increases—instead of decreases—these experts then claimed this simply represented "forward commitments"—commitments made before the August 15 freeze. This story worked for a while, but it began to get a little absurd as the weeks rolled on.

August 15 is now nearly seven months behind us, and everyone knows that the current high level of mortgage rates—rates higher than the pre-wage-price period—could not possibly be reflecting prior commitments. These rates are on commitments made since the wage-price freeze. So it is time for the Administration to start facing the hard facts on this issue.

There may well be minor fluctuations in these interest rate figures on home mortgages in the coming weeks and months. There may even be some fractional declines about which we will hear lots of propaganda. But underneath all of this, you know that home mortgage rates have hung at a very high level—a level much too high to sustain the kind of boom that we must have in homebuilding and much too high to allow low and moderate income families to obtain decent housing.

We need a sizeable and meaningful reduction in these rates. Rates between 7% and 8% are not "normal" rates and they are not in line with the historic level of interest rates on this type of lending. This is one of the problems which still remains from the high interest period of 1969 and 1970. Home mortgages then were 8½% and 9%—if available at all—and some people today persist in trying to compare the current level of interest rates with this disastrous period.

This is not a valid comparison and it tells us nothing about the level of interest rates needed to fuel homebuilding. The Administration seems to be telling the people that since they were run over by a steam roller in 1969 and 1970, they should be grateful because this year they are only being hit with a two-ton truck.

We have never gone through such a prolonged period of high interest rates in the mortgage area. There is no comparable period in the financial history of this nation. Over the past three years, mortgage interest rates have been between 7% and 9%—and there isn't any period to match this in our entire history. Look back through your statistics and you will find that in the mid-1960's, these same home mortgages were available between 5 and 5½%. This is the base on which we ought to be comparing interest rates. And more importantly, the Administration ought to be pursuing policies that would get interest rates down to 5% on home mortgages.

To accomplish this, I am convinced that President Nixon will need to follow the intent of Congress and employ controls over all levels of interest rates. We gave the President this power in the Economic Stabilization Act. The intent was very clear that he use this authority while general wage and price controls were in effect. The only exception to this requirement was if the President made a finding that interest rates were at satisfactory levels in all categories.

The President's Cost of Living Council issued a feeble statement purporting to make such a finding, but it was not accompanied by economic data and analyses as the Congress required. The order which the Cost of Living Council issued in this area is invalid and violates both the spirit and the letter of the Economic Stabilization Act. It is not a finding as required by law and I think it is a shame that this Administration has failed to protect the American public in this area and has blatantly ignored congressional directives.

You cannot expect the wage-earner and the businessman—who are under controls—to cooperate wholeheartedly with a stabilization program which allows lenders and interest rates to go uncontrolled. The whole success of an economic stabilization program on equal treatment and yet this entire area remains in a favored position. This endangers the success of Phase II.

The problem of high interest rates extends far beyond the mortgage field. For example, the very best corporate bonds are priced at between 7 and 7.50% today, while in the mid-1960's, these same classes of bonds carried interest rates below 4.50%.

High-grade municipal bonds are ranging between 5% and 5.50% today, while in 1965, this same type of bond bore an interest rate around 3.25%. The rates in the consumer areas are even more out of proportion with "normal" levels and in most areas of the country, people are paying 36% and more on small loans, and from 18% to 24% on a growing volume of installment credit. So, the fact that some interest rates are below the historic highs of 1969–70 does not translate into "reasonable" or "low" interest rates.

Economic recovery cannot be accomplished at the current level of interest rates. We cannot reduce unemployment at this level of interest rates. Housing production will not continue at high levels unless we can do something about mortgage interest rates. The situation is critical and it has not been helped by the Administration's attempts to propagandize in this area with repeated statements about the handful of money market rates which have declined.

These are other areas—besides interest rates—where there can be some definite cost-cutting—and a little more justice for the homebuyer. Most of you are aware that the Banking and Currency Committee is now moving to cut some of the fat out of the closing or settlement costs associated with a home mortgage. These charges vary greatly from state to state and it is obvious that the homebuyer is getting stuck with some unnecessary and overblown charges in many localities.

These settlement costs are imposed on the homebuyer at the last minute and after he has already come up with sizeable sums for downpayments, for moving expense, and for the many details associated with any home purchase. The homebuyer is already strapped for cash at this point, and we should certainly make sure that he is not stuck with additional and unnecessary fees and charges at closing.

Basically, a homebuyer ought to be charged only for those services which benefit him directly and those which are actually necessary to protect his interests in the piece of real estate. No one objects to the homebuyer being charged legitiate fees for legitimate services—but let us make certain that all these charges are indeed legitimate. And to be legitimate, it is necessary that these charges be calculated on the basis of the time, work and risk involved and not on generalized and undocumented rate schedules.

In addition, I feel it is very important that the homebuyer be informed prior to the actual closing about these fees so that he can raise questions if they appear out of line. It is my hope that everyone interested in housing will get behind the effort to provide reasonable remedies to this problem and to help remove all of these unnecessary roadblocks in the way of homeownership.

Certainly, there are other, even more fundamental questions facing us in the housing area. This is painfully obvious in those areas which involve subsidy programs of the Federal Government.

After all of these years we really don't have what can be honestly regarded as a coherent national policy on housing. It's still little more than a patchwork of overlapping, inadequate programs glued together with high-sounding preambles and pronouncements.

At times, Federal housing policies—and administration—have created and maintained slums and have not moved this nation closer to the day when every American can have decent shelter at a reasonable cost. This is a sad situation in a country that has the technical know-how and the resources to put a man on the moon.

Too often, these Federal programs have been developed more as a subsidy to the industry—to the entire range of real estate interests—rather than as assistance to the

homebuyer. Too often, housing organizations—good ones with good purposes—have been too interested in a housing program just for the sake of a housing program without looking down the road to see where some of these policies were leading us.

Your organizations have a duty to investigate these housing programs, to point out the deficiencies and to argue the case for long-range solutions. I don't think anyone—in or out of Congress—has been giving enough thought to these rambling omnibus housing bills that seem to roll forward every year.

Perhaps some hard-nosed investigation might have saved us from the disasters of public housing. Here is a program that ended up constructing barracks-like buildings around the nation—buildings that didn't satisfy anyone—the community or the tenants. Many of these projects were built helter-skelter without regard to future population trends, without any study about their proximity to job opportunities, without regard to the needs of the tenants—in short, without any real planning. In some areas, these buildings stand vacant today, in disrepair and as a monument to the Government's inability to match its programs to the needs of the people.

This is a waste which benefits no one. It is the kind of history that hurts Federal housing programs and gives the opponents of housing legislation a great arsenal of ammunition.

Many of these programs start out with high-sounding purposes, and what appear to be really outstanding concepts. Then some one comes along and insists that we add in the profit margin for each real estate interest as the program moves forward. There's a little bit for the land speculator, the builder, the lender, the closing attorney, the title company, the insurance company, and on down the line. By the time the project reaches the end of the line, it is so top heavy that you can't be sure just who did get the subsidy.

Without question, many of these costs are legitimate and cannot be eliminated, but at the same time I think it is absurd to insist that every conceivable interest can claim and receive the fullest possible profit on projects supposedly designed for low-income families. There's plenty of room for profit-taking in the more affluent conventional market and we are going to have to find ways to reduce some of this fat in programs where we expect the taxpayer to pick up the tab. We just don't have the resources to pay all the profit being demanded in housing the poor.

The FHA 235 and 236 programs are good examples and the problem has been compounded by atrocious mismanagement of these projects at HUD. When these programs got underway, there was little or no effort made to look down the road—to see what kind of mess we were getting into.

Two years ago, we started getting mail and telephone calls about the administration of the 235 and 236 programs. We heard some pretty bad horror stories of speculation, of outright cheating of the homebuyers. We started investigating and you know more than a year ago the Banking and Currency Committee issued a report detailing widespread abuses in this program—inflated appraisals, substandard housing, speculative profits—just about every con game in the book was pulled on these people who were trying to buy homes under the 235 program. And the saddest part of this story was that HUD was just sitting around twiddling its thumbs and doing nothing to help these people. In fact, in some cases, the HUD appraisers were right in the middle of the shell game. It's hard to understand how any of these FHA officials could have approved some of the contracts involved in the 235 program.

Secretary Romney was very defensive—almost emotional—about our discoveries. He conducted a press conference and, in effect, denounced the Committee for issuing the report. The Secretary—I am convinced—was mislead at that time by a lot of his assistants and today he seems much more realistic about the problem. After he finally became convinced that the Committee report was accurate and that there were problems, he has sincerely atempted to correct the situation I commend him for this.

But, the problems are not over . . . in fact, this program has basic structural defects which I am not sure we can correct without major surgery. It's turning out to be one of the most expensive housing programs in the history of the nation—and at the same time it really isn't doing what needs to be done to house low-income people. I was very discouraged when I found that HUD had let much of the program fall into the hands of slum speculators, but I am even more disturbed by the cost figures.

On the one hand—as our investigations disclosed—we are in danger of perpetuating slums under Federal sanction and on the other hand, of wasting billions of dollars of tax money that is badly needed to build housing.

The 235 program, of course, provided that the Federal Government would pick up part of the interest charges on these homes. The law allowed HUD in effect to pick up all but one per cent of the interest . . . the exact amount of the subsidy depended on the income of the homebuyer.

So, here again, we had a Federal program designed to make sure that the lender got his full take—his full profit—the same profit that he would get on any loan. The Government was supposed to be subsidizing the homebuyer, but it is obvious it is also subsidizing the lenders.

When this program was considered in the Congress, interest rates were in the vicinity of six per cent on home mortgages. But before the program went into effect, FHA rates had climbed to 8½ per cent plus insurance—an effective 9 per cent. This meant that the Federal Government could be stuck with 7 and 8 per cent interest on the mortgage—and remember these were 30-year mortgages on FHA 235 and 40 years on FHA 236.

The Federal Government quickly found that it was supporting the highest mortgage interest rates in the history of the Nation and was guaranteeing the full payment of these high interest rates for 30 and 40 years. The cost of this is staggering, and it is growing every day.

Buried deep in the Appropriations Committee hearings last year was a section on FHA 235 and 236. The press didn't pick up these figures, but they are startling. That hearing—based on data submitted by HUD—indicated that the Federal Government had a potential liability of $15 billion on the 611,000 FHA 235 units committed through the current fiscal year. It estimated another potential liability of $20 billion for 570,000 units committed under FHA 236. This makes a whopping total of $35 billion and new commitments are being made every day. I am sure we would be on the conservative side if we estimated that our current liability under these programs is at least $40 billion.

Admittedly, this $40 billion estimate of commitments is based on the "maximum liability" that could occur under current projects. This could change, to a degree, particularly if the homebuyer increases his income and he is able to contribute more to the monthly payment.

Any way you figure this, however, a lot of Federal housing money will be tied up in this program and every dime of it is going to the lenders and other real estate interests. In effect, we have set up the private lending institutions as a high-price toll gate between the Federal Government and the low-income family we are trying to help.

Certainly, these figures demonstrate the folly of this system. It plainly establishes the need for the Government to deal directly with these problems instead of going through the morass of endless real estate and lending interests. Obviously, a direct lending program would have been much cheaper and would have provided a better break for the homebuyer.

For example, the $40 billion of potential liability in the current FHA 235 and 236 projects would provide the funds for the construction of more than two million, six hundred and sixty-six thousand $15,000 homes. The Government could double its production of low and moderate income housing had it made direct loans instead of engaging in the interest subsidy game.

In short, we are simply wasting billions of taxpayers money—and not getting either the quantity or quality of housing we should from this huge outlay. No one is benefiting from this waste except the lenders. The tax-sheltered investors and other real estate interests.

In addition, if the Government had made direct loan money available, the repayments would be coming back to the Treasury and would be available for additional housing programs. Now the interest subsidy is paid out to the lender and that's the last the Federal Government ever sees of the money.

A direct lending program—for areas where private lenders cannot or do not operate without Government subsidy—could be set up through a National Development Bank. Such a development bank could, of course, also supply funds for local and state governments, school districts and for businesses in areas of high unemployment or underemployment.

Such a bank could be capitalized with a billion dollars with lending capacity 20 times that amount—in other words, a $20 billion source of credit. I have introduced such a bill in the House and John Sparkman has an identical bill in the Senate. Obviously, a development bank could handle much of this financing without this costly procedure of financial toll gates.

In any event, I am convinced that we are going to have to change our approach to low and moderate income housing programs. I don't think we can continue to use the interest subsidy approach. It just isn't realistic to think that we are going to pay billions and billions to lenders when it would be cheaper to make direct loans.

We have to find the way to build more low income housing and at a cheaper price to the homebuyer and the Federal Government.

We have got to find the means to make these programs work better and that goal may not always coincide with the profit desires of all the real estate and lending interests.

Thank you very much for inviting me.

SCHOOL BUS SAFETY WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, recently much attention has been paid to school bus safety, or the lack of it. The last 2 years have been scarred by a number of school bus tragedies, some involving loss of life. As a rural State, Alaska often depends upon school buses to get her children to school, often in adverse weather conditions.

In spite of the many dangers, an excellent safety record has been compiled by the many drivers of buses throughout

the State. I am submitting for the RECORD a copy of a proclamation designating the week of April 17 as School Bus Safety Week in Alaska. Set aside by Governor Egan, this week is in salute to those drivers who have made it possible for thousands of children to travel to school safety:

PROCLAMATION: SCHOOL BUS SAFETY WEEK IN ALASKA

Each school day throughout Alaska, thousands of children are transported to and from schools by fleets of school buses which are an integral part of our education system.

Drivers of these school buses have compiled an enviable safety record, covering thousands of miles of roads, often in adverse weather conditions.

Alaska's school children have enjoyed safe and excellent transportation provided by dedicated people who are entrusted with the precious lives of our young students.

As proper thanks and recognition are due the responsible drivers of our school buses and to all those who make this mode of transportation possible, as Governor of Alaska, I, William A. Egan, proclaim the period from April 17 through April 23, 1972, to be School Bus Safety Week in Alaska. I urge all citizens to be aware of the skill and dedication of the many people who make our school bus system possible, and to exercise constant courtesy and caution concerning school buses in order that we may continue our commendable safety record in Alaska.

JACKSONVILLE CRIME RATE DOWN

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BENNETT. Mr. Speaker, I am delighted to join the Florida Times Union in praising Sheriff Dale Carson, of Jacksonville, and all the policemen there in the reduction in the crime rate in my hometown of Jacksonville. I know that the Federal laws we have recently passed to assist local law enforcement have been helpful, but the real thrust for reduction in crime comes from dedicated police officers such as Jacksonville has and from a sense of growing good citizenship on the part of all citizens which I feel also is present in Jacksonville. The Florida Times Union ran the following fine editorial on the subject:

A WELCOME DOWNWARD TREND

Perhaps the most significant conclusion to to drawn from this year's crime figures is that—if a city will work at it—something can be done.

Jacksonville showed a reduction, not an increase as is still the national trend, in six of the seven categories covered in the Uniform Crime Reports of the Federal Bureau of Investigation.

Sheriff Dale Carson attributed Jacksonville's accomplishment to the extensive use of helicopter patrols (coordinated with ground units) and the city's new one patrol plan (the city is divided into four areas with zone commanders in each concentrating upon the particular crime problems of that area).

By like token, Washington, D.C., once one of the nation's hotbeds of rampant crime, showed a most impressive 13 percent decrease overall (and lowered crime in every category).

Washington, it must be noted, has made a sweeping, vast all-out war on crime (the effort was to make the nation's capital a national example).

Without question, both citizen concern over crime, and public officialdom's response thereto, has exerted an influence across the nation. And while this hasn't brought an overall downtrend, the rise the lowest this year in recent years (six percent compared to nearly twice that last year and 17 percent in 1968).

Jacksonville's overall reduction of four percent (representing thus a ten percent difference from the national average) is without question the result of effort expended in Jacksonville.

Washington's substantial and striking reduction (a 23 percent disparity from the national norm) is also in proportion to the truly massive (and expensive) effort made to make the national capital more of a model city than a national horror.

Innovation and dedication by law enforcement agencies, and wide public backing for this effort, have shown their worth. By no means has the effort been easy, but the results show that the effort is worthwhile—and by implication that if more is to be accomplished in the future, then more must be done.

Meanwhile a pat on the back is in order for Jacksonville's law enforcement personnel.

AN OUTSTANDING PUBLIC SERVANT—PERRY DURYEA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, last weekend I had the pleasure of reading about the Honorable Perry Duryea, one of New York State's most exciting and dedicated public officials.

As speaker of the State assembly and legislator for many years, Perry Duryea has established a legislative record equaled by few men. He is respected by Members on both sides of the aisle for his legislative judgment as well as his warm personal charm.

Speaker Duryea possesses qualities which some people say makes him a natural born public servant. He is a dedicated legislator who spends more than 12 hours a day at his office—not to mention the numerous social duties incumbent upon him as speaker—and has the leadership ability to effectively preside over the notoriously independent New York State Legislature.

Off the assembly floor, Speaker Duryea finds himself at home with friends. His interests include not only people but boats, planes, hunting, fishing, and dinner with friends.

His philosophy is quite simple: "Work hard and be good at what you do." Certainly I know of no other man who better follows his own philosophy.

The April 16 issue of Newsday's magazine for Long Island had a most interesting and revealing article about this outstanding individual. Written by Jon Margolis, this article eloquently describes the public and private life of one of New York State's most fervent legislators.

If there are no objections I would like to include a copy of Mr. Margolis' article into the RECORD so that my colleagues in the House can learn more about Speaker Perry Duryea.

The article follows:

PERRY DURYEA KNOWS HIMSELF, BUT . . .

By Jon Margolis

His honor the mayor was not amused. Freshly tanned from a weekend of campaigning in Florida, John Lindsay stood in the rear of the big ballroom of the Hilton Hotel in Manhattan and said to an aide, "We're late. Let's go back."

Lindsay was supposed to deliver a welcoming speech to the annual convention of the New York State Association of Towns. When he arrived a few minutes late and found the program already in progress, he figured he might as well just forget about it.

Then he heard the man speaking from the front of the room say, "I suppose it's best that the mayor is late. This way I can welcome him back to New York State and he can welcome you to the city." Most of the audience laughed. Lindsay did not. Instead of leaving, he began to walk slowly, not smiling, toward the front of the room, giving every indication of doing a slow burn. When the speaker saw him he said, "There he is. Hello, John, it's great to have you with us. I want to see your tan."

The man who was speaking holds more than academic interest for John Lindsay. For unless things go much better nationally for the mayor this year than most politicians expect, Lindsay may well be the Democratic candidate for governor of New York in 1974. And while predictions in politics are risky to the point of foolishness, the Republican nominee could turn out to be the same man ribbing Lindsay from that lectern, the Speaker of the State Assembly, 51-year-old Perry Belmont Duryea Jr. of Montauk.

Duryea's gibes were conventional enough, but Lindsay seemed to take them seriously. In his talk, the mayor bitterly criticized the Legislature, at one point referring to it as a "cold, fishy-eyed, lobster-eyed institution." Perry Duryea is in the lobster business.

Later, as Duryea piloted his Piper Aztec plane to Albany, some friends who had been near Lindsay in the back of the room told Duryea of the mayor's displeasure. Duryea, his press aide and two old friends from Montauk had a good laugh about it. But it may just be that there was a touch of hollowness to the laugh. Because in two years, if the two men do face each other, Duryea is likely to hear a lot more about being cold; maybe lobster-eyed, too. And it might hurt.

Around Albany, and on Long Island's East End, Perry Duryea is known as a master politician, a leader of men, a backroom negotiator who can sometimes outmaneuver even Nelson Rockefeller. His rise up the political ladder has been swift; he has carefully plotted each move and made it with an almost ruthless toughness, twice ousting incumbents of his own party.

But he has never run for election outside eastern Suffolk's First Assembly District, in which almost any Republican can be elected. He won nomination in a district caucus, won his party's leadership in Albany behind the closed doors of the Republican caucus. Outside the cloistered atmosphere of the East End, his public appeal has never been tested, and there are those who say public appeal is what he lacks.

"Pious Perry," a lot of Democrats and even a few Republicans call him. Some of the other adjectives applied to him are austere, aloof, aristocratic. By any objective standard Dureyea should be a political public-relations man's dream. He is tall and ramrod straight. His even features and silver hair give him the look of a slightly aging matinee idol. His voice is strong, his speech articulate. But

those intangibles which make up what is called charisma seem to be lacking. His speeches are polished, but stilted and formal. When he appears on television, he sometimes seems nervous and more calculating than spontaneous. "He is," said someone who has watched him for a long time, "a very cautious, deliberate man." In the view of another state politician, "Perry Duryea is a cold fish."

There is irony in this because personally Duryea is not at all a cold fish. At his home in Montauk, flying his plane, striding the deck of his boat, climbing around the green tanks which hold his lobsters, Duryea is outgoing, talkative, earthy, easy to laugh. "He's like Dr. Jekyll and Mr. Hyde," said someone who has seen him in both Albany and Montauk. "He's like two different people." Duryea does not like to admit that he lacks the common touch. He attributes the image to his intentional effort to be formal in Albany, in order to enhance the dignity of the Assembly.

Still, maybe Duryea realizes that not all of the formality is intentional, that he would like to relay more of the private fervor. On a recent day in Montauk, he was driving a couple of visitors around in his station wagon. He was wearing dungarees and a blue pullover sweater and a baseball cap and talking easily of politicians and Montauk's past and chopping ice years ago on a pond where some geese were now swimming, and for some reason the name of the late Sen. Robert F. Kennedy came up.

"He really had appeal with the masses, didn't he?" Duryea said, with what appeared to be just a touch of wistfulness in his voice. "I could never understand why, because he never came across that way in person. He was always very reserved." It seemed as if Duryea were asking why Kennedy, often so withdrawn in private, came across with such fervor to the public while Duryea, warm and relaxed in private, had trouble communicating that quality to the voters.

Indeed, Duryea could be forgiven for being downright paranoid about charisma. One reason that he is not governor now is that Rockefeller decided to run for a fourth term in 1970. Men who know them both do not think Rockefeller is nearly as warm or gracious a man as Duryea. Rockefeller even fails that most traditional of political tests—remembering names, which is one reason he calls so many people "fella." But his frenetic campaign style charms the uncommitted and sometimes even wins over the hostile.

Duryea may face the communication problem head on with Lindsay. He does not think very highly of the mayor. First because Duryea admires ability, whether the ability to govern or the ability to navigate a boat, and from his perspective Lindsay's only proven "ability" is winning elections. Also, like all good backroom politicians, Duryea feels that a deal reached and sealed with a handshake behind closed doors is a sacred trust. Such a deal was reached on the New York City budget in Albany in 1969. Lindsay blasted it in public as soon as the top city and state officials meeting in the governor's office walked out the door. Since then Duryea and his aides have considered Lindsay a double-dealer.

But such arcane doings mean little to the average voter. To the public Duryea is not very well known at all; legislators don't like to admit it but they aren't very famous. To the extent Duryea has an image, it is of a man to respect, and perhaps fear a bit, but not love. Duryea projects the image of a capable Prussian, Lindsay of a vulnerable lover. Even the loyal secretaries in Duryea's office swoon on the days the mayor comes to Albany.

It isn't simply the silver hair, the formal manner, the natural reserve which has led so many to portray Duryea as cold and austere. Those politicians who appear to have "heart," or to "put principle above politics" are politicians who are associated in the public mind with specific issues: Lindsay on the cities, Robert Kennedy on war and poverty, Rockefeller (formerly) on moderation and social welfare.

Duryea is associated with no issues of great moment. He has improved the efficiency of the Assembly, but this is apparent only to insiders. He has even counteracted his positive steps. He has taken the lead in establishing local addiction-control centers, then approved budget cuts which forced those centers to reduce operations.

On the major issues confronting the state, Duryea has taken a back seat. He is a conservationist, but has not been a leader in pushing environmental legislation. Last year he delicately maneuvered through the Assembly a bill creating a special agency to zone the private land in the upstate Adirondack Park. Despite the obvious political points to be gained from environmentalists by being associated with the park agency, which would have the Adirondacks from exploitation, Duryea did nothing to advertise his part in the negotiations.

He has used his power as Speaker to raise, or at leasts maintain, state aid to education, but he has not been in the forefront of that issue either. Nor has he been a protagonist in the fields of prison problems, tax reform, racial discrimination, poverty. So his reputation is that of the manipulator, of "the ultimate pragmatist." Some think that he follows no ideology, reaches only for the attainable, protects his flanks.

There is one other aspect of Duryea's social views that is rarely discussed, but very much in evidence at time. He is a Protestant, a WASP, and in some areas this appears to lead him into differences with the largely Catholic Republican hierarchy in the Legislature and the party leadership.

When former Assemblyman George Michaels changed his vote on the floor during a roll call, he got all the publicity for casting the "deciding" vote on the bill to legalize abortions. But the needed 76th vote was actually Duryea's. Characteristically, though, Duryea did not use his influence to line up any other votes on this touchy issue. Nor is Duryea much of an advocate of aid to parochial schools. He has not blocked the aid programs pushed by others. But he has shown no enthusiasm for them, either.

The only place Duryea has an ideological identity is in New York City, and there it is something he would prefer to live without. His part in cutting funds for state social programs, combined with his wealth and his austere image, have made it tempting for many city columnists to portray him as the state's leading anti-city power. Such judgments, however, are usually made by writers who comment on Albany affairs without leaving New York City, and they are incorrect. The real budget cutters are the upstate Republicans. While Duryea often accommodates them, he does not spur them on.

One writer even blamed Duryea for the failure of the "Corona compromise," designed to save a number of Queens homes from being razed. Duryea actually had tried to get the compromise bill through the Assembly. It may be significant, however, that he was not so committed to the plan that he would risk his slim GOP majority by defying one rather obscure assemblyman who was so intransigent about this one issue that he threatened to oppose other key legislation.

But Duryea is by no means shy about using his powers. And whether or not he becomes Governor, Duryea is already a powerful man. There are no esoteric, mysterious reasons for this. By the laws of the state and the rules of the Assembly, the Speaker is powerful. He assigns all the committee members, including the chairmen; allots office space; hires 425 full-time and part-time men and women on the Assembly payroll, not to mention many of the workers (a lot of whom do very little work) on the staffs of joint legislative committees.

This means he controls legislation and patronage. His control of committee chairmanships means that he is in effect the chairman of every committee; no major bill gets reported to the Assembly floor without the Speaker's okay. A rank-and-filer pushing a bill to help his district may have to pledge in return his support for a measure the Speaker wants.

Duryea has distributed his patronage widely around the state, earning the gratitude of Republican county chairmen all over New York. He exercises his control over legislation with an iron hand. Unlike his Republican predecessor, Joseph Carlino of Long Beach, Duryea uses the soft-sell approach to Republican assemblymen. There are those in Albany who remember Carlino screaming at reluctant GOP rank-and-filers, even once in the confines of his office, threatening to punch one in the face. Duryea does not push so hard. "The threats are implicit," said one assemblyman. "You know he can take away committee chairmanships or kill your pet bills. He doesn't have to tell you." Also Duryea rarely has to shout. He appears to have the genuine affection of most Republican assemblymen. Which tells a good deal about Duryea as Speaker.

He is a fierce partisan, a firm believer that with his victory came the spoils. He follows the old Albany tradition of interpreting the rules of the Assembly liberally for Republicans, narrowly for Democrats. Sometimes he gavels down Democrats for no apparent reason, perhaps just for the fun of it. During the closing days of last year's bitter session, he and the Democratic deputy minority leader, Albert H. Blumenthal (D-Manhattan), held more than one shouting match which made the blood rise in both their faces. After the final gavel, though, they shared a cordial drink in Minority Leader Stanley Steingut's office. Duryea can divorce the personal from the political.

Despite this toughness, and the high regard in which other Republicans hold him, Duryea has been more of a conciliator than a leader. "When he first took over," said one Republican who often disagrees with Duryea on policy, "I would have followed him anywhere. He was like an infantry second looie leading a bunch of recruits. Now some of the luster is gone."

In fact, Duryea has acted more like the chairman of a corporate board than an infantry platoon leader. The second lieutenant's job is to stand up amidst the hail of fire and shout, "Follow me," taking the first step toward the enemy. But Duryea does not get far in front of his troops. Like most political leaders, he waits to see where his followers want to go, then leads them there.

Never was this more evident than during last year's big budget battle. When Rockefeller first proposed his $8.4 billion budget and $1.1 billion tax hike, Duryea kept silent. But when the upstaters persisted in their intransigent opposition to the taxes, Duryea led the budget-cutting forces. At one point he was even ready to accept a $70,000,000 cut in state school aid, anathema to Long Islanders with their high property-tax rates. Only when Assemblyman Joseph M. Margiotta (R-Uniondale), the Nassau GOP leader, bluntly told Duryea there would be no Nassau votes for any budget which cut school aid, did Duryea order the $70,000,000 restored.

But most of the other cuts went through, including a 10 percent cut in welfare benefits. Duryea was not enthusiastic about the welfare cuts. "It bothered me," he said almost a year later while being interviewed in his Montauk home, "because it hurt the people who really need it."

That's easy to say sitting in your living room while the sea breaks on the beach out-

side the picture window. Certainly it is not in the tradition of *noblesee oblige*, which has been the hallmark of New York's moderate, establishment Republicans. But Duryea is not one of that breed, either personally or politically. He is often thought to be, partly because he is wealthy, partly because of his patrician appearance. This reinforces the image of inherited wealth, the same kind of family money that characterizes the state's other rich politicians: Rockefeller, Harriman, Roosevelt. It is an image that suggests the best private schools, childhood vacations in Europe, a life of ease.

But the image is false. Duryea is not nearly that rich—he denies that he is a millionaire, but he must be very close. And he is not at all idle. His late father was successful and influential, but no aristocrat, and not as rich as his son. The Duryeas are not one of the old East End families who trace their lineage back to the early settlers of New England and Long Island.

Like a lot of other Long Islanders in later years, they came from New York City. Perry Duryea Sr. was the first in the family to come to Suffolk. He was born in New York City, the son of a man in the publishing business and the grandson of a former New York State assemblyman, a Democrat from Queens who served one term. This first Assemblyman Duryea was defeated for reelection by seven votes, a verdict he refused to accept. When the next session began, he journeyed to Albany, took his old seat and refused to budge. Next day, Assembly leaders detailed several burly men to haul off the former legislator. In the intervening generations, the Duryea family seems to have become more sophisticated but no less determined.

Perry Duryea Sr. grew up in Amityville, and joined the Army in 1915, serving first in the search for Pancho Villa and then in France. He returned in ill health, and his doctors suggested that he live in the healthiest possible area. So he moved to Montauk, then a tiny hamlet in which nearly everyone fished for a living and lived in flimsy homes—fishing shanties—near the edge of Fort Pond Bay.

Duryea had a little money, and it was not long before he bought into a fishing business. He took full control of it when his partner retired in 1932, 11 years after Perry Jr. was born. Duryea's business prospered, but while they lived better than most Montauk fishermen many still in the shanties, the Duryeas were not, according to longtime residents, the richest family in town. The business never employed many people, and it required a lot of hard work.

Like most young men in Montauk, Perry Duryea, Jr. did not wait long to do his share of the work. "Boys around here started working early then," he remembered recently. At the age of 12, "Junie" (the diminutive of Junior) was setting his own string of lobster pots. At 15, he was harpooning swordfish and at 16 he was out in the fishing boats for two and three days at a time, working for "shares"—the workers' percentage of the catch.

Duryea remembers those days, before Montauk was a resort community, when life centered on working and the sea. The family rule was as soon as you could swim you could have a boat. He learned to swim when he was about 7, and got a little rowboat. He has not been without some kind of boat since.

Several Duryea characteristics emerged from his early life in Montauk. He still loves boats and the ocean and the sun. And he likes to work. In Albany, he often gets to the Capitol by 8 a.m., and his day's work rarely ends until late in the evening.

And he likes to do things himself. When the power failed at his Montauk firm one day last winter, Duryea himself checked the electrical system. He can afford a posher craft than The Satellite, the old 60-foot lobster boat first built in 1890, which he converted into a pleasure boat sleeping six. But on an elaborate modern boat, the engines don't conk out, and Duryea seems actually to enjoy the prospect of puttering around with a balky engine. Once off the New England coast he could not fix a breakdown immediately. While some of his guests anxiously pondered their chances of drifting out to sea during the night, Duryea calmly lowered a rowboat and painstakingly towed The Satellite toward the sound of a bell buoy, tying up there for the night.

The early days in Montauk, being on the sea may also have inculcated in Duryea his enjoyment of the company of men. Ask almost anyone who knows him what Duryea is like and one of the first things said will be, "He's a man's man." Duryea likes to sit around with other men, have a few drinks and talk of boats and duck hunting, politics and football, or nothing in particular. He would fit well into a full-color whisky advertisement in Esquire, sitting in a gadget-filled den and calmly sipping some fine liquor all by himself. In fact he has such a den, and though he does more reading than drinking there, he also spends some time gazing out to sea through a telescope, watching for ships.

In Albany, Duryea is not much of a partygoer, though there is an almost continuous cocktail circuit. Most evenings he heads for a late dinner with "the boys": Edward Ecker, a former East Hampton supervisor and now all-purpose friend and *factotum;* Henry Mund, another Montauk friend and aide; Charles Webb of Syracuse, the sophisticated lawyer who is one of the few upstaters in the Speaker's exclusive inner circle.

His sense of humor—of the sophisticated locker-room-practical-joke variety—matches this masculinity. Duryea likes to tease Ecker by doing such things as putting his plane on automatic pilot and while several thousand feet above the water opening The New York Times until Ecker, in exasperation, hollers, "Goddamit, will you look where you're going!"

Duryea has loved flying so long, so much, that in college he saw himself a pilot for life. While he was at Colgate University, after graduation from East Hampton High School, World War II broke out and he joined a student pilot-training program that enabled its participants to stay out of the draft until they graduated. In 1942 he got both his bachelor's degree and his pilot's license. From 1943 through 1946 he was a command pilot of the Naval Air Transport Service in the Pacific.

When the war ended he returned to Montauk. His father had become the state conservation commissioner, but was still active in the business. Ambitious, perhaps a bit restless, and not afraid to break with past practices, young Duryea apparently saw some things that others didn't as far as the business was concerned.

He saw that growth and tourism were coming to Long Island and might not be compatible with large-scale commercial fishing. He saw that so many small, individual sellers and buyers would be able to use the services of a knowledgeable middleman.

Within a few years he had transformed the family business into a shellfish-distribution firm. The company cut down on its own fishing (now it does none) and began buying the catches of others, reselling to restaurants and markets in Long Island and New York. The ability to fly came in handy for quick trips to the abundant lobster beds of Maine and Nova Scotia, where Duryea would contract to buy from lobstermen. A knowledge of boats helped too, since for years the lobsters were shipped to Montauk by boat (now they are trucked). For more than 10 years, Duryea devoted nearly all his time to the business. By the time he ran for the Assembly in 1960, he was well on his way to becoming a wealthy man. The business is still a part of his life, but in a less-intense way.

"I don't have to prove myself to me any more," Duryea said. "In a small way I enjoy my business," he said. "I still do all the buying. It's a crazy business. But it gives me independence. I'm responsible to no man except myself. Once I was hung up on aviation, but three years of the war got that out of my system. So whatever life brings along, that's great."

One reality may seem surprising to those who persist in thinking of Duryea as the kind of Republican associated with the eastern liberal establishment. In fact, there has been some talk that this establishment—the old-line Republican financiers and corporate lawyers—might find a candidate to oppose Duryea in the 1974 primary. If Duryea is to be typecast, a better cliche would be the successful, made-it-on-his-own businessman usually associated with small towns and cities of the Midwest. To a considerable extent Duryea defines himself as a businessman. He thinks like a businessman, and his social views are those of a businessman.

Duryea likes to describe his philosophy by quoting Lincoln's remark that "government should only do for the people what they cannot do for themselves." Not that Duryea wants to bring government activity back to the level of the last century. "There's a different yardstick now," he said. "We have to do more in the fields of health, education, transportation and social services."

But what is done must be limited. "Sure," he said, "I'd like to give the world everything it wants. But we're limited by our ability to deliver. I'm a fiscal realist." Like most businessmen, Duryea thinks government should be run "like a business" and with more efficiency. So that while he was not happy about last year's welfare cuts, he blamed them not on the budget-cutting upstaters, but on the loose administration of welfare by the State Social Services Department. Duryea played a role in the ouster of former welfare Commissioner George Wyman, whose administration he considered inept.

Besides, while Duryea is not the ultra-conservative some have made him out to be, he instinctively dislikes the blanket-spending approach. He is rather like those members of the Elks or Lions clubs who give generously to the underprivileged, but oppose being taxed for social welfare programs.

One of the men who knows Duryea's social views best (and shares them) noted, "Perry is a fiscal conservative and a social liberal. But not the kind of social liberal who backs massive across-the-board spending programs which give a little bit to everyone. He's the kind whose heart really goes out to specific individuals in real trouble." As an example of this contrast, the friend cited Duryea's 1967 fight to force deep cuts in the state's medicaid program and yet his intense interest is in the growing problem of child abuse. "That's the sort of one-to-one personal tragedy he can identify with," the friend said.

Another issue close to the Speaker's heart is the Assembly itself. His insistence on "dignity" has paid off. The Assembly is hardly a lofty deliberative body; its decorum is usually not that much better than a mildly rowdy sixth-grade class. But before Duryea became Speaker, it was worse. Since he became Speaker in 1968, Duryea has streamlined the Assembly's committees, increased their staffs and created a central research body. Even the Democrats grudgingly admit that they get a better shake now than the minority party ever did in the past. Duryea is not one to make sweeping changes in his personal life, however. For Duryea's life there is not the kind most people would like to change. His children are grown, his material needs satisfied. He and his wife, Betty (Elizabeth Ann Weed Duryea), live in a comforta-

ble but not ostentatious ranch-style home which Mrs. Duryea designed so that nearly every room overlooks the ocean. He has a lot of leisure time. He spends a little of it playing golf (not very well, he said) or riding horseback or simply walking along the beach. "That's important to him," said a man who knows him well. "It's his strength. He needs it to regenerate the battery."

Sitting amid all that recently, Duryea was trying to explain, for perhaps the thousandth time, that he is not committed to running for governor in 1974. When he says that in the cynical and political atmosphere of Albany, it's hard to take. In Montauk it seems more believable.

"Everybody says he's burning to be governor," said one of Duryea's aides. "Well, I'll tell you. If it doesn't work out he could very happily just chuck it all, go back to Montauk, get on the boat with Betty and sail off and never give Albany another thought."

Nor is Duryea limited to Montauk. He can get into his plane and fly down to his hunting lodge on the Maryland shore for a few days of duck shooting. He can set off in The Satellite and drift off the coast of New England. In either craft he can go to Green Turtle Cay in the Bahamas. He has a little place there where he is reachable only by citizens-band radio.

Once while he was there Rockefeller tried to call him. The secretary at Duryea's Montauk office said, "I'll try to reach him on The Satellite." When Duryea finally got the message and called the governor, Rockefeller said, "Gee Perry, where do you go that we have to get you by satellite?"

Duryea always plays it cautiously. "I'm a fatalist," he said. "I'm not going to spend my life in the Legislature, and I'm not a lifelong political person, I'm not driven." What could stop him? Well, Rockefeller could quit before his term expires, making Lt. Gov. Malcolm Wilson the Republican governor who would almost surely try to run again. Can he take the nomination away from an incumbent in his own party? "Not a chance," said Perry Duryea. "It would be crazy."

But it can be done. To the GOP leaders from Long Island, New York City, the Rochester area and other big suburban counties who back Duryea, state patronage is not that important. Rockefeller has dominated the Republican Party because of his ability to finance it (and to finance insurgent Republicans if he chose) and through the sheer force of his personality, Malcolm Wilson has neither.

And the record disputes Duryea's claim that he is not driven. He seems to have been driven since the late 1950s, when he jumped uninvited into Suffolk GOP politics. The late R. Ford Hughes was the powerful head of the Republican Party in Suffolk then. Closely allied with Perry B. Duryea Sr., Hughes ran a cohesive organization. In the late '50's Suffolk Republicans were linked to the first of a series of land scandals. As the revelations piled up, many called for Hughes to resign. "I'll resign," he said, "when the Republican Party starts losing elections."

In 1959 the Republicans lost town elections all over the county. Still, Hughes made no move to quit by the time of the first post-election county committee meeting. Nor did anyone expect any move to oust him, least of all by young Perry Duryea, then nothing more than the co-chairman of the East Hampton Republican Committee, a school board member and his father's son.

But the meeting had hardly begun when Duryea rose and said bluntly, "Well, Ford, when are you going to resign?" Hughes did resign, and since then Duryea has wielded major influence on the county GOP organization. He does not have the power to dictate to it. He is an East Ender, and most of the population, hence most votes in the county committee, lies in the West End. But when scandals hit again in the late '60s, it was Duryea to whom the party turned. The present chairman, Edwin M. (Buzz) Schwenk, is a friend and golfing partner of Duryea's whom the Speaker hand-picked.

Not that everyone follows Duryea. Brookhaven Town Republican Chairman Richard Zeidler has survived Schwenk's efforts to oust him. A certain amount of resentment has built up among some Suffolk Republicans. State Sen. Bernard C. Smith of Northport, a stubborn independent Republican, has made no secret of his disinclination to do Duryea's bidding. A few of Smith's pet bills have sailed thorugh the Senate only to be blocked in the Assembly.

In 1960, Irving Price was the Republican assemblyman from the First Assembly District, as safe a Republican district as there is. He could look forward to a long and easy career in the Assembly. But that year, fresh from his triumph in the county committee, Duryea decided to go after Price's seat. To make himself a bit better known in the area outside of Montauk, Duryea, before he announced his candidacy, gave talks to civic groups on "the sex life of the lobster," a subject which han hardly fail to knock 'em dead at any men's gathering. After Duryea had declared his candidacy and the district Republican caucus had met, Price had become a private citizen again.

Assemblyman Duryea started slowly. Aside from succeeding Robert Moses as president of the Long Island State Park Commission in 1963, (he stepped down in September, 1969), Duryea made few waves. He was waiting for his opening. He got it in 1965, after the Assembly Republicans failed to recapture the majority they lost in the 1964 Lyndon Johnson landslide.

The '64 debacle had cost the Republicans the seat of former Speaker Joseph Carlino, and the minority leadership fell to George Ingalls of Binghamton. When the Republicans lost again, Ingalls became vulnerable, and Duryea leaped for the kill. When the Republican caucus ended, Duryea was minority leader. It was a tough thing to do, Duryea said then, "because of my devotion to George Ingalls."

Just as he maneuvered himself into opportunities to get to be Speaker, Duryea has maneuvered himself out of other opportunities, his eye seemingly fixed firmly on the governorship. He turned down chances to become GOP state chairman and to run for Congress. And despite the activities of some of his supporters, he adroitly stayed out of the Republican family feud over former U.S. Sen. Charles Goodell.

Duryea has been especially nimble in his dealings with Rockefeller. "They circle each other warily," said a man closest to the governor, "like two boxers in the first round. The king always gets uneasy when one of his princes starts acting up."

The king-prince relationship is both political and personal. Rockefeller is not only the governor, he is a billionaire. Like a king, he is surrounded by courtiers, isolated from the general public, and despite his pizza-knish handshake campaigns, there is something imperious about him. By comparison, Duryea is a commoner who has worked himself into a spot where he can tilt with royalty. Nor does Duryea show the fealty of a subject; he thinks he's any man's equal.

Duryea has managed to steer a course somewhat independent of Rockefeller, while remaining basically loyal to him. Of late, the independence has been outweighing the loyalty. Duryea's Assembly forced deep cuts in Rockefeller's proposed state budget last year, and when Rockefeller sought new taxes in a special session late last year, it was Duryea who forced him to reveal the details earlier than he had planned.

The majority for that tax package was actually put together without Duryea's active support, which may have cost him some esteem. "The luster's off," said one Republican assemblyman. On the other hand, tax increases are a good thing not to be associated with in the public mind. It seemed clear last year that Duryea had decided to carve out an image as an economizer, both because it comes naturally to him and because he thinks it represents the public mood. Duryea's main thrust in the last two years, then, has been to move slightly to the right of the governor, without being quite as conservative as some of the upstaters (after all, he didn't block those tax hikes; he could have).

But last winter, Rockefeller called for the state to take over the City University of New York, and to end free tuition at the City University. At first, it seemed that his ideas might prevail. Only the liberal Democrats from the city opposed it; conservatives generally like the idea, and most Republicans in the Legislature are more conservative than Rockefeller.

Then on Valentine's Day the plan was scuttled. By whom? By Perry Duryea, who without much fanfare made a speech declaring that both proposals were dead for this year. From out of nowhere, Duryea got himself a lot of publicity in New York City, taking a pro-city line against Rockefeller and making a common cause with . . . Lindsay.

If Duryea and Lindsay do run against each other in 1974, it would be an interesting race. The best fights are always between a good boxer and a good puncher.

RESTRICTIONS ON SOVIET JEWS AN INSULT TO CONCERNED WORLD CITIZENS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GOLDWATER. Mr. Speaker, the situation with regard to Soviet Jews has reached the point where it is an affront to every concerned citizen of this planet. We live in an era of global communications, of intimate knowledge of our fellow man, and of a worldwide concern over the future of our race.

The years of oppression of Soviet Jews have, until recently, largely passed unnoticed. Hundreds of thousands of Soviet citizens, who have worked diligently and loyally for Russia, have been subjected in return to religious persecution, career repression, and personal harassment. And increasingly, the scapegoat of anti-Semitism has been trotted out to bear the punishment of failures of the Communist regime.

Many Soviet Jews love their country so intensely that they wish to remain and serve despite the impossible social context. Others, however, wish to rejoin the free community of mankind, and migrate to the Jewish homeland of Israel, or to a friendly Western nation. Almost every free nation of this world, including the United States, has made drastic modifications in its immigration policies in order to accommodate these refugees from Communist repression. But the Soviet Union, while treating their Jews as fourth-class citizens on the one hand, has been reluctant to let them go, on the other. Those lucky individuals and families who do manage to get emigration

visas find themselves stripped of all their worldly possessions and even intimate personal belongings.

Mr. Speaker, it is time that world opinion spoke up against this intolerable situation. The treatment of the Jews is an insult to the freedom of every religion in the world. The anti-Semitism involved makes a mockery of the sacrifices of the Second World War. And the imprisonment and constraint of the Jews who wish to leave Russia are the most blatant demonstrations since the erection of the Berlin Wall of the reliance on totalitarian repression of Communist regimes with nothing to offer the individual.

I urge my fellow Members of Congress to speak out against this insult. I urge the President of the United States to deliver a strong protest to the Russian leadership when he visits in May. As the leading spokesman for the world community, only the President can truly express our massive indignation at the repression of the Soviet Jews.

ALL-OUT COMMUNIST OFFENSIVE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DERWINSKI. Mr. Speaker, as the news continues to pour in from the battlefields in Vietnam, one of the first articles analyzing the offensive which was decided upon at the 20th meeting of the North Vietnamese Communist Party's Central Committee was carried in the Washington Star of April 11 and I believe it deserves thoughtful review.

In this article, Mr. Bradsher very objectively analyzes the strategies and motivation of the North Vietnamese Communist leaders. May I also add that any objective observer of the situation in Southeast Asia has certainly reached the conclusion that the North Vietnamese are guilty of classical military invasion and that the ultraliberals acceptance of the Communist propaganda that the war was a legitimate uprising by the people of Vietnam has been thoroughly discredited by recent events.

The article follows:

HANOI'S GOAL: TOTAL VICTORY

(By Henry S. Bradsher)

SAIGON.—The leaders of North Vietnam have disclosed a decision "to mobilize all our forces" to try to achieve a total Communist victory in South Vietnam.

The decision apparently was the basis for the present all-out Communist offensive against the south.

So long as the United States "maintains, in whatever form," an American-backed government "in the southern part of our country, our people will have to fight on," the major policy statement said.

"On the path to total victory, there will still be many trials," Hanoi warned.

But the statement expressed determination to keep victory in the south as the main priority of North Vietnam.

The decision was taken "recently"—no date was given—at the 20th meeting of the North Vietnamese Communist party's Central Committee, which lays down basic policy for the country.

A resolution on the meeting's decision to step up the war effort was broadcast last night in Hanoi radio's home service.

Disclosure of the decision followed the capture in South Vietnam of Communist document which outline a new war strategy.

It calls for the use of regular North Vietnamese army (NVA) units to tie down the army of the Republic of Vietnam (ARVN). Then Communist guerrillas are to begin attacking provincial defenses, and "spontaneous uprisings" are supposed to break the Saigon government's grip on the cities.

The NVA offensive has tied down most ARVN units already, even sucking reserve forces out of Saigon and other rear-area cities. Guerrilla attacks have been limited so far, and the Communist underground in cities has not yet risen up.

ARVN has been doing pretty well against NVA frontal assaults. It is holding in the north and counterattacking above Saigon.

But the Communist strategy means a possible threat to the rear, if it is carried out.

REFLECTS MAJOR DECISION

The Hanoi broadcast confirmed the deductions of observers of North Vietnamese affairs that a major policy decision had been taken before the Communist offensive was launched 13 days ago.

Observers think a policy shift began in Hanoi late last summer.

The Central Committee meeting apparently was held at the end of December or in January. The new policy which it adopted was kept secret until the offensive was underway, apparently for tactical reasons.

The change is from giving first priority to building North Vietnam's economy and letting the war in South Vietnam be continued by small NVA units and guerrillas to hurling NVA "main-force units" into conventional warfare with ARVN while making economic construction in the north wait.

Now with complete confidence that no one is going to invade North Vietnam, Hanoi has completely denuded the country of organized combat divisions in order to press the offensive against the south with every soldier it can muster.

The North Vietnamese government insists officially that it is "People's Liberation Armed Forces" of southerners mounting the current offensive.

This is contrary to all the battlefield evidence. And the party resolution said bluntly that "our army and people must . . . valiantly march forward."

"AN IMPERATIVE TASK"

The resolution said the Central Committee meeting stressed that "an imperative task for our entire party is to mobilize—with the spirit of persevering in and advancing the anti-U.S. national salvation resistance toward total victory—all our forces, make outstanding efforts, courageously advance and, in close solidarity and co-ordination with the fraternal Lao and Khmer (Cambodian) armed forces and peoples, foil the Vietnamization policy and the Nixon doctrine in Indochina."

North Vietnam, it said, has "endeavored to provide adequate and timely support and assistance in human and material resources for the frontline."

The resolution repeated the communist demands that the United States destiny President Nguyen Van Thieu's government in Saigon as American forces disengage from Vietnam.

The United States must withdraw, it said, and "actually respect the South Vietnamese people's right of self-determination, stop supporting the puppet administration, and suppress its oppressive and coercive machinery in order to pave the way for the formation of a broad administration of national concord that will have the duty to organize a really true and democratic general election in the south."

Previous Communist statements have made it clear that Communist and pro-Communist elements must dominate Hanoi's idea of a "national concord" administration, and thus control the kind of elections which are to be held.

UNIVERSITY OF HAWAII BRINGS PEKING OPERA TO WASHINGTON, D.C.

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MATSUNAGA. Mr. Speaker, a unique and highly enjoyable experience is in store for residents of the Nation's Capital on April 22 when the University of Hawaii Theatre presents "Black Dragon Residence," a traditional Peking opera, during the American College Theatre Festival at the Kennedy Center.

Hailed by the Washington Post as one of the few original dramas in this year's College Theatre Festival, "Black Dragon Residence" was translated into English, choreographed and directed by Daniel S. P. Yang, talented associate professor of drama and theater at the University of Hawaii. Mr. Yang's group of student-actors are expected to stage a performance which will rival the professional Peking opera enjoyed by President and Mrs. Nixon during their recent visit to China.

Peking opera, the most popular form of drama in China, is relatively new, having achieved its particular form and conventions only about 100 years ago. Traditional Peking operas, such as "Black Dragon Residence," are based on the history and folklore of China, however, and some of their dramatic conventions date back to the Yuan Dynasty—1277–1368.

Among the outstanding characteristics of Peking opera are the elaborate, colorful costumes and makeup of the actors, and the almost totally bare stage. Peking opera also differs from traditional Western drama in that it is sung in high, shrill tones accompanied by Chinese music, which is usually unmelodic.

Due to the absence of stage properties, pantomime plays an important role in traditional Peking opera. Every gesture and movement of the actors is symbolic. For example, an actor carrying a whip is understood to be riding a horse. When he "dismounts," he discards the whip, sometimes handing it to another actor who plays the role of a servant.

The elaborate makeup worn by actors in traditional Peking opera is also symbolic. Actors in chalky white makeup are understood to portray wicked or evil characters, while those in red makeup represent characters who are good and loyal.

I am submitting for the CONGRESSIONAL RECORD an article from a recent edition of the Hawaii Tribune-Herald which describes "Black Dragon Residence." I hope that my colleagues will have an opportunity to enjoy this unique drama

while the University of Hawaii Theatre company is here. It will be an experience to be gained without going to Peking.

The article follows:

[From the Hawaii Tribune-Herald, Feb. 18, 1972]

"BLACK DRAGON" FETE OF COLOR

Pageantry of color will confront those who attend the Peking opera "Black Dragon Residence" Saturday, 7:30 p.m., at Hilo High School.

For many, the boldly colored and costumed characters will resemble abstract paintings in motion. Colors, designs and lines on each actor's face, however, are highly significant. The actor's face is an open book. Colored facial patterns inform us of his nature and destiny.

The most virtuous color is red, which stands for courage, loyalty and justice. Blue indicates a stubborn, impulsive character. Shiny white implies health and youth, while chalky white symbolizes cunning and treachery. Black used on portions of the face may indicate courage, simplicity or crudeness.

This adherence to traditional makeup colors is one way in which Daniel S. P. Yang, director of the English-translated play, is preserving the Chinese theatrical conventions in his production of "Black Dragon Residence."

During the summer of 1970, Dr. Yang spent two months in Taiwan collecting more than 100 custumes and props for the opera. Thus costumes and property bear the mark of authenticity.

Chinese tradition will observed even when actors are donning makeup for their performance in the six scene drama.

The first actor to begin the makeup procedure will be the clown-scholar of "Black Dragon Residence." In the Eighth Century, a Chinese emperor once played the part of a clown. He was naturally given precedence over the other actors in applying makeup. Since then the clown has always been first to apply his white powder and eyeliner.

According to Dr. Yang, visiting professor of drama at the University of Hawaii, a cast of professional Chinese actors can get ready for their stage appearance in an hour and 15 minutes. His actors, however, lacking the ten years experience possessed by Chinese actors, will take more than three hours.

The actress portraying coquette Yen Hischiao will have one of the most time consuming makeup jobs.

Her ordeal begins with the winding of a long piece of tape around her head. The tape lifts the corners of her eyes. A white foundation cream is then patted over her entire face. Rouge and a black grease pencil are applied to exaggerate her cheekbones and eyes.

The intricate process of arranging her hair then begins. After her own hair has been skinned back into a net, more than 60 items are placed on her head. These include hair that has been soaked for more than three months in lacquer and then dried, as well as various pieces of brilliant jewelry necessary for the role.

"Black Dragon Residence," a University Theatre production, is the second program in the Hilo "Kaleidoscope II" series sponsored by the University of Hawaii College of Continuing Education and Community Service and the State Foundation on Culture and the Arts, in cooperation with the University of Hawaii at Hilo, Office of Continuing Education.

Tickets for the operas may be purchased at Hilo College Library, MJS Music Store and the House of Music.

BARGE CANAL NEEDS NO MORE STUDY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. YOUNG of Florida. Mr. Speaker, the latest attempt to resurrect the defunct Cross-Florida Barge Canal comes in the form of a request that the Congress appropriate funds for a new environmental study of this costly public works project. Such a study is unnecessary—the big ditch already has been studied to death—and would be a further waste of taxpayers' money on a project in which $53 million in public funds already have been squandered.

Since this study proposal is being presented to the Congress, I am taking this opportunity to review for our colleagues some of the reasons why the canal was halted, and why it must remain so. I offer, for their information, the following letter which I have sent to the chairman of the House and Senate Appropriations Committees:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 19, 1972.

DEAR MR. CHAIRMAN: A resolution from the Jacksonville, Florida, Port Authority has been sent to your Committee and various members of Congress requesting funds for an environmental study of the defunct Cross-Florida Barge Canal. While no specific amount was requested, estimates ranging from $300,000 to $500,000 have been mentioned.

Such a study, I believe, is without merit and would only be a further waste of taxpayers' money on a public works project that already is viewed by many as one of the worst boondoggles in our history. An estimated $53-million in federal funds already had been squandered on this pork-barrel project when President Nixon wisely chose, on January 19, 1971, to abandon the canal to prevent further damage to Florida's environment.

The request for yet another study is, I believe, a futile effort to revive an already dead project. The Cross-Florida Barge Canal literally has been studied to death, both in terms of the environmental impact and possible alternate routes.

Florida's Congressional delegation is divided on this issue; the people of Florida, however, are nearly unanimous in their support of the President's decision to halt the canal, and there is no justification for the taxpayers of America to pour more money into a project that, even if it had been completed, would not reduce the price of bread anywhere in the country.

A canal across the middle of Florida has been investigated on and off for 150 years, starting with Philip II of Spain, and repeatedly rejected on environmental and economic grounds. During the Depression, work was started on the canal to help provide jobs; in 1935, the U.S. Geological Survey reported that tremendous damage would result from the canal, and the project was stopped the following year when the Department of Commerce came in with an unfavorable report from potential shippers.

The Cross-Florida Barge Canal has never been sound economically; the benefit-cost ratio of 1.4 to 1 most recently given to the project relies heavily on a questionable "recreation" benefit estimated in the millions of dollars. Much of the so-called recreational benefits would be adversely affected by the environmental damage resulting from completion of the canal.

A great deal of money already has been spent on assessing the environmental impact of the barge canal. A new study would be reviewed by the President's Council on Environmental Quality—a group that already reported early last year, that the canal was causing severe damage and should be discontinued. On February 24, 1971, the U.S. Geological Survey said that the canal poses a serious threat to the aquifer which supplies much of Florida with its drinking water.

In addition, 126 Florida scientists joined in supporting the President's historic decision to halt permanently construction of the controversial canal, saying the big ditch would do irreparable damage to the state's environment.

These are just a few of the reasons why the Cross-Florida Barge Canal should remain dead, and if the Committee decides to consider an appropriation to fund yet another study, I would respectfully request the opportunity to testify on the matter.

With best wishes and personal regards, I am

Very truly yours,
C. W. BILL YOUNG,
Member of Congress.

ISRAEL INDEPENDENCE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BURTON. Mr. Speaker, for the past 24 years, the people of Israel have tenaciously and courageously gone about the task of nation building.

As Israel celebrates the 24th anniversary of independence, it seems appropriate to pay tribute to her and to her people who have not only persevered but made great strides forward in the face of hostility and repeated instances of aggression against her.

In remarks on the floor of the House on a similar occasion several years ago, I said of Israel and her people:

They are a small and democratic nation with a long and tortured history of inequality, persecution and outright slaughter. After 20 centuries of homelessness they have returned with the sanction and blessing of the international community to the land where their history began and from which they have never been entirely severed. They have reclaimed the desert, built cities in the sand, and rehabilitated hundreds of thousands of their refugee brethren, many of the refugees from Arab countries.

Time and again they have appealed to their neighbors to conclude with them an honorable and lasting peace, only to be rebuffed, attacked, and threatened with destruction.

Those remarks ring as true today as they did then. Yet, Israel strives on and celebrates once again the anniversary of Independence.

It is this strength of spirit and an unconquerable determination to persevere which have become national hallmarks.

I am delighted to be able to note on the floor of the House, the 24th anniversary of independence of the State of Israel and to extend to her and her people congratulations. I am equally happy to be able to participate on this Sunday in the public celebration of Israel's independence in San Francisco.

PIPE IMPORTS HIT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GAYDOS. Mr. Speaker, we have reached the first-quarter mark of 1972 and still have no replacement for the ineffective voluntary restraint arrangement on imported steel which, thankfully, expired last December 31. What we have had is periodic announcements from one source or another that a new day is dawning. We do not know when. We do not know what it will bring. And, frankly, based on the track record of our past foreign trade negotiations, I am not brimming over with anticipated joy as to what lies in store for the domestic steel industry and its hundreds of thousands of employees.

A few days ago, Mr. Donald Cooper, business editor of the Daily News in McKeesport, Pa., reported on a joint union-management committee meeting held by employees of United States Steel Corp. The corporation's National Works in McKeesport is one of the biggest pipe producers in the Nation and there is no question the plant and its employees have been severely hurt by the volume of foreign imports. It has cost them orders and jobs.

For example, Howard L. Higgins, representing management on this productivity committee, and William Behare and William Soles, representing labor, noted that in 1970 a total 103,262 tons of casing were imported into the United States, valued at $19.2 billion. A year later, the amount of casings leaped to 146,587 tons valued at nearly $28 billion. The values are exclusive of freight and insurance costs which are not subject to American tariffs.

Mr. Higgins explained the 1971 imports ran an average monthly rate of 12,226 tons and had that tonnage been available to local steelworkers, it would equal an additional crew at each of the seamless mills at National Works.

Mr. Speaker, I would like to insert Mr. Cooper's news article into the RECORD for the attention of my colleagues. It is one more example of proof that we need meaningful controls on imports of steel products which threaten to strangle American mills and the millworker. I sincerely hope our State Department does not fail them this time.

The article follows:

PIPE IMPORTS HIT BY TUBE PLANT UNION, MANAGEMENT

(By Donald R. Cooper)

A joint union-management committee at U.S. Steel's National plant today charged publicly that pipe imports are hurting McKeesport's economy.

The committee said an additional crew could have been assigned to each of National's two seamless mills in 1971 if the tonnage of imported oil country casing had been produced here.

"The steel industry has problems but steel imports remain one of the most serious and continue to hurt the steel businesses," said Howard L. Higgins, William Behare and William Soles in the joint statement.

"Here at National, imports of oil country goods hit us hard and directly, and our people are affected every time a load of foreign pipe casing hits our shores."

Mr. Higgins is assistant general superintendent of National-Duquesne Works, chairman of management's productivity committee and cochairman of the productivity unit, along with Mr. Behare and Mr. Soles. Mr. Behare is chairman of United Steelworker Local 1408's productivity unit, and Mr. Soles is chairman of the similar section within USW Salaries Local 2316.

The plant committee was set up under the 1971 labor agreement to explore ways to improve productivity at the local level.

Activity in the global marketplace has shown that the domestic steel industry has not kept pace with the rising productivity trends of industry generally and foreign steelmakers particularly.

But, said the National plant committee, increased productivity is not the only problem that has been recognized.

Singled out as two equally important hurdles were a "need for increased sales of steel products in all categories and the mounting flow of imports into the United States."

"Japan alone exported to the U.S. 6,268,000 tons of steel products last year," the report states. That tonnage includes products outside the voluntary export controls imposed by Japan since 1969.

Japanese shipments are just one third of total steel imports.

The union-management team said such volume means only one thing—loss of steel orders and, thus, loss of jobs.

The joint chairmen said that in 1970 a total of 103,262 tons of casing were imported into the U.S., with a total value of $19,256,000. Last year, 146,587 tons of casing valued at $27,985,000 came in. The values are exclusive of freight and insurance costs which are not subject to American tariffs.

"The 1971 imports of seamless oil country casing ran at an average monthly rate of 12,226 tons," Mr. Higgins said. "This represents a 42 percent increase over 1970 imports.

"If these 12,226 tons were available to us, it would be equal to one additional crew on each of the two seamless mills at National."

The McKeesport plant is a major producer of seamless oil casing, used in the completion of oil and gas wells.

And what affects the National plant has an impact on the Duquesne operation since National's steel requirements are filled by Duquesne.

Japan and Canada continued in 1971 to be the principal source countries for casing. At least 90 percent of last year's imports reached markets in the Gulf-Southwestern States. Other countries exporting seamless pipe are the United Kingdom, West Germany and France.

The National plant productivity committee is studying many ways to increase output. It is looking at human, natural, capital, educational and research and development resources.

"There is a tremendous wealth of energy, skills, organizational talent and ingenuity of people which must be fully and effectively utilized if the plant and its people are going to realize productivity goals," said the committee. Attention is being called to service, quality, delivery and such items as good plant housekeeping.

The committee is meeting monthly and outlining long-range plans to attain objectives.

RISING MEAT PRICES: THE PLIGHT OF THE CONSUMER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. GUDE. Mr. Speaker, recently, we have witnessed a swirling controversy regarding the cost of food, and in particular the cost of meat. With the crescendo of noise and recriminations between farmers, wholesalers, and retailers regarding who, if anyone, is to be blamed, I fear that the true victim of this situation is not being heard. I refer to the American consumer; to the person who, in the face of steadily mounting costs, sees his wage or salary increase measured by a more restrictive guideline.

The problem is indeed a serious one. The Consumer Price Index rose 0.5 percent in February, and three-fourths of the increase was a result of higher prices for food, particularly meats. During the 6 months preceding the wage-price freeze, the annual rate of increase in the Consumer Price Index was 4.1 percent. From November 1971 to February 1972—corresponding to phase II of the economic stabilization program—the rate of increase was 4.9 percent. More than half the acceleration between phase I and phase II is attributed to the sharp increase in food prices.

The impact of this trend in food prices on the consumer is made clear by the fact that last year Americans' personal outlays for food and beverages were estimated at $136.6 billion. By contrast, 1971 automobile expenditures totaled $46.2 billion; clothing and shoes, $57 billion; housing, $99.7 billion; and furniture and household equipment, $39.5 billion.

Over the past several months there has been an absolute rise in farm prices. Prices paid to the farmer for the market basket, which consists of standard, representative food items bought annually by an urban household, were 0.9 percent higher in February than in January. These increases are, of course, reflected in the final price the consumer pays. At the heart of the recent price increases are meat prices. Between November 1971 and February 1972 the farmer's price for beef, for example, increased 4.8 percent.

To what is this increase attributable? In the first place, consumer demand for meat, especially beef, has risen steadily. With rising incomes, Americans eat more and more beef. Between 1950 and 1970, the annual per capita consumption of beef has clearly doubled from 63 to 113 pounds. Similarly, the consumer's apparently growing desire for packaged, precooked, and other convenience foods tends to add to his total food bill. Increased demand adds to the inflationary fires. Superimposed on this increased demand for better quality meats is a somewhat reduced supply. In the fall of 1970, corn leaf blight descended on the cornfields. The blight destroyed 15 percent of

the anticipated crop, shrinking the size of the harvest and sending corn prices from $1.20 a bushel to a higher of $1.59¼. According to Department of Agriculture economists that change in corn prices set off a chain reaction that has only recently affected the market. Corn represents the single largest source of feed grain—about 70 percent of the total—and when its price rises farmers tend to reduce the size of their hog inventories. When the reduced number of hogs reach the market, not only do pork prices climb, but the generally lower supply of meat pushes beet prices upward as well. In late 1970 and early 1971, the high price of feed corn encouraged farmers to cut back on hog production. Pork prices which began to inch up last summer began to soar late last year; reflecting the smaller number of hogs on farms. In January, the number of hogs slaughtered slid a huge 18 percent from a year earlier. The same sort of process occurred to the beef supply. According to the Department of Agriculture, cattle were kept in the pasture longer in early 1971 to avoid fattening with the higher priced corn. The result is fewer steers coming to market.

Thus, at the farm level we are experiencing a somewhat reduced supply and an increased demand. The outcome has been higher prices at the farm level for meats. However, while there has been an absolute increase in farm prices, the overall trend in the farmers' share of the retail food dollar has, since 1947, been a declining one. During the period 1947–49, the farm portion averaged 50 cents; during 1957–59 it fell to 40 cents. By 1964, the farm share had fallen to 37 cents. The figures for 1969, 1970, and 1971 are 41 cents, 39 cents, and 38 cents respectively. With respect to meats, the farmers' share of the steadily increasing price the consumer pays has also declined. While farm prices have increased, the differential between the farm price and the retail price has risen much faster.

Over the years the retail price has been increasing because of increases in costs for labor, packaging materials, transportation, corporate profits, capital costs, and advertising and business taxes. Labor costs for marketing domestic farm food products increased from $18.7 billion in 1960—42.3 percent of the marketing bill—to $32.0 billion in 1970—49.7 percent of the bill. Price increases for packing materials were relatively modest from 1960 to 1969, but increased substantially from 1969 to 1970. During the decade of the sixties, capital costs—depreciation, rent, interest—increased from $2.8 billion in 1960 to $4.9 billion in 1970; advertising costs increased from $1.9 billion, business taxes rose from $1.3 billion to $2.6 billion.

However, it is significant to note that despite rising costs, profits—before taxes—that corporations derived from marketing food were $4.0 billion in 1970 compared with $2.1 billion in 1960. As a percentage of total market costs, profits increases from 4.7 percent in 1960 to 5.8 percent in 1970. The differential between farm and retail prices increased at a greater rate than did farm prices alone, the farmers share of the consumers food dollar decreased and the middleman's increased.

The term "middleman" is a nebulous one. Detailed analysis of the cost of food requires some explanation of who are the middlemen. As meat, for example, is processed and readied for sale to the consumer it passes through several layers of middlemen. Truckers, railroads, auctioneers, processors, and others all intervene before the retailer receives the meat. To simplify the analysis I shall classify middlemen at two levels, wholesale and retail. Several layers of middlemen are involved between the farmer and the wholesaler; and each contributes to the wholesale value of the meat. The majority of middlemen fall into this category. Between the wholesaler and the retailer is the trucking or railroad company which transports the processed meat to the retailer.

A useful tool with which to examine the middleman's contribution to the food costs is the concept of price spreads. The farm-carcass spread—which represents the spread between the base price at farm level and the wholesale price—is the difference between prices paid to the farmers and the prices paid to meat processor. The carcass-retail spread is the difference between the processors' price and the price paid by housewives at the retail level. By similar explanation, the farm-retail spread is the differential between farm price and retail price. The greater this spread, the less is the farmers' share of the consumers' food dollar spent in retail stores.

USDA's Agriculture Marketing Service has noted that the margin between carcass—wholesale—price and retail price has for choice beef advanced 4.2 cents per pound from January to February. This was a record high 33.2 cents spread, as retail prices rose 4.3 cents. At the same time, the farm to carcass spread dropped eight-tenths of 1 cent. This resulted in the highest spread ever between farm and retail prices—at 40.8 cents per pound. Another way to look at this is that between January and February the farmers' price for a pound of beef rose nine-tenths of 1 cent, the carcass—wholesale—value of that pound of beef rose one-tenth of 1 cent. Yet, the retail price rose 4.3 cents per pound. a 3.9 percent increase. The wholesale price index for meats, a measure for wholesale prices, rose 5.3 points between January and February, but the Consumer Price Index for meats, which measures retail prices, rose 6.4 points.

Clearly, the largest boost in the cost of food and meats between January and February was at the retail level. I think it is significant to note that in the wake of a meeting with Secretary of the Treasury Connally most major retail food chains decided they could reduce their meat prices. There can be no doubt that over a period of years labor costs, transportation costs, capital costs, advertising costs, and business taxes have risen for the retail food chains. But these expenses generally represent long term costs. Among Americans there is a burgeoning skepticism of current, short term retail pricing policies, particularly in light of the significantly smaller price increases at the farm and wholesale levels.

Having outlined the nature of the problems at the farm level and the general trends in prices and profits at the wholesale and retail levels it is necessary to address ourselves to the issue of potential solutions. Many people have advocated increasing the amount of imported meat as a method of reducing domestic prices. This is, however, not a viable solution. The President, in accordance with his statutory authority, has suspended import quotas for 1972, as he did in 1971 and 1970. Except for voluntary restraint agreements with Australia and New Zealand, the American meat market is essentially an open one internationally. But the supply of meat available for import is a relatively fixed one. The United States is receiving virtually 100 percent of the meat exports of Canada, Panama, Costa Rica, Venezuela, and other eligible Central and South American meat exporting nations. The only possible expansion of import supply in sufficient quantity is from Australia and New Zealand. But relief from this quarter is limited also. The year 1971 was a bad year for Australian ranches and their supply of beef is reduced. Further, Australian beef will not go to slaughter until May or June and could not be expected to reach the American market for several months. In addition to those factors, the diversification campaign underway in Australia and New Zealand dictates that before an exporter can ship meat to the United States he must also ship a certain amount to markets outside the United States. The effect of this diversification marketing scheme would be to prevent a significant increase in exports to the United States, even if voluntary restraint agreements were not in effect. Thus, imports cannot be expected to have a major impact on domestic meat prices.

The solution must be found at the domestic level. I urge the creation of a Food Price Advisory Board as another arm of the Price Commission. This Board should be composed of leading experts in the field of agricultural economics and should have representatives from the farm, wholesale, and retail sectors. Additionally, the voice of the consumer, the person who frequently feels powerless to effect the trend of food prices, but who, nevertheless, bears the brunt of the burden, must be heard on the Advisory Board. It will be the purpose of the Board to monitor actual food prices and to study potential trends in those prices. Should the monitoring activities of the Board reveal significant price increases which do not respond to persuasive or other voluntary control methods I believe the Price Commission should take action immediately to institute commodity price controls by product group. Prices at the farm level should be determined by the forces of supply and demand, as dictated by the consumer. Above the farm level, the Price Commission should establish, through the Food Price Advisory Board, acceptable and realistic margins of profit for wholesalers and retailers. Prices should be al-

lowed to fluctuate only to reflect increases in cost within the food industry and increasing costs allowed by the Price Commission and Pay Board in their sectors which impinge upon the food industry. However, it is important that this system of controls be structured so that it would not take on any aspects of rationing. If the President's Economic Stabilization Program is to be successful, stringent control of food prices, particularly meat prices, may be required.

THE WRONGS AND RIGHTS OF SPRING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, at this point in the RECORD I include two articles which appeared in the April 20 morning papers. The first, from the Washington Post, is headlined, "Tear Gas Chases Students Off Rte. 1," and the second, from the New York Times, is headlined, "College Students Aid Slum Cleanup." The articles follow:

[From the Washington Post, Apr. 20, 1972]

TEAR GAS CHASES STUDENTS OFF RTE. 1

About 250 University of Maryland students blocked U.S. Rte. 1 on the College Park campus briefly last night before being dispersed by tear gas canisters launched by state police.

Earlier, crowds of students had pelted the Air Force ROTC armory and the main campus administration building with stones and set numerous trash fires. Some burning trash was thrown through broken windows of the armory and ignited fires inside, which were quickly extinguished.

Early today, university officials reported that there had been "three or four" arrests and that one Maryland State trooper had suffered a broken wrist when he was hit by a brick.

Last night's incidents marked the third day of demonstrations triggered by the escalated bombing of North Vietnam. It was the second day in a row that students had blocked Rte. 1, a heavily-used artery through the campus. The highway also was blocked during spring antiwar demonstrations in 1970 and '71.

About 700 students marched on the ROTC armory last night following a rock 'n' roll concert by Commander Cody and his Lost Planet Airmen and other groups at Ritchie Coliseum, which is near the armory on Rte. 1. Leaflets advertising the march were circulated during the concert, which was attended by about 2,000 students.

At one point, someone burned a U.S. flag and threw it into the armory.

The crowd then proceeded to the administration building and threw rocks at it. The students fled at the approach of a state police jeep equipped with a tear gas cannon but other students regrouped to gather on Rte. 1 and block traffic.

They dispersed when about 100 state troopers advanced behind a barrage of tear gas. Early today police were still chasing groups of students and firing tear gas in the Rte. 1 area.

Yesterday afternoon, Charles E. Bishop, chancellor of the University's College Park campus, urged a group of about 800 students who crowded around the administration building's steps not to disrupt traffic on Rte. 1. He declared that "the university neither owns nor controls Rte. 1" and that the state of Maryland, which does, intends to keep it open.

[From the New York Times, Apr. 20, 1972]

COLLEGE STUDENTS AID SLUM CLEANUP

BALTIMORE.—The Fairfield slum in south Baltimore is a long way and a lot different from sunny Florida beaches, but a small group of Arkansas college students spent their vacation to help clean it up.

Instead of languishing in the surf as many young people traditionally do during spring vacation, these students dug out collapsed septic tanks and tore down rotting outhouses in the heavily industrial section.

The students are members of the Baptist Student Union, which has sent workers in past vacations to Indian reservations, in the Southwest, to harvest peas with the migrant workers in Utah and Oregon, to pick cotton and chop sugar beets.

RESPOND TO PLEA

They came to Fairfield in response to a plea from the Fairfield Improvement Association that was passed along to them by a Baptist minister in Annapolis.

"Man, you should see the garbage here," one of the 33 students said.

"There's tons of it."

"What we're performing here is a symbolic gesture, acting out the basic Christian concern to make the world a better place," says Jesse Cowling, the Baptist minister at Southern State College in Magnolia, Ark., the project's leader.

"We're only scratching the surface here. We know it. But the action is more important than the accomplishment."

The students, black and white, paid their own bus fare to Baltimore and, where necessary, paid for materials used in repairs.

THE WAY THINGS USED TO BE

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. O'KONSKI. Mr. Speaker, few times in the history of this country has the average American citizen been so shockingly aware of the lack of quality in the goods and services that he purchases. Terms, such as "consumer affairs," "consumer power," and "consumer protection" are household-variety words. And, I believe that businessmen in this land can only express embarrassment with the fact that there is a need for terms and phrases, such as these. A man finds himself in a state of utter shock and hopeless dismay when he finds that a product, which he purchased with all-too-few dimes, is only a waste of those dimes. This situation can only be a moral, if not a legal disgrace to the manufacturer involved.

In the past years, I have seen many a letter from a constituent complaining about the quality, or lack of it, in the manufactured item purchased. However, recently, my dear friend, Prof. J. T. Salter, wrote to me, telling the story of a Hamilton watch, which he purchased in the early thirties. His letter reads:

In the early thirties, when I taught at the University of Wisconsin, in Madison, I bought a $60 Hamilton wrist watch, that I wore for more than thirty-five years, then it stopped and I could not get it started again. I took it to my most dependable watch repair man, and he examined it and told me, "this watch deserves a long, long rest."

So, I put it in my locked file, and thought no more about it. In 1968 I had to retire because of age. My wife and I had moved back to our college town, and one day I found the Hamilton again, so I took it to Mr. Roger Herrick, here in Oberlin. He sent it to the Hamilton Company in Lancaster, Pennsylvania, and now today, on the 22nd of February, I have what looks like and keeps time like, a new wrist watch. My bill was just $33.45. I think it is wonderful, and I say again, if you have a difficult problem that involves a watch, take it to Mr. Roger Herrick, of Herrick's Jewelry.

Or, if it is in the field of politics, ask the Honorable Alvin E. O'Konski to help you.

Sincerely,

J. T. SALTER.

As you see, Mr. Speaker, because of initial sound quality and because of fine skills possessed by the current labor force, the watch is, again, working. Might I suggest that this letter tells us about "the way things used to be." In good conscience, I must declare all efforts toward the advancement of progress. However, if progress dictates that the American public must waste hard-earned dollars, perhaps "the way things used to be" was best.

HEROIN MAINTENANCE? A LOOK AT REALITY SHOWS NO MIRACLE SOLUTIONS TO DRUG ADDICTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, some Americans are deceiving themselves into thinking that heroin maintenance—the free distribution of this deadly drug—will be the miraculous solution to the high crime rate in our Nation. They claim that it is better to keep the addict continually drugged than to deal with the fundamental problems of our society that make heroin addiction an acceptable means of escape for hundreds of thousands of our young people.

There is no cure-all for the illness which is sweeping the United States. Instead, we find ourselves faced with the very real possibility of being sidetracked in efforts to rehabilitate the addict.

Stewart Alsop recently wrote a hard-hitting article on the folly of instituting a heroin maintenance program in the United States at this time. I am pleased to share it with my colleagues:

TO SAVE OUR CITIES

(By Stewart Alsop)

WASHINGTON.—Sometimes it is sensible to test a theory against the realities. The theory that the way to break the heroin epidemic is to give addicts controlled doses of heroin was recently tested by this reporter against the realities of heroin addiction, as experienced by three addicts. The theory emerged badly shaken.

The three addicts had been recruited by Dr. Robert DuPont, the impressive young director of Washington's Narcotics Treatment Administration, for an interview in one of the NTA's methadone treatment centers. Asked why they had chosen to get methadone treatment, one of them, the oldest, a burly man with a beard said sadly: "A man gets to be too old and too feeble to hustle."

Hustling, a second addict explained, is "the hardest work there is." To get his four daily fixes, plus a "wake-up fix" for the next day, an addict must hustle—shoplifting, purse-snatching, pimping, pushing dope—upwards of twelve hours a day, 365 days a year. A picture emerged of a nightmare existence, relieved by an occasional blissful high, but always hours away from the horrors of withdrawal.

AMAZEMENT

Asked what they thought about the idea of maintaining addicts on heroin, the three addicts registered amazement, followed by amusement. "Give heroin to junkies for free?" said the man with the beard, incredulously. "Man, you must be crazy. A man's on heroin, he wants just one thing—more heroin." Then he suddenly laughed a large, gurgling laugh.

The second addict joined in the laughter. "Man, you want to see the 12-year-olds lined up at the schools for their free shots?" The third addict, a sad-faced man in a black velvet cap, shook his head, and said seriously: "If a man can't make it on meth, that man's just not going to make it at all."

The theory that heroin maintenance is essential to control the heroin-crime epidemic is held by some wise and knowledgeable people, including the members of a blue-ribbon committee of the American Bar Association. The purpose would be to break the heroin black market, and at the same time free the addict of the desperate need to steal to support his habit. Addiction accounts for between 50 per cent and 80 per cent of the crimes that are making our cities unlivable.

This theory sounds plausible. But those who are in the day-to-day business of battling heroin addiction, like Dr. DuPont and his opposite number in New York, Dr. Robert Newman, are dubious for essentially the same reasons given by the three heroin addicts. A heroin addict is insatiable. Thus after the addict got his maintenance dose in a clinic, he'd be right back "on the hustle" looking for "one thing—more heroin" from the pushers.

"If you want to eliminate the pusher," says Newman, "you've got to compete with him. That means giving every addict all the heroin he wants. Are you really going to give a 14-year-old kid as much heroin as he wants? Of course not."

MAKING IT

Moreover, a lot of addicts can "make it on meth," and large numbers of them are doing just that, in both New York and Washington. Most of them are volunteers who desperately want to escape the nightmare world of the hustle. Very few addicts can escape that world through abstinence. For the vast majority, methadone is the only way out.

Methadone, both DuPont and Newman emphasize, is a dangerous addictive drug. But it differs from heroin in one vital way. After a certain dosage level is reached, the craving for heroin is blocked, and there is no craving for more methadone. Addicts on methadone sweat a lot, and some have trouble with constipation. But they can hold a job and live like normal human beings.

Both DuPont and Newman are passionately convinced that methadone treatment on a large enough scale, combined with maximum police pressure on the major drug traffickers, can control, and perhaps even end, the heroin-crime cycle. This is not theory. It is already beginning to be done, in both New York and Washington.

Police pressure is essential to keep the streets from being flooded with easy-to-get heroin. Within recent weeks the Washington police have arrested several major heroin dealers. As a result, heroin here has become scarcer and more expensive. As a further result, the number of people seeking methadone treatment at the NTA clinics has climbed from less than 150 to more than 200 a week. Since the Washington and New York methadone programs got under way recently, crime has dropped by 5 per cent in Washington, and the drug-related crimes of larcency and breaking and entering have also dropped in New York.

But so far only the surface has been scratched. There has been enough money only for surface scratching. In Washington, it costs about $2,000 per year to maintain one addict on methadone. Dr. DuPont is sure that the heroin-crime cycle in Washington could be just about broken within a year or two by enlisting two-thirds or more of Washington's 20,000 addicts in the methadone program.

But this would cost upwards of $30 million, and there is currently only around $6 million available. The NTA admission center may soon have to close its doors at least temporarily, for lack of money—already, the admission center often has to close early in the afternoon. If the admission center closes, that would mean sending 200 desperate human beings per day back into the criminal life of the hustle.

VOLUNTEERS

The situation is worse in New York. There are 5,000 addicts under methadone treatment there, and 8,000 on the waiting list. These desperate people must "make it on the street" for three to nine months. Dr. Newman believes that if adequate money and facilities were made available at least 50,000 addicts would volunteer for treatment, and maybe many more.

The conclusion seems unmistakable. Heroin maintenance is at best a last desperate resort, for hard-core addicts. The first thing to do is to test whether the heroin-crime cycle can be broken, and our cities saved, by a federally financed methadone-maintenance program for the nation's half million addicts. At $2,000 a head, the program might cost $1 billion—about the price of an aircraft carrier. Our cities are worth a lot more than that. But distributing a dangerous addictive drug, mostly in the black ghettos, is a touchy business politically, and it remains to be seen whether any major politician will have the guts to propose such a program, especially in an election year.

NO-FAULT INSURANCE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, I have received from the city council of the city of Cordova, Alaska, a resolution requesting that the State and Federal Government initiate legislation which would promote "no-fault" insurance. Because the dramatic growth of the economy of the Nation has created an unprecedented demand for protection from serious financial loss in accidents arising from the expanding use of motor vehicles this new concept of insurance very well could be the much-needed solution. I am, therefore, inserting into the record for my colleagues' attention a copy of this resolution:

CITY OF CORDOVA, ALASKA—RESOLUTION NO. 72-5

Whereas, the American insurance industry has been a vital factor in the overall development of the basic concept of automobile liability insurance, and

Whereas, the dramatic growth of the economy of the nation has created an unprecedented demand for protection from serious financial loss in accidents arising from the expanding use of motor vehicles, and

Whereas, the present system of automobile liability insurance has created a dependency on the courts, a delay in the prompt settlement of claims and a possibility of serious financial hardships for those involved in automobile accidents, and

Whereas, a new concept of insurance has been advocated in some states which is known as "no-fault" or "first party" insurance which holds promise of clearing court calendars, speeding claims settlements and perhaps lowering premiums through more effective handling of insurance claims,

Now, therefore, be it resolved by the City Council of the City of Cordova, Alaska, that the State and Federal Government be requested to initiate legislation which would promote this new system of automobile insurance, and

Be it further resolved, that the State and Federal Government are also requested to investigate the current programs in effect in other States and to provide an interim report to the citizens of Alaska on the merits or demerits of these existing programs.

Passed and approved by the City Council of the City of Cordova, Alaska this 20th day of March 1972.

JAMES A. POOR, *Mayor.*
DONNA M. SHELBY,
City Clerk.

NEED FOR A COORDINATED EFFORT IN THE FIGHT AGAINST CRIME

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. JAMES V. STANTON. Mr. Speaker, I had the privilege this morning of testifying before the City Council of Cleveland, Ohio, on governmental tooling up in that city for the handling of Federal crimefighting funds. The statement I read to the council is self-explanatory, and I enter it in the RECORD for the information of my colleagues here. I am submitting also an article by David G. Molyneaux that appeared on this subject in the April 18, 1972, issue of the Plain Dealer of Cleveland, Ohio. The insertions follow:

STATEMENT OF CONGRESSMAN JAMES V. STANTON BEFORE THE LEGISLATION AND PUBLIC SAFETY COMMITTEES OF THE CLEVELAND CITY COUNCIL, APRIL 20, 1972

Members of the City Council, I am pleased to have this opportunity to review with you my Emergency Crime Control Act, which has important implications for Cleveland. The legislation was introduced on November 16th. It has been assigned the number H.R. 11813 and referred to the House Judiciary Committee, one of whose members, Congressman Seiberling of Akron, is my principal cosponsor. More than 25 other Congressmen have since added their names to the bill, including Congressman Vanik of Cleveland and the large and highly effective Congressional Delegation from Chicago. The U.S. Conference of Mayors has endorsed the bill in principle and is helping to lobby for it. I was informed recently by Chairman Celler of the Judiciary Committee that the Emergency Crime Control Act has been jumped ahead of others for priority treatment, and that hearings will be scheduled soon.

I want to be candid with you. I am not now predicting passage of my legislation. Being legislators yourselves, you know that it would be folly for me to do so at this stage of the game. But I do want to say to you in all sincerity that I believe—for reasons I will list for you shortly—that whether or not the legislation is adopted in toto, the principles and philosophy it espouses are likely to be approved by Congress in one form or another, and the essence of the bill will be adopted as national policy. For that reason, I respectfully submit that it behooves this council—which has the responsibility for concurring or not concurring with certain federal programs affecting the city—to become familiar with the broad outlines of the legislation. Because the Nixon Administration has failed to make the streets safe for our citizens, Congress is taking the initiative on this issue. Momentum for reform is building up on Capitol Hill. I'm sure that this doesn't surprise you. You are closer to the situation in Cleveland than I and my colleagues are. You have seen the FBI statistics. There were 307 forcible rapes in Cleveland in 1970, and 428 in 1971—a 39.4% increase. There were 5,475 robberies in Cleveland in 1970, and 5,987 in 1971—a 9.4% increase. There were 1,909 aggravated assaults in Cleveland in 1970 and 2,004 in 1971—a 5% increase. There were 271 homicides in Cleveland in 1970 and 270 in 1971. Hardly an improvement!

The trend toward increasing crime in urban areas has, of course, been with us for some time. In an attempt to reverse this trend, President Johnson in 1968 proposed the Omnibus Crime Control and Safe Streets Act, setting up the U.S. Law Enforcement Assistance Administration (LEAA) of the Department of Justice. Mr. Johnson's bill was drastically altered in the legislative process. His plan was to have LEAA grant funds distributed directly to the cities on a project-by-project basis. That is, a police department would apply for help in, say, expanding its communications system, and a probation department would, say, come up with a proposal for improving its own program. Separate applications would be filed, and they would be considered separately and funded separately.

But the bill that emerged—with the support of then-Presidential candidate Richard Nixon—revised this plan. Under the legislation that now exists, most of the funds do not go directly to the cities. Instead, each of the 50 States gets a huge block grant from the Justice Department. And the cities now apply to the States—rather than to Washington—for funds for separate projects. The States, in turn, subdivided themselves into regions, adding a new bureaucratic layer to the processing of funds. So Cleveland found itself in a situation where funds went, first, from Washington to Columbus; second, from Columbus to NOACA, the seven county regional unit in Northeast Ohio; and, finally, from NOACA to the city.

Similar arrangements became common around the country. As a result, too much of the Federal Safe Streets money was diverted to rural areas with no great need for it, and a good part of the funds ticketed for the urban areas got stopped up in bureaucratic bottlenecks and to this day hasn't reached the cities. As I pointed out on the floor of Congress on November 16, a study by the U.S. Comptroller General showed that when fiscal year 1971 ended last June 30, 92.1% of the money appropriated for that year was still being held in the state capitals—laying there idle—and more than 50% of the money from the year before still had not been spent, either.

I would like to show you this scroll I obtained from officials in New York City. This is what the bureaucrats call a "flow chart". It shows all the different offices where applications have to be processed—in this case, more than 200—before the money appropriated by Congress to fight crime is actually put to work on the streets. As you can see, it is not money that flows. What does flow is paper, paper and more paper. And meanwhile, the crime rate keeps rising, and our people become more and more fearful of venturing outside of their homes. Decay is hastened in downtown Cleveland. Confidence in the ability of government to cope with problems is eroded. And, to make matters worse, the people don't know whom to blame—the LEAA in Washington, the administration in the state capital, the seven-county region or their own municipal authorities. There is no focus of responsibility.

As a member of this Council, I had to live with this problem—as you must do now. I resolved that I would try to do something about it when I got to Washington, and the result after months of research and studies is my Emergency Crime Control Act.

My bill proposes an entirely new strategy for fighting crime with federal assistance. It differs both with the original version of the Safe Streets Act proposed by President Johnson, and the final version that was backed by President Nixon. It is based on the revenue sharing concept.

The Act reduces control by the States of metropolitan crimefighting programs. One section of the bill requires the States to relay money directly and speedily to the metropolitan areas, acting as a mere conduit of federal funds. The sum of money each large urban area would get—automatically—would be a predictable sum, making it possible for the city to budget intelligently and effectively. Politics would be ruled out as a factor. The sum would be based on a formula taking into account the city's population, with weighting for its crime rate. A second section of the bill would have federal money going directly from Washington to the 56 largest cities in a three-year "Special Impact" program. From the two sections of the bill, Greater Cleveland would realize at least $36 million over a three-year period. All this would be within the existing financial authorization of the Federal Safe Streets program. No new money would be needed. Essentially, there would be a redistribution of money from rural areas, where there is little crime, to urban areas, where there is too much crime.

The key provision—the innovative part—of my bill, however, is its revenue sharing feature. The money would arrive in the urban areas not in a trickle, on a project-by-project basis, but rather quickly in a large lump sum—or, as the bureaucrats say, in the form of a block grant. Local authorities would have full control over how this money is spent. It would be budgeted as needed, according to needs perceived and priorities set by local officials, who know their communities best because they are closer to it. There would be no dictation from Washington, Columbus or a regional entity. The advantages that would accrue would be not only flexibility in the handling of the money, and focusing responsibility for it, but also slashing of red tape. There would be no need for separate applications for each project, and for interminable reviews at every level of government. *Money* would flow instead of paper. The funds intended by Congress to be spent on the streets would reach the streets without delay.

The Emergency Crime Control Act sets only two conditions for receipt of block grants by the high crime urban areas—and here we come to the heart of the bill. One requirement is that public officials representing all parts of the criminal justice system would have to join together to form a "Criminal Justice Coordinating Council". The second requirement is that this council would have to notify Columbus and Washington that it had come into existence, and that a comprehensive plan for spending the money is being filed. However, approval of the plan by outside authorities would not be required. The money would start flowing as soon as the Coordinating Council submits the plan, and as soon as the Council furnishes the funding authorities with its mailing address.

I believe that the need for a Coordinating Council is self-evident. The police departments are important in the fight against crime, but equally important are the courts and the correctional facilities. What good is it if the police arrest a suspect who, because of a clogged court docket, is then set free to await trial and, in the meantime, given opportunity to commit more crimes? What good is it if a juvenile is apprehended and sent to the Juvenile Detention Home but, because of conditions there, emerges a more dangerous person than when he entered? The simple fact is that the city, in the main, controls only the police force, but the county operates the courts and some of the correctional institutions. City taxpayers, in fact, are heavy users of county services, and city taxpayers are the principal financial supporters of the county government. They should get their money's worth. The county, after all, exists not for its own sake, but to serve city and suburban residents.

For all these reasons, it is important that crime-fighting funds be spent in a coordinated, balanced manner. In fact, I regard this as so important that my bill contains still another key provision. This section withholds all federal crimefighting money from high crime urban areas until a "Criminal Justice Coordinating Council" is organized. The bill makes no attempt to dictate who should sit on the Council as representatives of the city, county and suburbs. This is left to local discretion in each area. But not a single penny becomes available to the metropolitan area unless there is a Coordinating Council in existence to handle and spend the money.

Now, having given you a perspective on the broad outlines of my Emergency Crime Control Act, I would like to fit into it two other developments. And in this section of my presentation, I bring you the highest praise—not only from myself, but also from those in the know in Washington—for your two top public officials. One is Mayor Perk. The second is Governor Gilligan.

Governor Gilligan is in the process of scrapping Ohio's old system for distributing Safe Streets money. He, too, wants to get more money into the large cities. He is doing away with the regional entities such as NOACA for the purposes of the Safe Streets Act. He wants to deal directly with Cleveland. But he too is requiring a countywide Criminal Justice Coordinating Council before any money is released to the cities and counties in form of a block grant. I understand that Cleveland is in the process of setting up such a Council to take advantage of the Governor's offer, and that this is a matter now under consideration by you Members of the City Council. The Cleveland area could qualify for a block grant of $3.5 million under the Governor's plan. This is LEAA money assigned to the State for distribution as it sees fit.

I want, sincerely, to commend you councilmen and Mayor Perk, as well as the Governnor, for the roles you are playing in putting together this important coordinating Council. At the same time, I would like to point out an important difference between my plan and the Governor's. While the Governor will continue to authorize spending funds in urban areas pending the creation of a Coordinating Council, the Emergency Crime Control Act, if and when enacted, would prohibit, as I have just pointed out, the spending of *any money at all* in the high crime urban areas until a Council comes into existence. This precondition is aimed at assur-

ing that a Coordinating Council will indeed be organized.

As to Mayor Perk, he has, as you already know, gone to Washington and come back with a special $20 million grant for Cleveland from LEAA. This $20 million is to come out of a relatively small special fund that LEAA reserves for itself and which it does not pass on to the states for distribution. Naturally, as a citizen of Cleveland, I am tremendously pleased with the Mayor's success. If there has been some confusion over when Cleveland would get this money, over what strings might be attached and over what role the state and federal governments will pay in the process, this is not the fault of Mayor Perk. All reports reaching me are that the Mayor has made a highly favorable impression in Washington, and there is confidence in his ability to produce—but within, I might add, whatever constraints are placed upon him.

I think it is important at this point that we refrain from becoming euphoric about Cleveland's good fortune in connection with the $20 million. One reason is that the LEAA still has not published its guidelines for spending the money. If there is a hitch in this grant, we don't know it yet. A second reason is that the grant could get tangled up in the same red tape that has been plaguing the Safe Streets program for so long. If this is the case, it will be some time before the money is available for spending. A third reason is that the money apparently is going to the city alone, with the role of the county, if any, still unclear. It would be tragic if the lion's share of this money were to be devoted to police functions, without taking into account the needs of the entire criminal justice system and also, certain social programs, as in the area of juvenile delinquency, that might help prevent crime from occurring in the first place. A fourth drawback is that there is no apparent provision for spending any of the money in the suburbs, where many of our children and other relatives live and where the crime problem is becoming almost as serious as it is in the central city.

I submit to you, again respectfully, that these apparent defects in the $20 million grant to Cleveland would be cleared up if the grant were administered in accordance with a new system such as that prescribed in my Emergency Crime Control Act. Full local option on spending the money, under the auspices of a city-county-suburban entity—that is to say, a police-court-corrections entity—would improve the prospects of the money being spent effectively. To those who say there is insufficient expertise in this community, I would reply that there certainly is little expertise in Washington, also, or else the crime situation in Cleveland would have improved by now. I don't see how local officials could do worse than their counterparts in Washington, and perhaps they might even do better. I, for one, felt more competent to deal with crime in Cleveland when I was sitting with you in this Council than I now feel while viewing the situation from several hundred miles away in Washington.

Therefore, I have no tactical recommendations to make to you. I do not feel at all competent to judge who should be members of your crime coordinating council, or how that Council should allocate its financial resources—whether you should concentrate on an attempt to control narcotics, to strengthen the prosecutor's staff, to buy more police vehicles or whatever.

But I do have a suggestion in terms of your broad strategy. And that is that you proceed without delay to complete the establishment of your criminal justice coordinating council and assign to it the responsibility for handling *both* grants that apparently this community is getting—the $20 million grant from LEAA and the $3.5 million grant from Columbus. I suggest to you that the city ought to yield part of its sovereignty over the $20 million in the interest of a better, more balanced crimefighting program. If the LEAA, for some reason, makes it difficult for you to do that, I suggest that this City Council insist on it. Your message to LEAA ought to read something like this: "Thank you for the money. Now let us alone. Let us budget it in our own way."

I ought to mention, too, that once the coordinating council is in operation, the city will already have had the experience and be in a position to take advantage of the more generous Emergency Crime Control Act, should Congress enact that legislation or something like it. If you act now, you can get a headstart.

Now, I said to you at the beginning of this presentation that I am confident Congress will indeed act favorably on the substance of my bill. How can I be so confident of *that*, even though admittedly I can make no prediction that the bill itself will pass as presently drafted?

I say to you, my former colleagues, that I am confident because my Emergency Crime Control Act is based on an idea whose time apparently has come. That idea is the block grant concept—the theory that each locality knows best how to solve its own problems without supervision and braking from Washington. I would like to read to you, in this connection, a brief excerpt from a book written recently by a former Assistant Secretary of HEW, who is generally recognized as having one of the keenest analytical minds in Washington. Her name is Mrs. Alice M. Rivlin, and this is what she wrote:

"(There is) a new realism about the capacity of a central government to manage social action programs effectively. There was a time when those who believed in broader commitment to social action pinned their hopes on centralization . . . The last several years have seen a marked shift in the attitude of liberals toward the federal role . . . I, for one, once thought that the effectiveness of a program like Headstart . . . could be increased by tighter management from Washington . . . This view now seems to me naive and unrealistic. The country is too big and too diverse . . . Since the federal government is good at collecting and handing out money, but inept at administering service programs, then it might make sense to restrict its role in social action mainly to tax collection and check writing and leave the detailed administration of social action programs to smaller units. This view implies cutting out categorical grants-in-aid with detailed guidelines and expenditure controls . . . Lower levels of government would receive funds through revenue sharing or bloc grants for general purposes like education. The last two federal budgets, with their emphasis on . . . revenue sharing, appear to be moving the federal government in this direction."—"Systematic Thinking for Social Action," Alice M. Rivlin, Brookings Institution, Washington, D.C. 1970.

If my Emergency Crime Control Act, then, should make an original contribution to shaping public policy, it would do so insofar as it extends the block grant revenue-sharing concept to crimefighting programs. Those of you who have followed events in Congress know that a general revenue sharing bill is on its way toward enactment. And Transportation Secretary Volpe, in another development, has proposed a so called "Single Urban Fund" under which cities would get a lump sum of money and decide for themselves how much to spend on highways, how much on mass transit, and so forth. And, in a third recent development, the Senate has approved and sent to the House a bill called the Housing and Urban Development Amendments of 1972, under which cities would get a block grant for housing and related programs, spending the money as the cities themselves see fit, under a system that would allow the cities to make most of the major decisions on what to do with federal cash.

I am not one of those federal officials who fear that cities might mishandle monies that we Congressmen make available. Frankly, I would much rather see *you* have the responsibility than have to wear the jacket myself. I believe your decisions for Cleveland will be sounder than mine. I would like to concentrate instead on other problems more strictly in the domain of Congress and the federal government.

Washington, then, is moving toward a perception of the city and county as the most appropriate units to decide how, when and where to implement federal aid programs. Cleveland could get into the swing of things by acting now to set up a "Criminal Justice Coordinating Council." This would give you invaluable experience for the future that awaits you in your dealings with the federal government—no matter which Administration happens to be in power, or which issue happens to be under consideration.

Mr. Chairman, I have furnished each Committee member here with the text of my Emergency Crime Control Act and with excerpts from the Congressional Record concerning it. This is for your background information. Each of you also have a copy of this statement.

In addition, the Committee chairmen have been furnished with a copy of a letter I have received from Mayor Wes Uhlman of Seattle, Washington. Mayor Uhlman described to me a coordinating council organized in his area which preserves maximum sovereignty for both city and county. I offer this to you as merely one example of the kind of council you might want to consider over the long run.

I want to thank you, my former colleagues, for the privilege of appearing before you today. I would be happy now to answer any questions you might have.

Judge Raps City Hall on Crime Aid

(By David G. Molyneaux)

"Foot dragging" in the Cleveland mayor's office is depriving the citizens of Greater Cleveland of federal money for crime control, Cuyahoga County Common Pleas Chief Justice John V. Corrigan said yesterday.

Corrigan, who is chairman of the Ohio committee that decides how funds from the U.S. Safe Streets Act are to be distributed, pointed out that Cleveland must share the blame with the federal and state agencies for lack of progress.

The judge was commenting on a news article from Washington in which congressmen called the federal crime program a failure and a Plain Dealer editorial critical of how slow the federal money was moving into Cleveland to fight crime.

"Since August 1971," said Corrigan, "the county commissioners, local criminal justice system leaders and concerned citizens have attempted to negotiate an agreement with the city of Cleveland.

"But eight months of City Hall foot dragging and maneuvering by city officials during the Stokes and Perk administrations is depriving the citizens of Greater Cleveland of this needed crime control."

Corrigan is chairman of the Ohio Criminal Justice Supervisory Commission which is the policymaking body in Ohio for Safe Streets Act planning.

Recently a congressional committee report criticized the Safe Streets anticrime program because of slow-moving funds. Most of the criticism was on the federal and state levels.

At the same time, Ohio was said to be one of the few bright spots for its Ohio Plan calling for regional planning units in each of the largest urban counties in the state. The idea

of giving the money to a planning unit was to eliminate red tape.

Cleveland-Cuyahoga County is the only major urban area in Ohio without a planning unit. And the reason, says Corrigan, is "foot dragging" by the city of Cleveland.

"It is hoped," he said, "that upcoming City Council hearings will help result in the final creation of the Cleveland-Cuyhoga County regional planning unit.

"Further delay threatens the block grant approach for the highest-crime metropolitan area in the state."

SAAB CLAIMS ITS SAFETY NEARS U.S. SPECIFICATIONS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GIAIMO. Mr. Speaker, several weeks ago, I had the pleasure of attending a news conference revealing a new energy-absorbing bumper produced by the Saab Corp. It was of particular interest because Saab-Scania of America, Inc., the importing and the selling agent of this Swedish company, is located in Orange, Conn., which I have the privilege of representing in the U.S. House of Representatives.

We witnessed a demonstration in which this new bumper on the Saab 99–E was driven into a concrete wall at 6 miles per hour with no resulting damage to the vehicle. The introduction of this new bumper on the Saab car exceeds the specifications devised by the Department of Transportation for next year's cars. It was also announced by the Allstate Insurance Co. that Saab was the first and only 1972 model car to qualify for a discount in insurance rates because of the implementation of this bumper system.

At this point, I wish to insert in the RECORD an article in which Mr. J. J. Upham, president of Saab-Scania of America, is interviewed in the Hearst Newspapers by auto editor Pat Sloyan relative to auto safety.

The article follows:

[From the Baltimore News American, Feb. 3, 1972]

NADER'S RAIDERS IMPRESSED—SAAB CLAIMS ITS SAFETY NEARS U.S. SPECIFICATIONS

(By Patrick J. Sloyan)

WASHINGTON.—The manufacturers of the Swedish Saab have broken auto industry silence on selling safety by contending that their model 99 offers motorists more protection against death and injury than American cars and most foreign competitors.

General Motors, Ford, Chrysler and American Motors have never claimed their cars to be safer than others—even if they were Sen. Abraham Ribicoff, D.-Conn., often has criticized automakers for keying competition to meaningless style changes rather than to safety advances.

Saab officials say their model 99 is "very close" to federal specifications for safety cars of the future now being developed by U.S. firms.

The claims were made by Jerry J. Upham, American president of Saab and his technical adviser, William Perry.

Impressed with Saab's presentation were members of consumer advocate Ralph Nader's public interest research group and the center for automotive safety.

While having some specific reservations, these Nader's raiders had praise for the safety design of the Saab 99 and efforts by the firm in the field of consumer relations: Nevertheless, they said Saab offered little in the way of scientific data to support the company's claims.

The statements by Saab marked the firm as the first to break ranks with U.S. and foreign firms which have steadfastly refused to emphasize safety in either advertisements or in press interviews.

SAAB officials said only Mercedes had safety design and performance similar or equal to the Saab 99, a $3,600 car. They noted that the Mercedes cost several thousand dollars more than the Saab.

"In my personal opinion, the 99 is the safest car around," Upham said. "I think it represents the best state of crashworthiness available today."

According to Upham, the Saab 99 passenger compartment is designed to afford protection in collision in line with specifications by the Transportation Department for the experimental safety vehicle (ESV).

"If you compare the specifications with the experimental car ours is very close," Upham said. However, he said Saab could not afford costly competition in the ESV program with GM, Ford, and scientific firms developing a safety car of the future.

Specifically, Upham said the Saab 99 passenger compartment was designed with "superstrong" steel to prevent intrusions by another car or the Saab engine in the event of a collision or a rollover.

Upham said tests on the Saab 99 by Cornell Aeronautical Research Laboratories showed there was no significant collapsing of the roof even if the car were subjected to 40,000 pounds of pressure.

He noted that the federal safety standard required less than five inches of collapse when the roof was subjected to only 3,495 pounds of pressure.

"They should have talked to us before they set the standard," Upham said.

The Federal standard is geared to a static test—adding pressure until the roof collapses. Upham said in Saab testing, the 99 was dropped on its roof, impacting at a speed of 14 miles an hour. He said there was only insignificant damage to the roof.

Engineer Perry said the firewall of the Saab was sloped, directing the engine and transmission downward in the event of a crash. In many cars, the engine often ends up in the lap of the motorists after a crash.

Perry said "careful management" of the heaviest gauge sheet metal found in any car permitted maximum energy absorption by the front end of the 99 in a crash, thus reducing the shock of impact on passengers.

Three latches keep the engine hood in place during a collision and a cowling design prevents it from entering the windshield, Perry said. He said the door and door latches worked readily after a 30 mile-an-hour crash into a rigid barrier—comparable to a 60 mile-an-hour collision of one car into a parked car.

Inside the car, Upham and Perry said, additional design reduced injury to knees impacting near and under the dashboard. They said the design met a proposed federal standard which was later dropped following protests from Detroit.

Carl Nash, 31, of Nader's public interest research group, was critical of the Saab safety belts. "For the price of the car they should have inertial reels on the belt so one can lean forward while driving."

The 99 has a three-point belt system—one connection locks into place both the lap and torso belt. Swedish studies have shown such a belt can prevent serious injury in collisions up to 60 miles an hour.

GM, for example, has opposed such belts, arguing that the passenger would "submarine" beneath the lap belt in a crash because of the lifting action of the torso belt under pressure.

According to Perry, such "submarining" is only a problem when the torso belt is improperly installed. He said most American cars are too weak structurally to retain the three-point belt connection in a crash.

PROBLEMS FACING HIGHER EDUCATION IN THE 1970'S

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BELL. Mr. Speaker, because of the many differing opinions on the state of higher education today, I am entering in the RECORD a report to the Honorable Robert Finch on "Selected Problems Facing Higher Education in the 1970's," which reflects the skilled insights of individuals in a unique position to observe the situation first hand.

The commentary of these educators also presents a calmer view of the turbulence higher education experienced in the sixties than many earlier publications on the subject.

Since the comments and recommendations of these gentlemen may lend assistance to the conduct and operation of our colleges and universities in the future, I believe a careful and thoughtful reading of the report by my colleagues would be both interesting and informative:

SELECTED PROBLEMS FACING HIGHER EDUCATION IN THE 1970'S

(A Report to the Honorable Robert H. Finch, Counselor to the President of the United States by Counselor's Consultants, State Universities and Colleges, 1970)

CONSULTANTS

Glenn S. Dumke (Chairman), Chancellor, The California State Colleges, Los Angeles, California.

Harold L. Enarson, President, Cleveland State University, Cleveland, Ohio.

James L. Fisher, President, Towson State College, Baltimore, Maryland.

D. W. Halladay, President, East Texas State University, Commerce, Texas.

Harold E. Hyde, President, Plymouth State College, Plymouth, New Hampshire.

James E. Perdue, President, State University College, Oswego, New York.

FOREWORD

In the late 1960's higher education in America experienced its most serious time of trial. This period of ferment appeared to culminate in the spring of 1970 with the tragedies at Kent State and Jackson State universities. In the immediate months that followed, colleges and universities across the country faced with a new sense of urgency the very basic questions posed by that troubled period—questions which had in fact been perceived earlier and were already under debate and discussion. Included—and perhaps the most urgent—was the question of the real impact on the university and college of the eroding public confidence in higher education.

In much of the public mind, the campus had in many cases become synonymous with radical turmoil, intolerant confrontation, and unfettered permissiveness. For those of us in government involved with the concerns of higher education, it was important to hear first hand about these conditions from some of the educators directly involved, and to

obtain their views and recommendations. In the summer of 1970, as Secretary of Health, Education, and Welfare—and later as Counsellor to the President—I selected and commissioned two groups of special consultants to study and report their findings on problems facing higher education.

One group was comprised of four presidents of private colleges and dealt with the particular problems and opportunities of our private institutions. The other group, from which this report emanates, consisted of four presidents and a chancellor of state colleges and universities. The findings and recommendations of both groups were reported in the fall of 1970.

This report, I believe, still provides some important insights into the current problems facing higher education in general and state colleges and universities in particular. Although it was written for the immediate benefit of officials within the Federal Government, the report deserves a wider readership. Consequently, with the assistance of the Department of Health, Education, and Welfare, I arranged to have this information published, with the expectation that its broader distribution will further stimulate the constructive changes now evolving on the campus.

ROBERT H. FINCH,
Counsellor to the President.
THE WHITE HOUSE, *December 1971.*

INTRODUCTION

Some of the problems most often cited as a basis for complaint, and at times as a basis for disruption, were seen by this group as false issues or problems already solved. They were, therefore, not selected for in-depth treatment, but are considered important to note:

Relevance. The familiar complaint of a few that much course work lacks "relevance" is at best greatly exaggerated. For the most part, although problems do exist, there is no lack of courses dealing with various aspects of contemporary social problems. The real problem may be an excess of course offerings, with the resultant confusion of overchoice.

Rededication to teaching. A preoccupation with research to the neglect of teaching has afflicted the "multiversities." A new awareness of the central importance of teaching promises a new level of commitment by faculty to their teaching and their students.

Using dollars prudently. In the past the competition of institutions, often reflecting competing aspirations, invited wasteful duplication of specialized professional and graduate programs. The rapid growth of statewide coordinating bodies has led to much improved planning, sharing of scarce resources, and clearer definitions of the role and mission of each institution in a state system pledged to economical use of higher education dollars.

Student commitment. Faculty and student alike, with few exceptions, now realize clearly that it is their freedom, their way of life, their safety, and their education which is threatened by disruption and disorders. And they are acting to preserve peace and order on their campuses.

Educational opportunities. We have successfully accommodated unprecedended numbers of students in our institutions, opening up educational opportunities to entire new groups of our citizens.

Faculty and student participation. Every survey made in recent years documents deeper faculty and student participation in the full range of the educational process.

Codes of conduct. Almost every campus now has an acceptable code of conduct, a statement of rights and responsibilities, and procedures for the control of violence and disruption.

The student product. When viewed from our ability to produce highly qualified specialists in large numbers in almost every field, our system is the envy of the world.

PART 1—RESTORING PUBLIC CONFIDENCE IN HIGHER EDUCATION

The restoration of public confidence in the work of our nation's colleges and universities in the number one item on the higher education agenda; upon this all else depends.

Because of the major contribution of higher education to the growth and development of the United States, their exists in our citizenry a great reservoir of long existing loyalty toward, pride in, and support for higher education.

Americans believe in opportunity for their young; they invest dollars and loyalty and confidence in their colleges and universities with a generosity and a conviction without parallel in the world. Today, as never before, that confidence has been shaken badly—not because the investment is unsound, not because the opportunity for a college education is no longer cherished, but because disruption and violence, magnified out of all proportion, in the past few years created doubts about whether we have the capacity and the courage to manage our colleges and universities; whether our houses are really "in order."

No one can deny that in the recent past we have witnessed disruption on the campus, that in many areas the once quiet campus became a place of harmful tension. In a relatively few institutions disruption occurred with distressing frequency, and in some, turbulence escalated to major violence against persons and property, destroyed the climate for learning, and raised justifiable doubts about the capacity of the institution to survive and to educate in the face of planned disruption of epidemic proportions.

Surely no one who believes in the life of learning and in a free society will deny that, while dissent is permissible, disruption and violence are, quite simply, intolerable.

But neither ought we to deny the reassuring evidence that in the great majority of our colleges and universities the house is now in order; that on virtually every campus, firm steps are being taken, or have been taken, to reassert that right to safety of person and property, to write the rules to deal firmly with disruption, and to develop safeguards against the assaults of a violent extremist fringe in our society.

As educators, we know this to be true. The evidence is all about us. But the evidence is obscured by the very nature of news and its handling by the media. An act of disruption on any of the over 2400 colleges and universities appears in newspapers (and if dramatic, on television) from coast to coast. The repeated impact of such news is to create the impression that all campuses in the nation have existed in constant tension and turmoil, and disruption and violence reached epidemic proportions everywhere.[1]

This is simply not true, nor was it true when campus turbulence was at its heights and the American people must understand that it is not true. Campus unrest must be placed in perspective:

The fact is that in an age of social turbulence and in times of national tension and crisis, the great majority of our colleges and universities are, and have always been, hard at work at the business of education.

The fact is that in the face of the Kent State tragedy and the Jackson State tragedy, most institutions dealt responsibly, skillfully, and effectively with a variety of explosive situations. We repeat: Failure makes for good news; success stories make no news, capture no headlines.

The fact is that most institutions, once realizing the nature of the threat, moved promptly, decisively, and energetically to impose new disciplinary rules, to strengthen the system of internal discipline, to clarify lines of authority, to open new lines of communication, to safeguard persons and property, and—although this is not generally realized—to penalize wrongdoers. Despite some conspicuous failures, the overall record is remarkably successful.

The fact is that our institutions have recovered from the shock of tactics of disruption and violence. We have learned from both our failures and successes and are now far along in translating the bitter lessons of the recent past into policies, programs, and procedures that promise to work.

It is for these reasons that we believe our fellow Americans have sufficient cause to renew and reaffirm their confidence in their colleges and universities. It is indeed tragic that the American people indict all of higher education for the failures of a few institutions. Doing this, in reality, mimics the worst traits of our hardest student critics; that is, to fault "the system" for any failure, real or imagined, by any institution anywhere.

Restoration of public confidence, then, does underlie everything else we do. Without the support of favorable public opinion, and resulting strong public support (through adequate budgets, needed legislation, donations and on-going participation) the existence and growth of our colleges and universities as we know them today will be in jeopardy.

This group believes that restoration of public confidence in higher education could well be listed as a national objective. The assistance of the President of the United States, his Counsellors and his Cabinet in stressing the positive aspects of higher education, and the importance of a healthy system of higher education to the continued growth of the country (and, therefore, an important national asset), can do much to bring about restoration of the confidence so sorely needed.

PART II—A NEW LOOK AT ACADEMIC GOVERANCE

Overview

The present problems of higher education call for changes in academic governance and management of institutions.

Some of these changes already have been applied by certain colleges and universities. In most cases where they have been applied, the results have been immediately beneficial.

To say that, as the President's Commission on Campus Unrest said, "higher education must pull itself together," is certainly stating the obvious. But, large segments of the public, as we have stated, seem to be unaware that many institutions already have pulled themselves together, already have made fundamental changes in their method of governing themselves, and in so doing have maintained the integrity of the academic process.

Much has been made of the Berkeley "invention" and the Columbia "adaptation," implying that these seminars for disruption were generally successful against all our institutions.

This misleads as well as oversimplifies. The patterns of disruption are not to be so neatly simplified, and the failures of some institutions to counter disruption and violence should not obscure the great accomplishments of many of our colleges and universities in mobilizing to successfully counter disruption. In our view this is the story that never has been told.

Much of our difficulty in present day governance and administration is clearly traceable to the diffusion of the decision-making process on campuses.

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[1] The obvious role the media could play in bringing the positive story of higher education to the public—and in placing negative news, when it occurs, in context—is overwhelming. This fact is treated further in Part III.

In an earlier and calmer day, faculty and student discipline cases were few and dealt with minor and largely academic offenses. The traditional campus "due process" involving peer judgment, large committees and panels, and a cumbersome, time-consuming approach to academic justice was in order and practical. Too, "due process" itself served an educational function. But when offenses are in some cases no longer minor, and in certain instances have occurred in large numbers in a short period of time, although the traditional campus "due process" is still fundamental, such diffused approaches are no longer effective. The concepts of the professional, trained hearing officer; shorter time-spans for decision-making; and final administrative accountability and authority must be applied.

The role and authority of the president of the institution, or the president or chancellor of the system, also must be clearly defined, and in some cases, redefined. Much academic literature has emphasized that, whatever the situation or problem, the faculty is actually, and should be, in control of the institution. Certainly this has been the academic ideal, and under any conditions, the faculty's role should be as large and influential as it can reasonably be made. But in time of campus crisis, the president must exercise emergency authority, even if it means short-circuiting, for the moment, normal consultative measures.

The college or university, whether public or private, is an institution created and supported by the society which surrounds it. It owes its allegiance and being to that society, ordinarily through a governing board. The executive officer of that governing board is held accountable by the board and by society for the operation and effectiveness of the institution he heads. Accordingly, the executive officer, whether president or chancellor, must have final administrative authority, and final accountability, in every area of academic governance. This is not to say that the professional quality of faculty, and the unique character of students do not necessitate much more constituency involvement in the broad decision-making process than in, say, a military organization or an industry. Nor does it say that the president should not be a leader in the true sense of the word and attempt by every means at his disposal to involve faculty and students as much as is reasonable and possible in mapping directions and planning priorities. But it does say that forces in being on campuses and in society today often make this difficult and, sometimes, impossible. In such cases, the president must clearly define his own role as being accountable to his board and through it to the society it represents. Also, in such cases the board must support and defend its executive officer even in the face of, and despite the temporary loss of, support of his internal constituencies. The president should not hold office at the whim of those he is expected to govern. The campus should not be organized on the model of the political state.

The role of students in academic governance has been widely discussed. Some educators have recommended that the influence and authority of students should be greatly increased. We agree that there are situations and problems where student advice and counsel is of great importance. Student judgment in helping to reform an out-of-date and stifling curriculum which does not face up to today's problems is often helpful, as is student input in evaluating teaching. But students cannot be the sole judges of curricular reform, nor of the evaluation of faculty. Nor should their input be in the form of final decisionmaking authority. We should listen to them more than we have listened to them in certain areas where their judgment can be helpful, but this does not mean necessarily that they should have voting power on governing boards, for example. Communication is the goal, not the share of authority. (*See More On The Role Of Students*, page 7).

All of those concerned with academic governance should make certain that the role of the institution in relation to a troubled of higher learning is not well understood by students, faculty, alumni, the public, and boards. The unique role of the institution of higher learning is not well understood today, and this confusion must be dispelled soon if irreparable damage is not to be done.

There are three historic principles that badly need to be reasserted and defended against those who would subvert our institutions.

First, the institution must not, as an institution, take a direct hand in political affairs. Neither the faculty nor the student body can speak for the institution on matters of political belief, which are necessarily within the domain of private belief and conviction. Those who subvert this principle in the name of a higher morality and with the strongest of convictions must understand that in the years ahead, in other circumstances, others will seize upon such precedent and commit "their university to political stands which they in turn oppose. Under no circumstances should we permit the politization of our universities. To do so will completely destroy the confidence of the American people in the colleges and universities they traditionally have cherished and supported, and will destroy academic freedom as we know and treasure it.

Second, we must distinguish clearly between the freedoms guaranteed by the First Amendment (the right of assembly, petition, and free speech)—which should be honored on the campus, of all places—and the obligation to preserve the classroom as a sanctuary for objective, dispassionate reasoning in the pursuit of truth. Bluntly, neither faculty members nor students, regardless of the depth of their convictions, should be permitted to use the classroom for propaganda, political persuasion, or mobilization of support for partisan ends. Here is an historic and well-understood distinction that has been badly blurred in a few of our institutions. It is a distinction that must be reasserted and honored as truth itself is honored.

Third, even though the rights of professors and students as private citizens must be fully and rigorously protected, they too have an obligation (which has not always been carefully carried out) of seeing to it that their role as private citizens and their role as members of an educational institution responsible to society are clearly separated. Where they are not, academic discipline is in order.

To honor these principles is not to weaken the university but rather to strengthen it. Nothing should obscure the distinctive role of our universities. That role is to prepare trained minds and to enrich the storehouse of learning so that individuals, in their dual role as citizens and vocationally trained people, work with and through the many institutions (political parties, government, corporations, voluntary agencies of all kinds) which do have the direct, day-to-day responsibility for both continuity and change. The detachment of the university from immediate partisan battles is essential if universities are to do best what only they can do: explore the frontiers of knowledge and prepare trained minds—all in an atmosphere that treasures truth and its commitment to a better society.

Much has been said, and most of it is already widely accepted in the academic community, about the establishment and proclamation of rules and behavior. The student or faculty member should understand what is expected of him at the outset of the academic year, and be held to the rules.

What we have been saying, in regard to goverance and administration, thus far, is this: There has been an attempt by many academicians and others in recent years to make the job of academic administrator in effect a political position in which the college president or dean is selected by his faculty and/or students, and holds his office at their pleasure. This trend must be halted and reversed. Although the president must be a leader as well as an executive, he should not hold his office at the whim of those he leads, nor should academic leadership be based on success in a continuing popularity contest. The responsibility of boards to support administrators who, in the courses of meeting current tensions, temporarily lose the support of their internal constituencies, is clear and must be recognized and accepted.

The second point that we are making is that most of these changes we have been discussing in relation to academic governance have been or are in the course of being considered and adopted by a wide range of institutions. Higher education must certainly "pull itself together." But the public, to repeat, must recognize, despite the inadequate service given it by the media in this respect, that many institutions have already done so, or are in the course of doing so. Where such reforms have been adopted, the results have been generally good. Many colleges and universities have been successful in reforming their own governance structure and, in the process, have been successful in solving some of the root problems of confronting the turbulence of society.

Structuring presidential authority and responsibility

Common criticisms of academe are those equally common to all contemporary institutions: bureaucratic inflexibility, fixed routines, sluggish procedures, slowness to respond to changing conditions, failure to enlist the best thinking of all who have a stake in the enterprise.

On one point only is there general agreement: The decision-making process must be responsible, efficient, and timely.

Decisions must be "responsible" in the sense that they take fairly into account all the relevant concerns and considerations. Decisions must be "efficient" in the sense that they ensure careful, prudent, economical use of dollars, manpower, and time. Decisions must be "timely" in the executive sense that "things must get done—and done promptly." A "good decision" that comes much too late simply is no longer a good decision.

In colleges and universities everywhere today, the call is for reforming and restructuring campus government. The proposed solutions generally embrace several significantly different approaches, to be discussed individually:

1. So-called "participatory democracy," as opposed to representative democracy.
2. Splitting the office of president into two or more new, more manageable jobs.
3. Strengthening the office of the presidency, along with clarifying the respective zones of power, authority, and influence of faculty, students, trustees, and administration.

1. So-called "Participatory Democracy" As An Alternative To Representative Democracy.

So-called "participatory democracy" is now actively promoted as the solution to campus unrest. In a sense it is the logic culmination of pressures that have given the faculty, and more recently, the students an ever greater role in campus government. More than that, "participatory democracy" is embraced by the "New Left" as the device by which a sense of community is restored and with it, presumably, a new basis for mutual faith and confidence and general progress.

No complex organization—and a college is an extremely complex organization—can involve everyone simultaneously in every decision. A campus run as a kind of permanent and continuing town meeting will embrace

the worst in its pursuit of the best. It is simply not true that "democracy" requires that everyone vote on every issue which may affect him, however remotely. With everyone in the act, no one can be held accountable for anything.

It is no discredit to the students to affirm that they have a self-interest in tuition rates which is at odds with the larger "public interest" in long-range financial planning. It is no criticism of faculty to suggest that the allocation of resources as between the faculty interest and student interest is hardly a topic they are likely to approach with a self-conscious impartiality. It in no way discredits the many rightful concerns of faculty and students to remind them that their primary concern is with the teaching and learning process—that there are areas of professional and technical competence (land use, capital planning, buildings and grounds, financial management, etc.) in which they may simply lack competence or even interest.

In our judgment "participatory democracy" is a dangerous snare and a delusion. Far from solving our problems, it will compound them. At best the plea for "participatory democracy" is a fuzzy-minded cliche; at worst it is an invitation to a further blurring of accountability and to intensified frustration.

2. Splitting The Office of The President Into Several Positions.

A growing criticism is that the college presidency, as now defined, is becoming essentially "unmanageable." No one person, it is argued, commands the professional skill, competence, time, and energy to meet the increasingly heavy responsibilities that go with the job. The result is "presidential exhaustion," and the loss of valuable continuity as the presidency becomes a revolving door necessarily less attractive to competent leaders. The solution—it is argued—is to create two (or even three) positions to replace the one-man office of the president. Different divisions of authority and responsibility are advanced. For example, external affairs (fund-raising, publicity, public contacts, etc.) could be the domain of a "chancellor" in order to free the "president" to manage internal affairs. Alternative, academic affairs could be vested in one person, with financial management left to a colleague with co-equal authority.

We conclude that such proposals misread the nature of the university and the nature of the presidency. They would move us in the wrong direction. The day-to-day management of a university administration is a seamless web. The neat division of work into "external" and "internal" tasks quickly breaks down in practice. Nor can decisions on programs be separated from decisions on dollars. But most basic of all, the destruction of the office of the president has the fatal defect of blurring accountability. In administration, the law is absolute: in the last analysis the chief executive must be accountable for the integrity, the direction, and the fiscal solvency of the entire operation. This is what is expected of a president; this is what must be required of him. To blur responsibility for the work of an educational institution is to destroy accountability.

3. Strengthening The Office Of The President.

In our judgment, the central challenge is to strengthen the office of the president while at the same time identifying the respective zones of power and influences of faculty, students, and administration. In no other way can the principle of executive accountability be honored.

If the presidency is in danger of becoming unmanageable, it is because history has pushed us in this direction. At present the informal working system is at odds with the formal legal structure, as well as with the expectations that people have of the president. In law, the trustees (whether in a publicly supported or a private institution) have final, controlling authority along with undeniable responsibility. The president, by delegation from the trustees, is empowered with a broad range of authority and responsibility. The public expectations, whether of students, faculty, or the general public, reflect the same working definition of the office of the president. This is why the president is "Every Man's Hope and Target"—whether the issue be a controversial speaker, bad cafeteria food, parking, discipline, tuition increases, budget adjustment, or—in emergencies—a bomb threat or even a decision as to the closing of the university. This is why demonstrators move toward the administration building and why failure, real or imagined, anywhere in the college is placed at the doorstep of the president.

The difficulty is that over the years an excess of delegation by the president to student groups and to faculty has left the president with little control over many areas where he alone must be accountable. The task ahead is to redefine the system of government so that decisions are made with appropriate consultation at the appropriate level, with appropriate accountability. The president must govern as well as preside. The president must be a leader. He must continue to be acutely sensitive to the many concerns of his many constituencies. He must listen and learn as never before. But he must not be in the untenable position of defending decisions in which he had no part and, most of all, which he considers unsound.

In short, the position of president is vitally important—as leader, innovator, mediator, defender of the essential values. The job can be a magnet for the best men and women. But this can be accomplished only if there is a much clearer definition of who does what, along with much sharper division between the right to give and the right to decide.

In our judgment the first priority in moving toward more effective campus government is to strengthen substantially the office of the president. It should not be too difficult, for in the last analysis the objective is to make performance consonant with expectations—all in a framework where accountability is the watchword.

More on the Role of Students

There have been many analyses of this student generation and the motives and characteristics of today's young people. What we have has been described as a "youth culture," the like of which this nation has never seen. We are convinced that although this generation of young people has certain characteristics that are unique, it does not represent anything fundamentally new. The impatience of youth with the older generation is as old as the records of ancient Greece and Egypt. Campus turbulence dates back to the Middle Ages and before. We are not, therefore, dealing with anything wholly new or novel. On the other hand, while not wholly new, we do believe the perspective, idealism and commitment of this student generation to be of high level and worthy of recognition.

What *is* new in the situation has been the use, by a small minority of young people and others, of sophisticated techniques whereby force, agitation, and pressure are utilized to manipulate large numbers of people, in some cases against their will and better judgment.

For a time these techniques, applied on the campus, threw administrators, faculty, and students off balance. The campus, after all, traditionally has been a place for rational discourse; faculty people are persons who have entered a profession dedicated to such rationality. The use of irrational means to force decision-making is out of place on a campus, and it required some time for educators, unready for this kind of assault, to mobilize to meet it. There is much evidence, not only of the readiness of the campus to alter its procedures to meet this threat, but also of a new and healthy response by large numbers of students and faculty. The current trend in elections to student governments and faculty senates is increasing evidence of this development.

Recommendations recently made to the effect that demands of dissidents be yielded to in certain areas deserve careful and critical review.

Available data indicate that most students are not disaffected with higher education or higher educational institutions per se. Overeagerness to make changes in response to demands of extremists merely delays and warps the necessary and continuing reforms that all of us recognize are necessary in higher education and which are constantly taking place.

In like manner, assumption that the ROTC must be abandoned because some students have demanded it, is not borne out by student responses on other campuses where the issue has been widely considered. Institutions may wish to continue such programs which preserve civilian influence in the leadership of the armed forces. Furthermore, recommendations made recently that emphasize the necessity of negotiation with students engaged in using non-rational means of persuasion, or "waiting it out" rather than applying prompt responses, or seriously considering closing institutions at the behest of extremists who make this their goal—these certainly should be considered in the light of the experience of institutions that have taken other and more rigorous responses to extremist pressure, and have experienced telling success. Their experience has led, for example, to one major conclusion: College and university presidents should never negotiate in the face of any kind of intimidation or threat.

PART III—ADDITIONAL SUBJECTS WARRANTING COMMENT

The curriculum

During the years ahead it is essential that the curriculum of the American college continue to be vigorously examined and modified. Much good has come during recent years but there remains much to do. There still exist educational programs in our institutions whose operating procedures have not been honestly examined in recent years. This is not to suggest that everything that is or has been must be swept away; rather we must be willing seriously to examine the body of higher education and remove useless appendages, improve the programs that remain, and add items that meet the test of intellectual scrutiny and new scholarship. The community that is higher education must be up to this task or it will be done by others in a manner not in accord with educational objectives that are considered important.

The campus and the society

In spite of being the most talked about subject in America, there exists a widening chasm between the campus and the society it serves. We have already stated or implied reasons for this unfortunate relationship, but its repair is essential to the survival of the American university. Additional ways must be found to bridge the distance between the two, and we believe the prime responsibility is that of the college or university.

Ways must be found to involve the general citizenry in the affairs of the campus community; faculty and students must become involved in the affairs of the community. We must acknowledge our shortcomings, explain our unique nature, and keep the public informed of our contributions. The public must be reminded of the role it has assigned us, and of our honest successes in carrying out that role.

Organizing resources for higher education

While we could, and undoubtedly will, ask for more funds to support higher education, we believe that a serious consideration dur-

ing the 70's will be the proper allocation of resources.

During recent years, efforts to accommodate virtually all proposed tasks have resulted in difficulties. Limited resources and increasing demands require careful ordering of priorities. We have certainly learned that no single institution can do all educational tasks; yet few of us have been willing to deny ourselves new programs. Too often faculty have operated only in the best interest of the discipline, and the student has been lost sight of in their quest for prestige and professional accomplishment. Higher education has neither the resources nor the ability to continue in this fashion.

If a general increase in student fees should occur, then it is imperative that equal consideration be given to increased funding of scholarship and loan programs to ensure that students are not prevented from attending college for financial reasons.

Preservation of constitutional guarantees to freedom of speech, press, and assembly

A college or university must be dedicated to the rule of reason, and, where possible, must avoid arbitrariness in its decisions. To do this requires patient dialogue, openness to varied ideas from many groups, and development of maximum consensus. The right of citizens to assemble peacefully and to petition for redress of grievances is a precious American heritage and should be denied by college authorities only when the educational function is disrupted or when such activity is accompanied by lawlessness. However, unfortunately, reasoned dissent rarely can prevail against unreasoned disruption or suppression. There is always the possibility that emergency measures may have to be taken by college authorities when physical damage to persons or property is clearly threatened.

Academic freedom and responsibility

The rights of college faculties and students to seek and speak the truth as they see it are precious rights but they carry with them attendant responsibilities. Faculty must recognize an obligation to be evaluated on the way in which they are carrying out their institutional responsibilities, and acknowledge that tenure rights may be removed if the responsibilities of academic freedom are not respected. Standards of performance by students, so long as they are realistic, must remain rigorous enough to justify the investment of time, interest, and money by both the student and the sustaining public, or the institution will perish.

The challenge of racial minorities

We agree that the challenge to higher education presented by ethnic minorities must be given special and continuing consideration. Racial harmony—in the nation and on the campus—can be realized only if a greater and appropriate racial awareness on campus is achieved throughout by means of attention to curricula, cultural activities, and indeed to the entire scope of campus life.

The media

Certainly in a free society the news media must be free to report events consistent with their impressions. While we must guard the media from censorship, we must also subject them to the same honest scrutiny we expect from them. It is our feeling that today, in too many instances, the media—radio, the press, and television, especially television—have expressed a distorted view of events occurring on American college campuses, the results of which are often inflammatory. The public has been misled into believing that what is "sensational" on one or more campuses in typical activity, behavior and attitude throughout institutions of higher learning. For the media to use the previous concept "freedom of expression" as a guise for limiting its focus to sensational reporting is as potentially damaging as a faculty member using academic freedom as a rostrum for personal political expression. We would ask that members of the media make special and obvious efforts to report realistic conditions on the college campuses as completely and accurately as possible (and there is much that is positive!) rather than concentrating on the bizarre and controversial out of context, as they have too often done.

Preservation of individuality

As institutions tend to become larger, and as more technology is introduced into the teaching-learning and student accounting systems, the individual can develop a feeling of isolation from the institution. Size alone is not necessarily a deterrent to having individuals identify with the institution, nor does smallness guarantee it. It is rather a matter of attitude and organization of the relationships of those constituting the college community.

College responsibility for the personal lives of its students

In an age of greater permissiveness and renewed emphasis upon civil rights and liberties in our society as a whole, the areas in which colleges can act *in loco parentis* are growing continually smaller, but many parents are not fully aware of this. Colleges must continually interpret not only to their students but also to the public the differences between acts of college students for which the students are legally and individually responsible, and those over which the college authorities should be expected to exert responsible control. Whether the continuing diminution of the *in loco parentis* concept should be halted is a problem requiring immediate attention.

Service functions of public institutions must be adequately supported

All public institutions of higher education recognize that the society which creates and sustains them is reasonable in expecting them to perform certain tasks. However, demands for instant action on programs of public concern must be met by sober consideration of the institution's financial ability to respond, and its commitment to serve effectively in the particular area, when balanced against competing demands.

The institution, once it has accepted an area of specialization or specific responsibility, must be prepared to give continuous accounting of the funds and personnel used, and to demonstrate the productivity of the program, if it is to be sustained. Too often, in a time of tight budgets, the college is expected to perform at a level which its resources clearly prevent. To maintain an adequate level of quality, sometimes quantity must be limited, despite the political problems involved.

PART IV—THE ROLE OF THE PRESIDENT OF THE UNITED STATES AND THE FEDERAL GOVERNMENT IN HIGHER EDUCATION

Even before the Scranton Commission Report, there developed an unfortunate division of opinion concerning how campus turbulence was best quelled. Some on the campus believed, and strongly argued, that only through the exercise of the full moral authority of the President of the United States could substantial peace be restored to the troubled campus. Others, including political leaders at all levels, vigorously argued exactly the reverse—that the solution to campus disruption and violence must be found on the campuses, through the exercise of leadership by presidents, administrative staffs, faculty, and students.

Clearly, the restoration of peace, civility, and a healthy atmosphere for learning must be a top priority on the national agenda. But it is as wrong to hold the President of the United States responsible for our salvation as it is to assert that the task can be accomplished solely by a bootstrap "get tough" policy by the college presidents on various campuses. In many ways, the campus is a mirror of today's general turbulence and national unrest, distorting and magnifying the current discontents. It is absurd to expect the campus to be an oasis of quiet and tranquility in times of great social stress and strain.

The exercise by the President of what the Scranton Reports calls "reconciling moral leadership" is obviously important in any area, but it is unfair and unrealistic to expect the President to carry this enormous burden alone. Indeed, the President's actions clearly show his concern for and his interest in education.

The obligation to exercise reconciling moral leadership rests even more heavily on all those who have a direct hand in the control and management of our colleges and universities. We look not only to college and university presidents but to faculty and student leaders, and to trustees. We look also to those who by their votes, their words, their speech or their silence have such a profound impact on the atmosphere of our institutions—the governors, the state legislators, the editors, the leaders at every level in our society.

It is in this spirit, and with this sense of the limitations as well as the responsibilities of the Presdent that we feel the President, and key departments of the Federal Government, can aid in solving campus problems in several ways, as follows:

1. By continuing, and perhaps expanding upon, the President's current practice of discussing frankly with the public, and informally on campuses, the serious issues and problems which confront him and the nation. Young people, and students in particular, appreciate frankness and candor in the confrontation of difficult problems. We feel his past efforts in this respect have been praiseworthy, and we urge him to continue.

2. By continuing, and expanding upon, the programs of several Federal Departments, notably the Departments of State, Defense, and Justice, in bringing together individuals able to discuss current issues and problems on campuses throughout the nation. However, we feel that the formal lecture-presentation, announced in advance, is less effective than more diverse approaches, such as the visitor-in-brief-residence, during which time classes and seminars could be visited and discussions held informally with students on their own ground.

3. By encouraging agencies of the Federal Government to reach the faculty members of our colleges and universities, particularly the younger faculty, in government programs designed to inform the campuses. Many student attitudes are molded by classroom discussions, and limited Federal staffs and funds could have a much larger effect if new ways and means were devised to inform faculty of policies and procedures, and through them, larger numbers of students.

4. By holding conferences of student leaders, and of faculty members in certain disciplines, in Washington and, where possible, regionally throughout the nation. Again, careful structuring of such conferences, so that informal discussion and give-and-take are emphasized, is important.

5. By the President, and all appropriate officers of the government, continuing to keep themselves informed about reforms in academic governance and about the way in which campus problems are being successfully met and solved. They can then be most helpful in filling the gap which the media have failed to fill: acquainting the public with the positive aspects of higher education and with the progress and reform that has taken place in the academic community, in an effort to help rebuild public confidence in our education structure. (See Part I)

6. By continuing efforts toward winning the support of the vast majority of our students who have faith in our national institutions, who have not "given up" on our

educational system, and who, in spite of having adopted some of the patterns of protest because it is fashionable, basically are willing to follow strong and effective leadership, as well as those who are convinced that the generation gap cannot be bridged. We are convinced that this student generation is highly moral, socially conscious, and eager to be constructive. Students must be told and shown that force and violence are not necessary to achieve worthy goals, nor are they a concomitant of the constitutionally protected right of dissent. Such tactics themselves can destroy the basic freedoms of this society.

7. By working with the governors of the fifty states to consider the various types of legislation that relate to colleges and universities—particularly in light of some of the repressive measures reportedly under consideration.

8. By recognizing that available evidence indicates that past campus turbulence has not destroyed the usefulness of contract research. We agree with the Department of Defense that colleges and universities have a unique contribution to make to the national interest in the area of research. We would urge the President, therefore, to support the contract research program to the extent it does not warp institutional structure or mission, and express his public support of the concept as being in the best interest of the nation.

9. By emphasizing and reiterating at every opportunity the enormous contributions that our colleges and universities make to the progress and well-being of our society. The President should continue to stress that our colleges and universities constitute a vital national resource, and that as a matter of public policy they must be preserved and strengthened—in the best interests of the nation as a whole.

A concluding note: Efforts of the Chief Executive to propose innovative legislation in support of higher education have been most helpful and are of great significance to the education community. We urge that these efforts be continued and extended. Such proposals can serve as a basis for an effective working relationship between the campus and the Federal Government.

ALTERNATIVE TO BUSING OF SCHOOLCHILDREN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DINGELL. Mr. Speaker, Mr. Patrick A. McDonald, a member of the Board of Education of the city of Detroit, Mich., has written me about a proposal he has made as an alternative to busing of schoolchildren. For the information of my colleagues, I ask unanimous consent that the text of Mr. McDonald's letter and the texts of three items he enclosed therewith appear at this point in the CONGRESSIONAL RECORD:

BOARD OF EDUCATION,
THE CITY OF DETROIT,
Detroit, Mich., April 12, 1972.

Hon. JOHN D. DINGELL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: The alternatives presently being presented in the so-called "Roth Case" are not workable solutions to our present social problems.

It is not simply a matter of either "to bus or not to bus." It is not enough to say that we do nothing. At the same time, the forced busing of possibly 400,000 school-age children is neither educationally sound nor feasible in our present climate.

In an attempt to be constructive, I am enclosing what I consider to be a viable alternative to busing. It attempts to get to the real cause of segregation, which is segregated residential housing patterns. It attempts to cure the problem on a permanent full-time basis as opposed to a temporary part-time busing basis.

I would request your indulgence in examining these materials and your support in the event you deem them to be worthy of further discussion. It is contemplated that these new homes would be constructed in *new towns* on vacant land surrounding Detroit.

I stand ready to meet with you and any members of your staff at your earliest convenience.

Sincerely,

PATRICK A. MCDONALD.

ALTERNATIVE TO FORCED BUSING

There are approximately one million public school students (K–12) in the Tri-County Area of Wayne, Oakland and Macomb Counties. The Metropolitan Plans before the Federal District Court attempt to achieve a racial mix of 75% white and 25% black students in each school. To do so, it would be necessary to bus between approximately 300,000 and 400,000 students from their neighborhoods.

The estimated cost of bussing each pupil is $130.00 per year as indicated on Attachment A. Thus, the total annual cost of bussing 320,000 students would be $41,600,000; in ten years the cost would be $416,000,000. We assume that the State can somehow pay for busing. It is clear that the Detroit School System with its $40,000,000 deficit cannot pay for the luxury of busing.

When the State pays, we all pay. However, the most frustrating problem arises from the fact that after ten years and $416,000,000 later we find that we have achieved no significant integration. The ultimate goal of forced busing is mixing. It is not designed to bring about meaningful integration. It is indifferent about encouraging a working relationship between the people who are being bused. Further, if we assume, as we must, that there is a limit to the amount of money that is available for education, then every dollar spent for busing reduces the amount available for teacher salaries, reduced class sizes, special education, curriculum improvement and other items which are directly related to pupil achievement.

Finally, forced bussing is an inappropriate remedy where the cause of segregation was not bussing, as in the South, but rather residential or voluntary segregation. If it is axiomatic that the punishment should fit the crime it is equally true that the remedy should be related to the offense. If $416,000,000 is available, its best use would be as an incentive to correct residential segregation.

With "bussing funds" the State should become a partner with the F.H.A. and young families; each with the goal of eliminating segregated residential patterns. Specifically, an eligible family would be permitted to purchase a three bedroom $20,000 home for 25% of its value, i.e., $5,000. The F.H.A. and Federal Government would provide an additional $5,000 and the State would pay the balance *in lieu of paying for bussing.*

Eligible families would be those families both black and white, who would contribute to the racial balance of both the neighborhood and the school in that neighborhood. The eligible families would have an average of three school aged children.

The eligible family would be required to pay 5% of the value, i.e., $1,000 and then pay the balance over 10 years. During this time the eligible family would required to actually occupy the home as their home. They would send their children to the neighborhood school.

Under this plan, the State could make available 41,600 residential units.

This would inevitably result in the meaningful integration of over 41,600 *families* not merely the mixing of students during school hours.

For those who are concerned about numbers—this Plan would affect over 200,000 people, all of whom would participate on a voluntary basis. Their own home would be the incentive to integrate.

PATRICK A. MCDONALD,
Member, Board of Education.

SCHEDULE A—COSTS OF TRANSPORTATION

The unit cost per pupil transported for a period of 180 days is computed on the basis of the number of buses required.

Inter-district bussing to and from a large central city is distinguishable from rural bussing in many respects. One important difference is the fact that the buses would be required to run in rush hour traffic. In view of this it is fair to assume that time and traffic will not permit two or more trips per day per bus. In rural areas frequently it is possible for a bus to pick up students at various locations, drive them to the school and return for a second run.

The seating capacity of the type school bus approved for purchase by the State of Michigan is sixty-six (66). Thus, it would be necessary to purchase 4,545 buses to transport 300,000 students. Each bus would cost approximately $10,000 for a total capital expenditure of $45,450,00. The cost of each bus would be depreciated over a seven year period. Thus, total annual depreciation would be $45,450,000/7=$6,492,857 or $1,428.57 per bus per year.

Drivers' salaries are estimated to be $16.00 per day for a total daily cost of $7,272.00; and an annual cost of $1,309,960. Each driver would receive $2,880.00 per school year, total daily cost of $4,545.00 and an annual cost of $818,100. Each bus aide would receive $1,800.00 per school year.

Based on an analysis of transportation data in this State it appears that total bussing costs are a function of bus depreciation plus driver salaries. These two items are equal to 63% of the total cost including gas, oil, repairs, tires, etc., as follows:

Driver Salary ($2,880.00) plus Annual Depreciation ($1,428.57)=$4,308.57=63% Total Bussing Cost Per Bus Year.

Thus, the other element is: $4,308.57/.63=$6,839.00−$4,308.57=$2,530.43 (Per Bus Per Year).

The following four elements make up the total cost per year per bus:

Depreciation	$1,428.57
Driver Salary	2,880.00
Bus Aide Salary	1,800.00
Other Operating Expenses	2,530.43
	8,639.00

To determine the per pupil cost we divide the total cost per bus per year by 66: $8,639.00/66=$130.89 per pupil.

On the basis of $130.00 per pupil, the total amount cost of bussing 320,000 students would be $41,600,000.00.

BUSSING, DESEGREGATION, INTEGRATION!

(By Patrick A. McDonald)

These are now familiar household words. They are bantered about freely in discussing issues that threaten to rip our country asunder. These terms, used mainly in educational matters, directly affect each and every person in the United States today. For nothing affects the household and the family more than does education.

Desegregation, as the term implies, is a

negative concept. By that I mean that it is defined only in terms of numbers. It is concerned with the mixing of people of different races. For example, if we place five whites and five blacks in an office or a classroom we have instant desegregation. Now these people may not talk to each other or may use separate doors to come and go, but they are desegregated in terms of numbers. It is a quick approach, but it is a shallow approach. Unfortunately, for many, desegregation is the *ultimate* goal.

Integration, as distinguished from desegretion, considers the working relationship between the people involved. An integrated society is a society in which its members live and work together for their mutual benefit, each *choosing* to be with the other for his own sake and to achieve a common objective. The goal of integration is to improve the relationships between the races. In our former example it would mean that the ten people in that office or classroom are working for a common goal. They are working together in a day-to-day basis and race becomes irrelevant to that relationship.

Obviously, of the two concepts, nearly everyone would agree that integration is the ultimate goal towards which society should be working. Unfortunately, there is no such thing as *instant* integration. It takes planning and its takes cooperation. It is a voluntary concept, therefore, you cannot force it just as you cannot force one person to love another person. Those who would use force to achieve integration are similar to those who would use rape to begin a love relationship. The proponents of desegregation look to the mixing of races according to some racial ratios as an instant solution to the problem of segregation. Unfortunately, again governmental force is necessary to implement that instant "solution". However, the unreasonable or unnecessary use of force curtails a voluntary working relationship between people. In other words, people react negatively if they are being forced to do something. This is only one reason for objecting to governmental coercion.

For many, integration is not happening fast enough.

Some cannot understand why the government does not add a little water, shake well and pour out some instant integration. Madison Avenue says this can be done with just about everything else. However, with matters concerning the dignity of man and his relationship with others, the Madison Avenue marketing approach simply does not work. Integration does not come in an aerosol can; nor can it merely be heated and served. It is happening in Detroit because a spirit of open-mindedness and willingness has been characteristic of this community. Anything that retards that spirit is indeed counterproductive and unnecessary or unreasonable use of force retards true integration.

The final household word is "segregation". Segregation is not illegal in itself. However, it is illegal for a state or one of its governmental units to support segregation. This is called "de jure segregation." Examples of this kind of segregation were found in the 1954 Supreme Court decision outlawing "separate but equal schools". The Constitution and Laws of many Southern states prohibited white students from attending schools with black students. To implement these laws, white students were bussed to white schools and black students were bussed to black schools.

Government supported segregation was recently found in the City of Detroit in the so-called "Roth Case". The Court said that both the State of Michigan and the school district were responsible for this segregation. In the main, this kind of segregation was brought about by adherence to the neighborhood school concept. Unlike the Southern states, the typical Northern state, including Michigan, passed no laws approving segregation. To the contrary, many Northern states included in their Constitution anti-segregation requirements and passed laws to implement these constitutional provisions. For example, Article 8, Section 2 of the Michigan Constitution provides: "Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin". Section 355 of the State School Code provides that no separate school shall be kept for any person or persons on account of race or color. In Detroit, as in all Northern cities, schools are built to accommodate the people of a given neighborhood and to permit their children to walk to school when possible. This permits us greater community involvement and to avoid the cost of transporting large numbers of students. This cost saving permits the school system to spend most of its money on direct educational factors such as teachers.

Many neighborhoods in Detroit and in the Detroit Metropolitan area are segregated. Sometimes this residential segregation is called "de facto segregation". When schools are built in segregated neighborhoods, naturally they too become predominantly black or predominantly white schools. In Detroit the Federal Court found that in addition to the obligation to educate children the school board had the *affirmative duty* to avoid the effects of residential segregation. Failing to do this, they were guilty of unlawful or government segregation. Now the question before the Court is: What is the proper remedy?

A government with priorities different from ours has demonstrated the ability to solve social problems quickly. For example, in Communist China, the drug problem was eliminated quickly. It was eliminated by executing millions and millions of people. Historically, we find that the so-called "Catholic problems" or the "Jewish problem" was also solved in the same unimaginative, but quick way. Civil disturbances and massive protests are not found today in Hungary or Czechoslovakia. That problem was eliminated very quickly.

Our American priorities, however, are so structured that there is no social, economic, or political problem that justifies the mass execution, oppression or coercion of our people. The use of force should be avoided. Force should be used only when absolutely necessary and only to the extent necessary.

In addition to these general principles, our experience teaches us that so-called instant solutions to social problems have been categoric failures. Prohibition was an instant solution. Its only problem was that it was neither instant nor a solution.

Experience also teaches us that our many successes can be directly attributed to incentives. Incentives, rather than intimidation, work for us. Rewards, rather than punishments, account for the many successes we enjoy both individually and collectively as Americans. Our most valued resource is our children. Their education should have the highest priority. But unfortunately, the imagination that we apply daily in industry is often absent in education. The incentives we offer to encourage the development of our natural resources are not used to develop our greatest resource—our children. Instead of incentives, quick simplistic solutions have been proposed and quick solutions will be demanded.

The instant solution presently being proposed by busing advocates is basically the *warehousing of children*. From their warehouse, our children can be allocated and then distributed by busses. I am opposed to bussing students *merely for the sake of bussing them*. Force and coercion are essential parts of this plan which has as its ultimate, but shallow goal, the mixing of students.

Forced bussing should be distinguished from bussing as we currently find it in Detroit under the "Magnet School Plan". Over 2,000 elementary school students have elected to attend schools outside of their neighborhood under this current pilot project. The school board provides transportation for those students wishing it. The important difference, however, is that at the *end* of the bus ride there is an incentive. There is a valid, excellent educational reason for traveling from their neighborhood school. On the other hand those who advocate forced bussing provide no incentives. They offer merely the threat of punishment for violating their proposed laws. So, although I am unequivocally opposed to the concept of forced bussing, I am most enthusiastic about the use of incentives in the form of better and specialized education that we find in the current Magnet School Plan. Here the students take their busses willingly. *Busses are used to serve the students—the students are not used to serve bussing.*

There is a significant distinction between the way in which school systems in urban Northern areas and in Southern and rural areas operate their school systems. In Southern and rural areas, busses are necessary to get the children to school. Therefore, the bus became the natural instrument to accomplish segregation and it was logical to remedy the situation by using busses. In any event, the use of busses is an integral part of administering education in the South. In a recent Supreme Court case concerning Clarke County Georgia, the bussing plan ordered by the Court required annual transportation expenses of $11,000 *less* than the cost of transportation under the prior segregated system. This is in dramatic contrast with Detroit where busing has not been an integral part of the educational system. Here, we have subscribed to the neighborhood school concept. In Detroit, therefore, a new program of forced bussing would easily double the current $40,000,000 deficit.

No one has suggested that Southern segregation was merely caused by residential housing patterns. But, it is generally agreed that the principal cause of segregation in the North and in Detroit is segregated residential housing. Obviously then, one does not cure the problem by suggesting a remedy to a non-existent cause. If a family is homeless, you don't help them by demanding they take a bus ride. Therefore, I submit that bussing should not be used in Detroit to remedy a situation *not caused* by bussing. Let us get to the root of the problem.

Now, the State has proposed an interdistrict bussing plan, commonly referred to as a Metropolitan Plan. This would not result in a cost savings as it did in Clarke County Georgia. The contrary is true. There are approximately 1,000,000 public school students in Wayne, Oakland and Macomb Counties. In order to achieve the suggested racial mix of 75% white and 25% black students in each school it would be necessary to bus approximately 300,000 children from their neighborhoods. The estimated cost of bussing each pupil is $150.00 per year. Thus, the total annual cost of bussing alone would be Forty-five Million Dollars ($45,000,000.00). The ten year cost would be Four Hundred Fifty Million Dollars ($450,000,000.00). In addition, a new super bureaucracy would be created to administer this transportation network. It has somehow been assumed that the State can and will pay for this. It is clear that the Detroit school system, with its $40,000,000 deficit, cannot pay for the luxury of bussing. However, when the State pays, we as citizens pay. The most disturbing problem, however,

arises from the fact that after ten years and $450,000,000 later, we find that no significant integration has been achieved, since the ultimate goal of forced bussing is desegregation or the mere mixing of races. Nor is the Metropolitan Bussing Plan designed to bring about *meaningful* integration. It is indifferent to encouraging a working relationship between the people who are involved in implementing the plan. Further, as there is a limit to the amount of money that is available for education, then every dollar spent for bussing reduces the amount available for teacher salaries, reduced class sizes, special education, curriculum and improvement and other items which are directly related to pupil achievement.

If it is axiomatic that the punishment should fit the crime, it is equally true that the remedy should be related to the offense. What is the offense? The Court has stated it is our failure to provide the students in Detroit with equal educational opportunities. The estimated $45,000,000 in bussing funds surely could be used in much sounder and more imaginative ways. Less than five years ago the previous Superintendent of the Detroit schools estimated that for every $2,000,000 applied to teacher salaries, class sizes in each school in the City of Detroit could be reduced by one student. Let us assume that because of inflation the current figure is $3,000,000. With these bussing funds, then, we could reduce class sizes by almost one-half. There would be eighteen students for every teacher. This would provide a pupil-teacher ratio far better than any city in the United States.

And, if the offense is segregated residential patterns, than funds should be used to provide incentives for integrated neighborhoods. It is not difficult to see how this would work.

Imagine what might be done with bussing funds? For example, the State could become a partner with the F.H.A. and young families; each with the goal of eliminating segregated residential patterns. Specifically, an eligible family would be permitted to purchase a three bedroom $20,000 home for 25% of its value or $5,000. The F.H.A. would provide an additional $5,000 and the State would pay the balance in lieu of paying for bussing. Eligible families would be those families both black and white, who would contribute to the racial balance of both the neighborhood and the school in that neighborhood. The eligible families would have an average of three children. The eligible family would be required to pay 5% of the value, i.e., $1,000 and then pay the balance over 10 years. During this time the eligible family would be required to actually occupy the home as their home. They would send their children to the neighborhood school. Under this plan, the State could make available 45,000 residential units. This would inevitably result in the meaningful *integration* of 45,000 families, not merely the mixing of students during school hours. For those who are concerned about numbers this plan would affect 225,000 people, all of whom would participate on a voluntary basis. Ownership of their own home would be the incentive to integrate

I fear that in attempting to solve one social problem by instant non-thinking methods, we may create two others by losing precious freedoms and control of our children. George Orwell's regimented bureaucratic society pictured in his novel "1984" is now becoming a reality. It need not be if we use the same determination, imagination and incentives in this situation as Americans have used throughout the history of our country. We can succeed and solve this social dilemma. All citizens, including you and I, must be willing to unselfishly participate and act now. We cannot leave it to the next guy or to some super bureaucracy to solve.

NATIONAL STUDENT LOBBY CALLS FOR ACTION TO STOP WAR ESCALATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DELLUMS. Mr. Speaker, today I joined with over 20 of my colleagues here in the Congress to endorse the May 4 moratorium protesting the administration's escalation of American adventurism in Southeast Asia.

One of the groups supporting and leading the moratorium activities is the National Student Lobby. Pete Coye, the assistant director of the lobby as well as a friend of mine from Berkeley, Calif., today spoke out on behalf of the lobby and the thousands of persons it represents.

I fully agree with the position of the National Student Lobby, and I believe Peter Coye's statement is an accurate reflection of the repulsion and indignation felt by young people all throughout this Nation in regards to the absurdities of the Nixon administration's war programs.

The National Student Lobby statement follows:

STATEMENT BY PETER COYE, ASSISTANT DIRECTOR OF THE NATIONAL STUDENT LOBBY

Within the last several days the Nixon Administration has escalated the war in Indochina to a frightening level. The bombing of Haiphong and Hanoi were the hysterical acts of the trapped and hopeless leadership of this country. The Nixon Administration is trapped by its commitment to a corrupt regime in South Vietnam and is hopeless in its blind vision of a military victory in North Vietnam.

The reason that President Nixon must proclaim that "all options are open" is that his options are slowly disappearing. As the South Vietnamese army collapses and Vietnamization fails Nixon must withdraw all U.S. military activity or escalate. His decision is clear.

Apparently, President Nixon has not learned the one lesson President Johnson left for his successor in 1968. That is, that a military victory in Vietnam is impossible. That lesson is that every day the war continues more young men died for a cause the American people do not support. And that lesson is that the will of the Vietnamese people is stronger than any number of B-52 bombers.

In the past eight years we have had both a Democratic and Republican Administration in the White House. Both said they were committed to peace and both have escalated the war in Vietnam. It is clear that the only way to end the war is to legislate an end to the war. Congress must take the responsibility of bringing home the Americans—both the prisoners and the troops. The legislation to accomplish these ends is now before Congress. It is the Gravel-Drinan bill to end the war. This is the most thorough and comprehensive peace legislation to be put before the House and Senate in many months. It speaks directly to the Air War in recognition of the changing character of the war in Vietnam under the Nixon Administration.

During the 60's and early 70's students in America engaged in a protracted struggle to change public opinion about the war. We spoke with our parents. We demonstrated in the streets. And we refused to fight in Vietnam by the thousands. Slowly, public opinion swung from support to opposition, from endorsement to denunciation of the U.S. military involvement in Vietnam. Today an overwhelming majority of American citizens want an immediate end to the war. Now, as students, we must affect a change in the U.S. *policy* toward Vietnam.

Once again, in 1972 students have begun to move. On Monday of this week 30 student body presidents were in Washington, D.C. to lobby in support of the Gravel bill. This is the only legislation which will end the Air War, bring our prisoners and troops home and end the entire U.S. military involvement in Indochina. Tomorrow, students across the country are going on strike and will gather in meetings to plan a peace strategy for this spring. Besides participating in demonstrations students will engage in building local pressure for the Gravel bill. Tomorrow, Ken Kay and an official delegation of students from Oberlin College in Ohio will be in Washington, D.C. to present their Congressmen with hundreds of anti-war letters from the students at that college.

This year there is a new dimension to our peace efforts. Not only do we have the backing of public opinion, but we also have the vote. The 8.6 million college and university students have the potential to pull the rug out from beneath at least 40 conservative Congressmen who refuse to answer our call for peace.

The *National Student Lobby* calls upon the students of America to come to Washington, D.C. and to participate in a massive lobby-on-Congress during the week of May 1st. We call upon students from every Congressional district, in every state to mount a pressure campaign which will force the U.S. Congress to respect the will and desires of the people in this country. We call upon students to make the war in Vietnam and peace in Vietnam *the* issue of the 1972 campaign.

The National Student Lobby will hold workshops for the students who come to Washington, will distribute voting records on Congressmen and Senators, and will arrange for a continuing pressure campaign until this legislation is passed.

Students took the lead in changing public opinion about the war, now students must take the lead in changing U.S. policy in Indochina. The focus of protest and activity has moved from a negative position to a positive response. The focus of pressure has changed from being *against* the President to being *for* the Gravel bill.

BURKE-HARTKE SACRIFICES U.S. AGRICULTURE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FRENZEL. Mr. Speaker, previously I have inserted into the RECORD strong and persuasive statements by large companies in Minnesota who have strong international interests denouncing the Burke-Hartke protectionist proposals. Another fine Minnesota Company, Cargill, Inc., has prepared an interesting statement which follows herewith.

Because this statement so sharply

points out that Burke-Hartke sells U.S. agriculture down the river, I commend it to the attention of all of my colleagues.

Another point well made in this paper is the fact that restrictions on direct foreign investments are restrictions on export trade itself. Without the ability to develop converting, processing, storage, marketing, et cetera facilities abroad, we will simply not be able to expand our agricultural exports.

Finally, it points out that the tax provisions of Burke-Hartke place foreign U.S. subsidiaries at a strong competitive disadvantage with foreign firms.

The real danger of Burke-Hartke lies in the fact that some of its restrictive features may find their way into other pieces of legislation, even though the principal bill itself is not passed. For instance, title III of the proposed minimum wage bill contains inhibiting restrictions which will have a disruptive effect on our export business.

The material follows:

BURKE-HARTKE: A LEGISLATIVE CHALLENGE TO AGRICULTURAL TRADE

PROBLEM

Economic developments over the past decade have brought about a very different trading world from the one which prevailed immediately after World War II, when most of the international trade and monetary institutions and policies were formulated. Europe has recovered from that war's devastations and has now organized into integrated trading entities. Japan's recovery has been even more dramatic, and the expansion of her exports—especially to the U.S.—has been very rapid in the past few years. Consequently, the U.S. now faces much more intense competition in international commerce.

At the same time, the pace of change has stepped up. Technological innovation occurs more rapidly, and technological advantages are continually being challenged. Moreover, as trade barriers come down and as levels of development in other nations rise, national markets are being replaced by international markets. Trade and foreign investments become increasingly important instruments of competition in such a world.

Unfortnately, international institutions have not kept pace with this change. For example, while it became increasingly obvious that the dollar was overvalued vis-a-vis other major currencies, exchange rate adjustments were prevented until a nearly crisis situation produced the policies announced by President Nixon on August 15, 1971. While there is now greater hope that these problems will be faced in their international dimensions, protectionist forces within the U.S. have increased their pressure for the U.S. to take unilateral, and shortsighted, action.

One such proposal is the "Foreign Trade and Investment Act of 1972," popularly called the Burke-Hartke bill after its sponsors, Congressman James Burke of Massachusetts and Senator Vance Hartke of Indiana. This bill would impose quotas across-the-board in an effort to reduce imports to the same percentage of domestic consumption as prevailed in 1965–69. It would also restrict transfers of capital and technology across national borders and would radically alter the U.S. tax-treatment of foreign earnings.

If these proposals were made law, serious damage to agriculture's foreign markets—which accounted for $7.8 billion of agricultural sales in fiscal 1971—would result. Quotas on U.S. imports would prompt retaliation against U.S. exports, with agricultural exports being a primary target. Restrictive tax and investment policies would frustrate efforts to develop larger foreign markets for agricultural commodities which the U.S. produces in surplus.

Consequently, the Burke-Hartke bill is not simply a proposal reflecting the interests and problems of the industrial sector of our economy. It is legislation which would affect the pocketbooks of U.S. farmers and those serving agriculture. By jeopardizing one of agriculture's most important and dynamically growing markets—our export market—it is farm legislation in the most fundamental sense. For this reason, Burke-Hartke deserves the careful attention of everyone in the agricultural community. What follows is an attempt to place that legislative proposal in a realistic context.

TRADE AND INVESTMENT POLICIES IN A CHANGING WORLD

Two major documents on the subject of the international trade and investment policy the United States should adopt in the 1970's have recently stirred debate in governmental and industry circles. One is the *Report of the President's Commission on International Trade and Investment Policy* (the Williams Commission report). The other is the "Foreign Trade and Investment Act of 1972" (the Burke-Hartke bill). These two documents are remarkable for the disparity in their views and conclusions. The Williams Commission report concludes on an expansive and outward-looking note:

"We believe that the United States continues to have a compelling interest in preserving and improving the multilateral trade and payments system. We believe the United States should continue to try to solve the current problems in ways which will strengthen the system. We should avoid dealing with our short-term problems in ways which make it more difficult to realize a long-term goal: a world economic community of free nations." [1]

In contrast, the Burke-Hartke proposal focuses on one very specific development in recent years and extrapolates from this an inward-looking and static policy perhaps best summarized in the bill's preamble:

"In recent years rapidly increasing imports, sometimes promoted by foreign government assistance or unregulated unfair trade practices, have all but eliminated certain domestic industries, and are threatening to destroy critical portions of the United States production base. It is the intent of Congress, in enacting this statute, to insure that this destruction does not occur.

"To this end, this statute should be interpreted to insure that the production of goods which have historically been produced in the United States is continued and maintained. To the extent that production of such goods has been transferred abroad, it is the intent of Congress that this production be encouraged to return to the United States. Moreover, as new products are developed and marketed in the United States this legislation should be administered such that a fair proportion of such production is maintained in the United States."

The problem posed succinctly by the contrast between these two documents is a fundamental one: what will be the future shape of the United States economy and the nature of its relationships with other sovereign nations.

The question is of universal interest, but the agricultural community—farmers and agri-business alike—is directly concerned. The United States has, and for the foreseeable future will continue to have, the capacity to increase farm output. This makes export markets for farm products basic to the health and livelihood of the agricultural community.

[1] United States International Economic Policy in an Interdependent World, Report to the President submitted by the Commission on International Trade and Investment Policy, July, 1971, Washington, D.C., 17.

Consider the following facts:

The United States has doubled its agricultural exports in the past 15 years.

The U.S. now accounts for one-fifth of world agricultural trade.

The percentage of total U.S. agricultural acreage harvested for export has increased from 14% of total acreage harvested (47 million acres) in the 1950's to almost one of every four harvested acres (72 million acres) today.

In fiscal 1971, the U.S. exported $7.8 billion worth of agricultural products.

Thirty per cent of all farm cash receipts for all crops comes from exports.

Exports account for 70% of all cash receipts from rice, 60% of all cash receipts from wheat and soybeans and even 30% of cash receipts for corn.

The potential for increasing agricultural production in the future rests mainly with the opportunities for enlarging our agricultural exports.

The agricultural community, perhaps more than any other segment of American society, depends directly for a major share of its livelihood on export outlets. A prosperous agriculture requires an outward-looking trade policy.

Since this is the case, it is proper to ask: what would be the effect of passage of Burke-Hartke on the economic well-being of the agricultural community? To answer this question, one must look at the three major areas of economic policy affected by provisions of that bill. These areas are: (1) trade; (2) foreign direct investments; and (3) taxation of earnings of foreign assets owned or controlled by American concerns.

TRADE

The Burke-Hartke bill would make sweeping changes in the historical trade policy that has contributed so substantially to the expansion of all U.S. trade, including U.S. agricultural exports. It would impose (with a few minor exceptions) across-the-board quotas on all "categories" of imports, limiting the level of imports to the same proportion of total domestic consumption as in 1965–69. Future increases in imports could not exceed that proportion. It would also grant discretionary authority to a three-man "Foreign Trade and Investment Commission" (one member each for "public interests", "labor interests" and "industrial interests" but no representative for agricultural interests) to reduce quotas for any category upon a finding by the Commission that imports were "inhibiting the production of any manufactured product". Furthermore, it would authorize the negotiation of government-to-government agreements limiting imports, like agreements already limiting imports of textiles into the U.S. Finally, it would amend the Anti-Dumping and Countervailing Duty laws to make the imposition of import-reducing duties easier, and it would amend the "adjustment assistance" provisions for hard-hit industries, limiting governmental action to the imposition of quotas on imports.

The clear intention and result of these provisions would be to reduce the level of imports coming into the United States by many billions of dollars. Confronted with large cutbacks in their exports, these other nations would be forced to reduce their imports from the U.S. Otherwise, they would be plunged into severe balance-of-payments crises. The General Agreement on Tariffs and Trade (GATT) provides that compensation must be granted to any country whose exports are affected by increases in barriers to trade. While there are exceptions to this requirement (e.g., temporary imposition of quotas to relieve serious balance-of-payments problems), Burke-Hartke does not require any of the findings defined by the GATT in order to justify such an exception. Furthermore, the quota provisions of Burke-Hartke are not tied to balance-of-payments

problems, nor are they designed to be temporary. And Burke-Hartke does not contemplate compensation, nor does it provide for any authority to compensate other countries. In these circumstances, there appears to be little doubt that our foreign trading partners would feel compelled to retaliate against U.S. exports, both to protect their own balance of payments and to respond to the substantial political pressures for retaliation which would be generated by such sweeping protectionist measures in the U.S.[2]

Past experience demonstrates that one of the primary targets for this kind of retaliation by our foreign trading partners would be agricultural exports. For example, Sicco Mansholt—the man most responsible for the Common Agricultural Policy (CAP) of the Common Market—proposed in 1969 a "consumption" tax of $60 per metric ton on oilseeds and $30 per metric tons on oil cake and meal. The primary target of this tax was U.S. soybean exports to the Community, and it would have greatly reduced those exports. While the proposal was shelved, it still remains a possibility, which could be quickly activated if the U.S. passed a measure so devastating to European exports as Burke-Hartke would be. Moreover, given the generally protectionist nature of the CAP and the Community's apparent goal of achieving agricultural self-sufficiency in grains production, other major U.S. agricultural exports would also be among the first targets of retaliation.

Obviously, self-sufficiency is an impossible goal for a country like Japan. But USDA studies, like the one authored by Joseph Barse, indicate that Japan could pursue a number of alternative food strategies with markedly different impacts on U.S. exports.[3] Legislated quotas on Japanese exports to the U.S. would tend to force Japan away from alternatives most favorable to U.S. grain and oilseed exports and toward strategies less dependent on U.S. supplies.

Very simply, then, Burke-Hartke sacrifices U.S. agricultural exports and U.S. agricultural interests in penetrating these foreign markets to the narrow interests of a few manufacturing industries. The agricultural community simply cannot afford to be made the scapegoat of such policies.

FOREIGN DIRECT INVESTMENTS

The Burke-Hartke bill authorizes the President to prevent any direct or indirect transfer of capital or technology abroad whenever he finds that such a transfer would produce a net decrease in U.S. employment. This poses two serious threats to the interests of the agricultural community in continued and expanding levels of agricultural exports. In the first place, these measures would close foreign nations off from U.S. capital and technology; they would also in many cases limit the freedom of action of foreign affiliates of U.S. companies, thus limiting and regulating the actions of firms in other countries. The foreign host nations undoubtedly would resent both this denial of capital and expertise and the intervention by the U.S. into affairs which those nations regard as provinces exclusively for their own regulatory decisions. As with the trade provisions, these foreign nations would be driven to retaliate against the U.S., with one of the prime targets being U.S. agricultural exports.

Secondly, significant foreign direct investments are needed to develop and hold export markets for U.S. agricultural commodities. As per capita income rises in other areas of the world, people will begin to demand more meat and quality protein in their diets. The U.S. has developed and continues to develop highly efficient means of converting feed grains and soybean meal into meat, milk and eggs. By aiding in the transfer and establishment of modern poultry, hog and livestock production technologies based upon efficient conversion of U.S. feedgrains and soybean meal in these foreign markets, demand for U.S. grains and oilseeds is generated. In other words, the transfer of technologies and capital abroad can help U.S. farmers to capitalize on the tremendous potential demand in these areas through greater export of grains and oilseeds.

The importance of this kind of market development and the potential magnitudes involved can be illustrated by a few simple facts:

It takes 8 pounds of feed to produce one pound of beef.

Four pounds to produce one pound of pork; and 2¼ pounds to produce one pound of broiler.

Japan has increased its consumption of meat, milk and eggs four-fold since the 1950's.

In the past decade, U.S. feedgrain exports to Japan increased in response to this demand from 250,000 metric tons in 1960 to approximately 5.8 million metric tons by 1969, better than a twenty-fold increase.

Yet, annual Japanese per capita meat consumption is only 10 per cent as large as ours—23 pounds per person compared to 242 pounds in the U.S.

Per capita consumption in Common Market countries is only 60 per cent of our own, while in the Soviet bloc nations it is less than 50 per cent of U.S. per capita consumption.

Data for less developed countries on the brink of substantial economic growth would follow a similar pattern.

U.S. grain and oilseed producers have a tremendous opportunity to capitalize on this potential, if allowed to do so. Currently, better than 50 million acres are withheld from production in the U.S. But to maximize these market potentialities, modern, efficient processing and meat-producing techniques will need to be available to these nations. Our past experience demonstrates the dynamic export growth possibilities offered by transfers of U.S. grain (and soybean)—livestock, broiler and hog technologies. To limit these transfers—as Burke-Hartke—would be terribly short-sighted.

We also need to remember that the U.S. has no monopoly on grain or oilseed production. Commercial wheat and feedgrain markets are extremely competitive internationally. Increasingly, U.S. soybeans are also facing competition from alterative protein, fats and oils sources. Moreover, as agricultural production becomes increasingly capital- and technology-intensive, countries willing to bear the costs could replace much of their import requirements with domestic production. We have seen this possibility arise with the EC's Common Agricultural Policy. U.S. agriculture will need all of its competitive tools if it is to meet these challenges and to capitalize on these opportunities.

TAXATION

The Burke-Hartke bill has several provisions in the area of tax policy which would seriously harm agricultural export interests. The bill would tax all earnings of foreign subsidiaries in the year earned, whether those earnings are repatriated to the U.S. parent companies or re-invested in the foreign country. It would also repeal the tax credit currently granted for taxes paid to foreign governments on earnings of foreign subsidiaries of U.S. companies. And the bill includes several other tax-law changes which would have the effect of discouraging foreign direct investment.

Each of these provisions would place foreign subsidiaries of U.S. companies at a serious competitive disadvantages vis-a-vis their foreign competitors. By discriminating against foreign direct investments, these changes would antagonize the governments in the foreign host nations. Several of these provisions may also violate tax treaties the U.S. has made with other nations.

Like many of the other provisions of Burke-Hartke, these tax-law changes appear to be premised on the belief that such foreign direct investments reduce job-creating investments in the U.S. This argument focuses primarily on investments in manufacturing facilities abroad. This is obviously a complex issue about which snap judgments should not be made. A number of studies of the domestic employment effects of investments in foreign manufacturing facilities have been undertaken. Preliminary indications from these studies suggest that the effects are at worst neutral and could well be positive—that is, that they generate U.S. jobs.

For the kinds of investments made to support agricultural exports, however, the case is much clearer. As the previous section noted, much of this investment goes into developing markets for more U.S. agricultural exports. This means more jobs for farmers, as well as more jobs for workers in the industries supplying farmers with inputs—machinery, chemicals, fuel and oils—and in the industries involved in the domestic handling of farm commodities for export—employment at country, subterminal and terminal elevators as well as jobs in the truck, rail and barge industries. Without the investments that would be discouraged by these tax-law changes, foreign markets would grow less rapidly—which means less of the employment described above, less vigor in the rural economy and smaller contributions from agriculture to the U.S. balance of payments. Moreover, if these investment opportunities are relinquished to companies in other nations, there arises the significant danger that these foreign markets will eventually be supplied, when finally developed, by non-U.S. exports.

The agricultural community cannot afford to be sanguine about these prospects. With intense competition in commercial agricultural trade, U.S. agriculture will need all of its competitive tools to exploit foreign markets and to utilize its vast productive potential.

SUMMARY

The Burke-Hartke bill nowhere mentions agriculture or agricultural trade directly. Moreover, the forces which have spurred this legislative effort by organized labor do not have their origins in agriculture or agricultural trade. Indeed, a publication put out by the AFL–CIO on trade policy acknowledges that agriculture has been one of the few

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[2] During conversations between American and European businessmen recently, *The New York Times* reported that the "Europeans apparently left no doubt that their governments would be forced to retaliate if protectionist quotas on imports, as envisaged in Burke-Hartke, were enacted." "U.S. Businessmen Assure Europe on Protectionism," *The New York Times*, (March 3, 1972), 1.

[3] Barse describes three alternative Japanese food strategies (an "Eastern," a "Pacific" and a "Western"), and he projects these alternatives through 1985. By that year, the production and import patterns for Japan diverge markedly, depending on the alternative pursued:

Strategy:

Eastern: production, 15.0 million metric tons; imports, 18.8 million metric tons.

Pacific: production 13.4 million metric tons; imports, 24.4 million metric tons.

Western: production, 9.8 million metric tons; imports, 50.2 million metric tons.

These alternative strategies not only yield widely differing Japanese grain import needs; they also entail different sourcing patterns, the Eastern strategy emphasizing Asian supplies, the Western involving greater U.S. supplies. Japan's Food Demand and 1985 Grain Import Prospects, Joseph R. Barse, USDA, ERS, Foreign Agricultural Economic Report No. 53 (June 1969), 71.

strong areas of U.S. export performance over the past few decades.[4]

But this apparent immunity for agriculture from the measures contained in Burke-Hartke is dangerously deceptive. Because of its heavy dependence upon export markets, U.S. agriculture would be one of the groups most seriously injured by this blatantly "protectionist" bill. In many ways, the situation is a curious inversion of what happened during the Kennedy Round of tariff negotiations. In those negotiations, the agricultural community saw its export interests sacrificed to the interest in liberalizing the conditions for industrial trade. Now, agriculture is seeing its invaluable export outlets threatened by a misdirected reaction to developments in the area of industrial commerce.

Moreover's agriculture's access to foreign markets depends not only upon trade policies but also upon investment and taxation policies. Multinational companies engaged in the marketing of U.S. agricultural products abroad would fall under the same restrictions Burke-Hartke proposes for other kinds of multinational corporate activities. The result, if Burke-Hartke passed, would be that the agricultural community's marketing arm in these important foreign markets would be cut off.

This is not to say that some of the problems to which labor points are not real. A few industries within the U.S. have faced very sharp competition from imports. The pace of change and the intensity of competition have increased. In several cases, plants have had to be closed, and some workers have lost their jobs. This dislocation can impose severe burdens on the families, companies and communities faced with the difficult task of adjusting to changed economic conditions. Those problems need to be attacked and solved, and they deserve a high priority. Vastly improved means are needed to soften the impact of these dislocations. Better planning by companies, by industry and by society as a whole is needed to adapt our manpower skills to changing needs and to prevent future dislocations.

But these problems cannot be solved by shifting the burden forward onto companies and workers and farmers that have been successful in meeting these changing needs. Import quotas, restraints on capital and technology transfers and taxation policies discriminating against investments in developing markets abroad simply burden the companies and individuals in more progressive and dynamic industries. Farming and agricultural exports should not be taxed for their success, which is precisely what retaliation would mean. While facing up to the specific costs adjustment imposes on some industries and workers, members of the agricultural community need to insure that their long-term contributions to the well-being of our society and of people in other nations are not frustrated.

For these reasons, the agricultural community has a critical stake in what decisions are made with respect to any and all of the provisions contained in Burke-Hartke. Agriculture has a strong case to make for the advantages of export marketing and for the foreign investments which are made to increase that marketing. In this context, it is important to understand that the danger posed by Burke-Hartke has many and complex features. It is a threat to the agricultural community not only as a single package but also in the individual parcels made up by its separate provisions. Each of those provisions—the quota proposals, the investment restrictions and the taxation policies—would seriously impair the ability of the agricultural community to maintain and expand her export outlets. And, unlike many legislative proposals touching agricultural interests closely and which frequently find the agricultural community divided into conflicting groups, the threat posed by Burke-Hartke is one which promises harm to all segments of that community. It is a threat that the agricultural community can and must respond to with a single voice.

[4] Needed: A constructive foreign trade policy, a special study commissioned and published by the Industrial Union Department, AFL–CIO (October 1971), prepared by Stanley H. Ruttenberg & Associates, Washington, D.C., 33.

U.S. NATIONAL PARKS—AN ENDANGERED SPECIES

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, once again the national park season is upon us. The advent of this recreation season will provide both pleasure and problems for many of our citizens.

Our famous national reserves are seasonally being inundated by increasing numbers of people. This phenomenon is, on one hand, a tribute to our National Park Service which annally performs an excellent service to the Nation. But, on the other hand, this mass influx creates a devastating problem; namely, where can one put 50 million cars, so that the passengers inside them can enjoy their park visit without detracting from the natural surroundings?

This summer the Department of the Interior will conduct an experiment to "limit visitors" at three of our most historic national parks. This approach, if proven successful, may be implemented further in other parks in the future.

In an article which appeared in yesterday's Christian Science Monitor, David Holmstrom discusses several new theories for protecting our national parks from—and for—their visitors.

At this time, Mr. Speaker, I would like to submit Mr. Holstrom's article for the RECORD:

U.S. NATIONAL PARKS—AN ENDANGERED SPECIES

(By David Holmstrom)

YOSEMITE NATIONAL PARK, CALIF.—The U.S. National Park System, 100 years after its founding, is on the verge of being loved to a frazzle.

So many people are using and abusing unique parks such as Yosemite, Yellowstone, Lake Mead, and the Everglades that within the next decade visitors may:

Face a restriction on numbers that will require making reservations for visiting all parks.

Be forced to leave their cars at the park entrances and take alternate transport—bicycles, horses, even their own feet.

So that future generations will know how to get the most out of the parks without abusing them, park educational programs in schools may be as commonplace as basic reading courses.

Last year an understaffed, overworked National Park System—administering nearly 300 areas—staggered under the impact of 186 million visits as compared with 121 million in 1965. Yet the park system receives less than one-tenth of 1 percent of the national budget and has only 7,000 employees.

It struggles manfully to fulfill its purpose: to preserve unique natural settings and at the same time provide access to these settings for all the people, who literally "own" the parks.

That takes much care and much innovation.

A hint of the future was seen in March, when Secretary of the Interior Rogers C. B. Morton announced that "an experiment" to limit visitors will be conducted for the first time at three national parks. Specifically, the experiment will limit the number of backpackers going into the wilderness on foot.

A more comprehensive look at future parks policy was provided recently when more than 200 environmentalists, park officials, and citizens, gathered at Yosemite National Park under the auspices of the Conservation Foundation at a symposium.

Prompted by an invitation from the park service itself, the foundation had prepared five task-force reports dealing with the issues facing the parks. Task-force members spent five months visiting parks and formulating recommendations for action.

With Yosemite's breathtaking waterfalls and sheer canyon walls as backdrop, the discussions and meetings over the task-force reports resulted in general agreement that the unique features of parks must be preserved above all else, that citizens must be made aware of the uniqueness in order to enhance their encounters with parks and that the park systems must be expanded, particularly in urban areas.

RESEARCH STRESS

Several task forces wanted new emphasis on research to determine "the physical, ecological, and psychological carrying capacity" of every park. How many trails, roads, and other man-made influences can a park "absorb" and still retain its essence and uniqueness?

"When selecting a campsite becomes a matter of competition between several parties, the perception of wilderness vanishes," said the report.

Paradoxically, there's also a problem of nonuse:

In a discussion on "Who is not using the national parks and why? And what, if anything, should be done about it?" Doris Wilkerson, a sociology professor from Macalester College in Minnesota, said that studies indicate that national park users tend to be white suburbanites with better than a high-school education and an average or better income.

In effect, low-income groups, including many blacks, seldom use the parks because they are too costly, too far away, and in general these people have a different conception of recreation or no concept at all of using park facilities.

In addition, while there are no statistics on the availability of parks to inner-city residents, only 9 percent of public recreation areas are located in urban areas, while 91 percent are in nonurban areas.

One task-force report said: "The urban park, by and large, is still being planned and designed for what is perceived to be recreational preferences and aesthetic tastes of middle- and upper-middle-class users."

URBAN SITES SUGGESTED

One discussion group recommended that the National Park Service be given the responsibility of acquiring, planning, and developing a network of recreation areas within 50 miles of urban centers with more than 250,000 population. Other groups felt the park service should remain separate from federal agencies responsible for recreation in the sense of "play."

How to cope with the millions of automobiles that clog parks in the summer was a problem that was easily dealt with by a reports and groups: Ban them, along with hotel-type accommodations inside park areas.

"The objective," said one report, "would be to make it easy for the visitor to exchange

his car for alternate, unmechanized means of transportation, which do not dilute the pleasure of discovering a [wilderness] experience for one's self."

Bicycles, cross-country skis, horses, canoes, and feet were suggested.

LESS DRASTIC SOLUTIONS

Others, not as inclined toward such severe changes in national parks suggested use of shuttle buses, monorails, etc. One report suggested several public transportation demonstration projects to be tried at existing parks.

Allan Gussow, a New York artist, said his discussion group on the role of the park system in promoting culture and the arts felt that each park should inform the public about the "cultural diversity" that has influenced it.

Mr. Gussow said each park has a "cultural landscape" that is continually moving through the park, with origins perhaps in Indian life or shaped by a Spanish influence or perhaps by a historical event such as a battle.

An accurate depiction of the culture, or "what happened" at a park site should be offered to the public free of bias, he urged.

"We decide that parks themselves are a culture just like the Sioux Indians," Mr. Gussow told a general session of the symposium, "and that if Yosemite, for instance, should be excavated 100 years from now we wouldn't want just a monoculture to be unearthed but one with cultural diversity."

The distance the park service has to travel in helping the public experience a national park not just as "another place for collecting a decal," but to understand a park's ecological and cultural heritage, is illustrated in an extreme example from a 1971 four-day holiday weekend at Lake Mead.

PERCY SUTTON PAYS TRIBUTE TO ADAM CLAYTON POWELL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BADILLO. Mr. Speaker, we all regret the recent passing of our esteemed colleague, Congressman Adam Clayton Powell, of New York. Mr. Powell served for many years as chairman of the House Committee on Education and Labor, and his record of service in this body is a most distinguished one.

I would, therefore, like to bring to the attention of my colleagues a proclamation by Manhattan Borough President Percy E. Sutton, declaring a day of memorial for Adam Clayton Powell on April 9, 1972, to be inserted in the RECORD at this point:

MANHATTAN BOROUGH PRESIDENT PERCY E. SUTTON DECLARES A DAY OF MEMORIAL FOR ADAM CLAYTON POWELL, SUNDAY, APRIL 9, 1972

The text of the Proclamation by Borough President Sutton follows:

Whereas: Congressman Adam Clayton Powell was a Giant at a time when Giants were few; and

Whereas: Congressman Adam Clayton Powell was a success when successes were few; and

Whereas: Congressman Adam Clayton Powell was an outspoken and courageous leader at City, State and National level for more than three decades; and

Whereas: Congressman Adam Clayton Powell, as Chairman of the House Education and Labor Committee, was personally responsible for bettering the living conditions of million of working people throughout America; and

Whereas: Congressman Adam Clayton Powell was personally responsible for lifting the level of education and literacy for millions of school children all across America; and

Whereas: Congressman Adam Clayton Powell preached the necessity of Black Power four decades ago and was, in his time, the single most effective and powerful voice of the movement for Black Liberation; and

Whereas: Congressman Adam Clayton Powell went in front doors at a time when others went in back doors; and

Whereas: Although Adam Clayton Powell belonged to the Nation and the World, the focus of his life was in the Borough of Manhattan of the city of New York; and

Whereas: Funeral Services for Congressman Adam Clayton Powell are scheduled for Sunday, April 9th, 1972 at the Abyssinian Baptist Church;

Now, therefore, I, Percy E. Sutton, President of the Borough of Manhattan, do hereby declare that Sunday, the 9th day of April, 1972 be observed as A Day of Memorial for Adam Clayton Powell in the Borough of Manhattan, and I hereby urge that all 1,600,000 residents of the Borough of Manhattan display the appropriate symbols for mourning upon the loss of this American giant, Adam Clayton Powell.

HELPING AMERICA'S MOST QUALIFIED VETERANS

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. CLANCY. Mr. Speaker, all of us recently have seen, met or talked with military veterans of the Vietnam war. Some of these men are bitter and dissatisfied. When compared to all of the veterans, they are few in number. Nevertheless, they are and should be a concern to us because we are obligated to them. They have served their country in these times of great stress.

What modern America is doing today for her veterans was most clearly defined this week in Cincinnati when Richard L. Roudebush, formerly one of our colleagues, now Assistant Deputy Administrator of Veterans' Affairs, spoke to the Federal Executive Board.

Mr. Roudebush not only described how most veterans are being helped, but he explained how those few disillusioned veterans can be helped. You will be interested to know that the Vietnam era veterans are the best educated veterans in American history. You will learn that they are among the best job-qualified applicants in the United States today.

We are indeed fortunate to have Mr. Roudebush serving in the capacity of Assistant Deputy Administrator for Veterans' Affairs. He has been active in veterans organizations for many years and is a former national commander of the Veterans of Foreign Wars. Mr. Roudebush has dedicated many years of his life to veterans and is truly a champion for their causes and an authority on their problems and accomplishments.

I urge my colleagues to read Mr. Roudebush's statement:

ADDRESS BY RICHARD L. ROUDEBUSH

I am glad for the opportunity to be in Cincinnati and to visit with this group of distinguished federal officials.

It is good, first of all, to be in this part of the country . . . in a state that is a neighbor to my own and in a city that is important to my home state of Indiana as well as to the entire Ohio Valley.

And it is good to be with those who think so much of their careers with the Federal Government and of their opportunity to provide service that they seek new outlets for their talents and abilities in organizations such as this.

I applaud the interest and the professional dedication that prompts you to get together in these monthly meetings and that results in your working with one another so that each agency knows what the others are doing and works to complement their activity as well as pursue its own tasks.

In this way the total federal effort here becomes *more* than the sum of its parts . . . measured agency by agency . . . and I am sure the community and its citizens gain much.

As you know, the Veterans Administration is one of the largest federal agencies. I am sure that you know this because . . . among other reasons . . . it would be in the nature of things for Mr. Gunter and his colleagues to have called it to your attention.

They are proud of what they are doing here . . . and rightfully proud, I might add. And they are proud of the stature of the agency for which they work.

VA is big in Cincinnati. The hospital here is a large one, important to the health of veterans in this area.

And, I point out, there are 166 other hospitals operated by the Veterans Administration across the country and in Puerto Rico. There are also regional offices in every state.

The reason VA is big is not that the nation's veterans and the government have decided on size arbitrarily. The reason VA is big is that the tasks we are called on to do are big . . . the number of people to be served is big . . . their problems are many and the programs of help we provide are numerous and complex.

The Veterans Administration, big as we are, numerous as our personnel are, widespread as our facilities are, can not do all the things that must be done for veterans.

Veterans and their families constitute some fifty per cent of our population so, of course, numerous agencies of government at all levels are serving them in one way or another . . . your agencies and many more.

This does not detract from the fact that veterans are special citizens and have their own agency. It merely means that no office or group of offices can meet all the needs of any segment of our population.

This is true even where the people in that segment are fewer and much less diverse than the great mass of the American populace who are veterans.

Since the title "veteran" has been earned by and is applied to all of the nearly twenty-nine million men and women now living who have served their country in uniform, it is clear that they *are* a diverse group . . . ranging from the men, now old, who answered the call to Cuba and the Philippines as youngsters coming home from Vietnam.

Let us look for a few minutes at some of the needs of the current new crop of veterans, the men who are just getting back.

Their needs are essentially the needs that have existed for veterans of all wars at a comparable time in their lives . . . and their problems are much the same.

There are, however, conditions that exist in our society today that have altered and

exacerbated these needs and problems . . . conditions that are not the fault of the veterans themselves.

One great need that has always existed for veterans is the need for good medical care. Veterans always come home with wounds and illnesses that must be treated and the mending of minds and bodies has always been a major task as wars come to a close.

Another need is the need for training and education. Since the men who fight wars are always young, they always return in need of more preparation for the civilian life ahead.

Then there is the need for jobs . . . the need for purposeful and productive employment to not only put food on the table but to lead to satisfying and stable careers.

I said that today's veterans . . . at least many of them . . . face old problems that have taken on new dimensions because of certain conditions existing today . . . conditions of our society and our economy.

For instance, the plague of narcotics has reached our servicemen just as it has reached other young people in America. Thus, for some of our Vietnam veterans . . . fortunately not a large percentage . . . the need for medical care and rehabilitation means curing drug addiction.

Also, the need for increasing their level of schooling or training has added importance for today's young veterans because . . . unlike in most wars . . . service has not been universal among those of the age to serve. The men who stayed home have pushed ahead of their brothers in uniform in education and the establishment of careers and the veteran, in many cases, has extensive catching up to do.

This is true despite the fact that the Vietnam Era veteran has the highest educational level of any veteran in history.

But perhaps the greatest situation of concern for today's young veteran is in the field of employment, and it is this problem I'd like to discuss with you seriously for a few minutes.

Employment is another area in which the veteran has special problems through no fault of his own. Today's returning servicemen face an economy unlike that faced by either the veterans of World War II or the Korean Conflict . . . an economy tough and unyielding to many men needing work.

The fact that they are the most desirable veteran job prospects in history does not get them jobs and does not make the fact of their unemployment any more palatable.

The lack of jobs for veterans has been recognized by the President, as you know, and the result of this recognition has been a massive effort conducted in communities across the country to get men who need jobs in contact with those who can provide them.

The Jobs for Veterans program is more than just a wide-spread plan to establish contact, however.

It is an operation designed to reach the conscience of the nation and to activate its citizens into facing up to their obligations to the men who have recently shed their uniforms.

The Jobs for Veterans program is based on the moral premise that no citizen who serves the nation in its armed forces should lack the opportunity to be a full participant in its economic life.

It is also based on realities that have to do with the good of the nation and that call for effective action.

The reality that America needs the productivity of its newest veterans . . . today and in the future.

The reality that they have much to offer prospective employers and can be of great help to them from a dollar standpoint.

The reality that these men can not establish full contributing citizenship in their neighborhoods and communities if they have no jobs.

The reality that their potential as tomorrow's leaders will go unrealized if they can not start developing it today.

So, we are talking about much more than jobs when we speak of the Jobs for Veterans campaign. We are talking about careers, professional services, industrial skills, business success, public service, productivity, prosperity, raising families, paying taxes, leadership and citizenship.

We are talking, in short, about many things important to America in addition to simply putting men to work.

I would like at this time to salute Mr. James F. Oates, Jr., national chairman of Jobs for Veterans, and those who are working with him in this important effort. It is a privilege to be associated with them and it is gratifying to report that the campaign is showing success.

From across the nation there are reports of creative and original ways in which the committee and those units of government, private organizations and agencies, businesses and industries and concerned and dedicated citizens who work with the committee are attacking the veteran unemployment problem.

The effort is not limited to this country, incidentally. Late last month and early this month the committee, in cooperation with federal agencies, conducted job information fairs at a number of locations in Europe. The purpose was to acquaint servicemen with the job situation in the United States, to advise them on what employment and training help is available and to put them in contact with representatives of American business who were there.

The Veterans Administration is proud to have been one of the sponsors of these unique and extraordinary efforts.

I think what is important today is that all who are here leave this meeting determined to be a part of the Jobs for Veterans campaign, individually and on an agency basis . . . that you leave with no question of the need for your deep involvement and that you feel a commitment, as public servants, to *be* involved.

President Nixon made the official call for this commitment in December 1970 in announcing the Jobs for Veterans effort and the appointment of Mr. Oates.

The President said at that time, "I am calling upon American business, organized labor, veterans organizations and state and local governments to lend their support to a national effort—Jobs for Veterans—designed to provide maximum employment opportunities for veterans.

"Each veteran deserves the opportunity to find his place in our economic system. . ."

And then President Nixon said, "I expect the departments and agencies of the Executive Board to lead the way in this important effort and to support the program fully within their areas of responsibility."

I think that agencies of the Executive Branch *have* been participating and leading the way in this effort . . . but as long as the unemployment figures show that young men *with* military service are more likely to be out of work than men *without* service, as they still do, we are not doing enough.

And I think it would be good if each government official or employee who has any ability to affect employment within his organization or among those his organization works with would ask himself some questions on veteran employment:

Am I aware of and taking advantage of special hiring programs set up for returning veterans, programs that often qualify men who would otherwise be considered unqualified?

Do I press the need for hiring veterans among those my agency does business with?

Have I alerted these people with whom we do business to the possibilities of on-the-job training within their organizations . . . training programs veterans can enter under the G.I. Bill?

Have I taken the appropriate opportunity to discuss veteran employment with people at other levels of government and in other federal agencies with whom my agency works?

And do I remember this important subject myself when I am away from work and associating in non-business activity with those who may be able to help the Jobs for Veterans program?

What I am suggesting by these questions is that each of us has a need to *think* "Jobs for Veterans" as he goes about his daily activity. In this way our desire for the success of this program, our good intentions and our genuine interest in the well-being of the young men who have so recently served us will be most likely to lead to effective action.

Before I close I would like to remark on the opportunity that we as public employees have to not only serve the veterans I have been discussing . . . those who need jobs and those who have the need for other assistance . . . but to also help heal some of the wounds that have been opened within our society in recent years.

It is understandable, for instance, that men who come back from tough and dangerous combat and don't find prompt opportunities in civilian life might be disappointed, disillusioned . . . perhaps bitter.

To some, the fact that they have not found things the way they hoped they would be is a sign that the system they served and fought for does not work. It is an indication that the establishment is not interested in them for anything except onerous duty in uniform in a far off land.

This may not be fair to the so-called establishment, to the system and to those who work within it. It may not seem rational to those who know that our system—imperfect as it is—*does* work. It may seem like an over reaction to the great number of veterans who are having fewer problems and making better adjustments.

But, as I said, it is understandable when you consider the conditions some young veterans have been called on to face while other Americans have been living safely, prosperously and happily.

I think it is up to us to help show that our government is a responsive and generous government, that it can serve those who need its services, that the people who man its agencies not only care but have the heart and the will and the intelligence to do the things that can make a difference for a homecoming veteran.

If we could each take a man by the arm . . . figuratively, at least . . . and say:

"While it is impossible for me to know all you have been through and while it is not within my ability to understand fully your attitudes and your ambitions, I *do* understand something about what your countrymen and your government are willing to do to help you get started once again as a civilian. And I *do* understand the system well enough to assist you at this critical and puzzling time in your life. Come with me. . . ."

. . . If we could each do this we would help men who need help. We would help perform a healing function for a society torn by a long war. And we would do honor to the government and to the agencies for which we work.

Thank you for your kind attention.

NATIONAL LIBRARY WEEK, APRIL 16–22, 1972

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ESCH. Mr. Speaker, on the occasion of the 15th annual observance of National Library Week, April 16–22, I wish to share with my colleagues President Nixon's view of libraries as the nucleus of our public information system and vital centers for the preservation of the right to read, the right to learn, and the right to know. Accordingly, I include his statement, issued from the White House on April 12, in the RECORD at this point:

THE WHITE HOUSE,
Washington, D.C., April 12, 1972.

Libraries form the nucleus of our public information system. Their resources are among the most effective deterrents to poverty, ignorance and prejudice. Their services are basic to the education and general self-improvement of all our citizens.

It is especially appropriate that the 1972 observance of National Library Week coincides with International Book Year which joins the United States with other nations of the world in an endeavor that will directly benefit all peoples.

I urge all Americans to recognize and support our libraries as vital centers for the preservation of the right to read, the right to learn and the right to know; and I encourage close cooperation with people of other lands, who share our own deeply rooted conviction that libraries contribute greatly to a well-informed citizenry and to true and enduring national progress.

RICHARD NIXON.

At this time, I should also like to say that I am proud and pleased to know that the President's latest appointment to the National Commission on Libraries and Information Science is a citizen from my own State of Michigan, Harold C. Crotty, president of the Brotherhood of Maintenance of Way Employees. Chairman of the Commission is Dr. Frederick Burkhardt, president of the American Council of Learned Societies, and the executive director is Charles Stevens.

In establishing the Commission, Congress set forth a statement of policy affirming that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services. The Commission has the primary responsibility for developing or recommending overall plans for, and advising the appropriate governments and agencies on, that policy.

While meeting in Washington, D.C., in February, the Commission passed three specific resolutions dealing with library funding, priority in planning, and the need for financial support of information resources in Government programs.

One resolution stated that:

If, as is possible under various legal challenges to the (funding) system, the current method of funding public schools is changed, library funding must change, too. This referred to various state supreme court decisions, especially in California and Minnesota, which say that the "local property tax is not the proper base for public school funding."

Another resolution approved by the Commission states that they will give first priority in their planning effort to providing new and improved services that will be helpful to all libraries in the country and their users, at every level of society.

The Commission's third resolution calls upon Government agencies to recognize the need for appropriate documentation, bibliographical, and other information resources in Federal programs. It also states that provision for the financial support of these functions should be included in Executive orders and other implementing directives.

The three resolutions approved by the Commission read as follows:

RESOLUTIONS OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

I. Resolved, that the National Commission on Libraries and Information Science should give first priority in its planning effort to providing new and improved services that will be helpful to all libraries in the country and their users, at every level of society.

II. Resolved, that the need for appropriate documentation, bibliographical, and other information resources should be recognized in federal programs, and that provision for the financial support of these functions be included in executive orders and other implementing directives.

III. The National Commission on Libraries and Information Science believes that national equality of access to information is as important as equality in education.

The Commission has considered the implications of recent court decisions, in California and elsewhere, holding that the local property tax is not the proper base for public school funding.

The Commission believes that the same principle of equality in educational opportunity must be applied to the nation's public libraries and other publicly supported information facilities, whose resources and services are a vital part of the continuing educational process.

If, as is possible under various legal challenges to the system, the current method of funding public schools is changed, library funding must change, too. It would be unfair to have schools operating on a broad tax base, and libraries under a more restrictive one.

The Commission calls upon public libraries and publicly supported information facilities across America to watch these developments closely and to be sure that the target of national equality of access to information for all citizens is a priority, not an afterthought.

February 18, 1972.

LICENSES FOR THE OPERATION OF ATOMIC POWERPLANTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. WOLFF. Mr. Speaker, just last week the House considered legislation that would permit the Atomic Energy Commission to grant temporary operating licenses to thermonuclear powerplants without requiring a detailed environmental impact study, as required by the National Environmental Policy Act.

I strongly opposed this measure and worked to defeat it, because I felt its passage would open the door to the weakening and ultimate destruction of NEPA, which the Congress intended to be a protective barrier against environmental abuses. As the following editorial so clearly points out, NEPA was designed to equate industrial progress with environmental sanity. If we sacrifice our environmental safety to the demands and whims of special interests, which this legislation would have us do. I fear that we will succeed not in solving our Nation's so-called energy crisis, but only in placing ourselves on the growing list of endangered species whose days are numbered on this earth. Even though the House did pass H.R. 13752, I nevertheless feel the following editorial which appeared in the April 12 Long Island Press contains an important thought for the future. I urge my colleagues to give careful consideration to its message:

SAFE AND SANE POWER SOURCES

People who want to see the nation meet its power needs—but not at the cost of more environmental pollution—are not getting enough help in Washington and Albany.

The White House wants Congress to give the Atomic Energy Commission authority to issue operating licenses to nuclear power plants, even without a detailed environmental impact statement, as required by law.

Congress should refuse to subvert the clear language of the National Environmental Policy Act of 1969. This was not a frivolous act drawn up by overzealous conservationists. It was watershed legislation designed to equate industrial progress with environmental sanity.

Instead of tinkering with a good law, the federal government should launch a crash research program into fusion and other potentially safe and sound energy sources. Surely, government and industry have the resources and knowledge to find safe alternatives for power systems that are environmentally dangerous.

More progress is being made in Albany than in Washington, but not enough.

Last year, Gov. Rockefeller wanted the Legislature to give the Public Service Commission exclusive authority to determine sites for new power plants. The lawmakers put that idea in the doghouse for a good reason: the PSC, as a watchdog for the public, has never had any bite and very little bark. As we said at the time, power policy is too broad a question to be left to the utilities and a friendly PSC.

Now the governor has a new plan. He would create a new five-member board headed by the PSC chairman, and including the commissioners of environmental conservation, commerce and health, plus a fifth member to be named by him.

This is more like it. Perhaps the panel should be enlarged, as suggested by Sen. Bernard C. Smith of Northport, chairman of the Senate Conservation Committee. He wants to include a consumer representative and a community planner so the board will represent a broad cross-section of the community, without official ties to Albany.

The goal in Washington and in state capitals must be the same: to attain a responsible power policy and implement it fairly. There is no question about the need to develop new power sources. There is also no

question about the need to protect an already seriously polluted environment. With responsible leadership, we can find a mutually acceptable way out of the current dilemma.

SEVENTY-TWO DAYS AND STILL NO WORD

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. KOCH. Mr. Speaker, I would like to call attention to the Nixon administration's blatant disregard of the desire of Congress and of the American people for reform of our inequitable tax system. Last September—7 months ago—the President promised Congress that he would submit a tax reform program in time for this Congress to act on it. In February, House Ways and Means Committee Chairman WILBUR MILLS wrote to President Nixon requesting such a tax reform program and indicating that it should be submitted by March 15 in order for Congress to take action this session. It has now been 72 days since this request has gone unanswered, and presumably ignored.

My constituents are writing to me daily, expressing their resentment over the inequities in the present tax system, which place the burden of raising tax revenues on the middle- and low-income taxpayer while allowing the wealthy to pay only minimal taxes. There are several excellent tax reform bills now pending before congressional committees, one of which (H.R. 13877) I have cosponsored. But legislative history has demonstrated that no real tax reform program will ever move successfully through Congress without Presidential leadership. The American people are becoming vocal in their outrage at the present tax system; the more they learn about tax loopholes for the rich, the more resentful they become. But the President is lying low, ignoring Congress' pleas for action, waiting for Congress and the American people to forget his September promise for action on this most important issue.

Not only would a real tax reform bill eliminate the loopholes and inequities which make the present system the vehicle of special privilege for the few, but it would also provide the revenues to meet the urgent priorities of housing, health, education, crime prevention, drug control, transportation, and pollution control as well as to close the budget deficit, reduce the property tax, and relieve the tax burden on State and local governments. Of all the matters pending before Congress, tax reform is certainly one of those with the greatest potential impact. It is up to the President, in conjunction with Congress, to initiate action on tax reform proposals, and I await his response, however belated, to Mr. MILLS' request, sent 72 days ago.

I recommend the following article to my colleagues and constituents:

THE INCOME TAX: HOW PROGRESSIVE?

(By Ralph Nader)

The time has come to expose the Great Myth of Progressive Taxation. Our federal income tax is supposed to tax each person according to his ability to pay—the more wealthy not only pay more taxes, they pay at a higher rate. And corporations are supposed to pay their fair share, too.

At least that's what we've been told.

But, in fact, things have changed greatly in the past ten years—and almost no one has noticed. Since 1960 corporate tax revenues have dropped from 35 percent of total federal revenues to less than 27 percent—a virtual "withering away" of the corporate tax burden.

Corporate tax revenues have slipped to third place as a moneymaker for the Treasury, behind both personal income taxes and payroll taxes. The recent increases in payroll taxes have combined to make our entire tax system fall heaviest on the lower-income citizens.

Obviously, something has gone wrong with the theory of taxing each citizen according to his ability to pay.

In fact, in 1970 there were 112 persons who made $200,000 or more but paid no income taxes at all to the federal government. Instead they took advantage of loopholes unavailable to the ordinary citizen.

In the same year Gulf Oil Co. reported a net income before taxes of $900 million. The corporate tax rate is supposed to be 48 percent but loopholes allow Gulf to pay only 1.2 percent in federal income taxes.

How does this happen? How do wealthy people and powerful corporations avoid their fair share? The answer is that our tax laws are riddled with special clauses benefiting primarily the rich and the powerful.

And each loophole for another taxpayer means either higher taxes for you—or fewer taxes and therefore less government services for your community. Joseph Pechman, a well-known economist from the Brookings Institution, estimates that income tax rates could be reduced by over one-third across the board if all of the loopholes were closed.

But closing loopholes is never as easy for reformers as creating them has been for the high-income few. Special provisions, drawn up by sharp corporate tax lawyers, and adopted by Congress and the Treasury Department, have turned the tax laws into a jungle.

Some of the most intricate sections were tailor-made for individuals who could pay lobbyists to see them through.

Many of these special interest bills originate in the Ways and Means Committee as so-called "members' bills." These are special tax laws often written for favored constituents, which the committee members approve in secret sessions.

Thus, a person or corporation seeking favorable tax treatment can often get his way just by reaching a single member of that powerful committee.

The complexity of the tax code does more than enable congressmen to slip in special gifts for their favorite constituents. It makes most taxpayers unable to figure out their own taxes. Tax attorneys and "tax preparation" companies in turn exploit befuddled taxpayers for hundreds of millions of dollars each year.

Despite their high profits, these tax preparers seem quite befuddled themselves. Last April, Wall Street Journal reporter Tom Herman went to five different tax counseling services with a friend who needed tax advice. Each of the companies came to a different conclusion—one assured him that he was due a $652 refund; another told him he owed the IRS $141.

Herman then went to the IRS to get its opinion on how much tax his friend owed. The IRS first told him that his friend would get a refund of $466. On more careful examination, however, the IRS agents admitted an error and said that IRS owed the taxpayer only $401—the seventh completely different estimate!

The evils of complex tax laws do not stop there, of course. Government officials and spokesmen for special interests use this complexity to mislead the public about the meaning of new tax laws and proposed changes.

For instance, the Revenue Act of 1971 raised the personal exemption to $750. Treasury Department general counsel Samuel Pierce publicly praised this action as being "of far greater benefit to the low or middle income person than it is to the rich individual." In fact, however, the opposite is true.

An increase or decrease in the personal exemption affects each taxpayer in proportion to his tax rate. Thus, an increase of $50 in the personal exemption will return only $7 to a taxpayer paying at a 14 percent rate. But it would bestow a $35 benefit on a high-income individual paying at a 70 percent rate.

The Nixon Administration apparently feels that the Revenue Act of 1971 did not shift enough of the tax burden to the small taxpayer. Treasury officials are now conceiving a way to soak him further—the so-called Value-Added Tax on consumers—in effect, a national sales tax.

The administration claims that this new tax will reduce property taxes. But the federal government would already have much of the money needed to achieve that end if it had not cut business taxes by $7.5 billion in last year's corporate Treasury raid.

Even without the value-added tax, our tax laws are so complicated that one corporate tax attorney described them as a "conspiracy in restraint of understanding." Sen. Russell Long of Louisiana, chairman of the Senate Finance Committee, wrote in April 1969: "It just makes no sense whatsoever to require ordinary taxpayers who must use the bulk of their income for living expenses—and thus cannot take advantage of the many tax preferences which are regularly exploited by their wealthier neighbor—to submit to the annual agony of computing their tax under a law complicated almost beyond belief by those very preferences."

What can you and other concerned citizens do about these problems?

(1) *Become informed on the general issues of tax policy.* For too many years the "experts" have presided over our tax laws. As a result, those wealthy enough to hire "experts" have controlled our tax system.

Several clearly-written books can help you understand how this happened. A few are: Philip M. Stern's "The Great Treasury Raid;" "Halfway to Tax Reform" by J. A. Ruskay and R. A. Osserman; and John F. Manley's "Politics of Finance."

(2) *Keep informed of current tax issues before Congress.* Newspapers and news magazines will often alert you to tax proposals under consideration—and to loopholes which are brewing. Also scan business and financial journals—such as the Wall Street Journal, Business Week, Forbes, or Fortune—at your public library.

In addition, the Tax Reform Research Group, a new group funded by Public Citizen, is preparing a monthly newsletter called "People and Taxes" which will soon be available for a $4 yearly subscription.

(3) *Form a local Tax Reform League.* Realizing that other people are taking advantage of the tax laws and that you and your friends are paying for it is only the first step. Concerned citizens must employ "People Power" to offset the campaign contributions and other techniques of the special interest lobbies.

4) *Write your congressman and Senators, and other officials, to tell them what you think about pending tax measures.* Letters have an impact even on politicians who are not sympathetic to tax reform.

(5) *Urge your congressman to be more informed and active on tax matters.* At present,

congressmen have tossed away their power on these matters through a procedure called the "closed rule" which prevents any amendments to tax bills brought to the floor of the House.

In effect, there are only 25 congressmen who are exercising any decision-making power with respect to tax laws—the 25 members of the Ways and Means Committee. The other 410 members of the House don't even have to vote. And on last year's tax bill only about 30 did!

(6) *Ask your congressman for his position on specific tax reform issues,* such as the percentage depletion allowance—a major oil and mining industry loophole—and an *effective* 10 percent minimum tax—which would ensure that wealthy taxpayers at least pay something in spite of the loopholes available to them.

Also, ask your congressman for his view of tax reform measures as they arise.

If you send a copy of his response to the Tax Reform Research Group—Suite 426, 733 15th Street N.W., Washington, D.C. 20005—attorneys there will be able to communicate this information to a broader audience.

(7) *Write to the chairmen of the two congressional tax committees*—Rep. Wilbur Mills, D.-Ark., of the House Ways and Means Committee and Sen. Russell Long, D.-La., of the Senate Finance Committee—and also to Treasury Secretary John B. Conally—on whether the tax laws should be simpler and fairer.

NAACP OFFICIAL TO RUN PENTAGON TASK FORCE ON DISCRIMINATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, on April 10, 1972, I reported to our colleagues the practice of deliberate discrimination among American troops in Europe. Citing reports from the Stars and Stripes, publication for the U.S. Armed Forces in Europe, I pointed out that the program designed to discriminate in favor of blacks as instituted by commander in chief Gen. Michael Davison was indeed resulting in "proper racial proportions" of blacks in key positions.

Tonight's evening paper carries a story that seems to indicate that this policy of reverse discrimination in favor of the blacks is becoming standard policy for all U.S. military personnel. Headlined "Pentagon Names Task Force on Discrimination," the article names as co-chairmen, Lt. Gen. Claire E. Hutchin, Jr., commander of the 1st Army, and Nathaniel R. Jones, general counsel of the National Association for the Advancement of Colored People. The news-story goes on to point out that the purpose of this task force is "to find ways to eliminate racial discrimination in the military judicial systems."

I insert the related news articles in the RECORD at this point:

[From the Evening Star, Apr. 19, 1972]

PENTAGON NAMES TASK FORCE ON DISCRIMINATION

The Pentagon has announced creation of a task force to find ways to eliminate racial discrimination in the military judicial system.

Secretary of Defense Melvin R. Laird signed a charter establishing the 13-member task force, which will visit military and naval installations in this country and abroad.

Named co-chairmen were Lt. Gen. Claire E. Hutchin Jr., commander of the 1st Army, and Nathaniel R. Jones, general counsel of the National Association for the Advancement of Colored People.

[From the Evening Star, Apr. 12, 1972]

THIS IS THE ARMY, MR. SOUL BROTHER

(By Glenn Dixon)

With about 150 hungry people still waiting in line, Ft. Belvoir's Consolidated Mess Hall No. 1 ran out of—believe it or not—"chittlins."

But that isn't quite as bad as it may sound.

There were still plenty of Bar-B-Q spare ribs, pigs feet, ham hocks and collard greens. There also was no shortage of southern fried chicken, potato salad, steamed rice, bean soup, black eye peas, steamed cabbage or corn-bread.

And there was plenty of free beer on tap.

"This," said one enlisted man as he carried a plate—piled high with food—to his seat, "is a soul food feast." And indeed it was, at 50 cents a head for military men and 60 cents a head for civilians.

A soul food banquet? Sure, but in the Army?

The strange departure from the typical Army bill of fare is part of the base's racial harmony program, explained former Capt. Kenneth F. Williams, 26, Fort Belvoir's civilian race relations officer.

Under the program, Williams said his office investigates complaints of discrimination made by enlisted men, holds rap sessions between whites and blacks to reduce racial tensions and helps plan and sponsor culture-based events like soul food night.

Once a month, Williams said, one of the base's two main mess halls is converted into a kind of family cafeteria with a special menu and theme. It is the only time during the month enlisted men can bring their families or girl friends and "take them out to dinner," Williams said.

Capt. Ronald E. Lofton, 26, chief mess officer for Consolidated Mess No. 1, said, "We've been having these special meals once a month for about six months now and everybody seems to like them.

"We've had Oriental night, Latin night, Sadie Hawkins night—which is really country and western—and tonight is our second soul night. If we include everybody, that way we can please everybody," Lofton said, moving in time to an Army band's rendition of "Shaft," the Academy Ward winning song by Isaac Hayes.

Around the large, low-ceilinged room, others were moving too. Although 60 percent of the approximately 900 people who filed into the Mess Hall were black; whites, chicanos and some orientals appeared to be enjoying the meal as much if not more.

The walls of the room were covered with posters calling for "Power to the People, Peace and Black Power" in strong reds, greens and yellows. Other posters of well-muscled black men and svelte black women, also hanging on the walls, were softly illuminated by the eerie dark light of ultra-violet lamps.

Each table was covered with a clean red tablecloth and illuminated by a small candle-lantern. Everybody seemed to enjoy the change of pace.

The only problem was the shortage of "chittlins," one of the most important soul food delicacies.

Joy Smith, a 19-year-old WAC (Women's Army Corps member) from Texas, said in a slight Southern accent as she reached for a forkful of potato salad, "It's good. It's really good but they just didn't keep enough soul-soul food for the soul-soul people.

"But," she said, "this is still the best meal I've had since I've been on the base."

At another table, four young soldiers talked, one smoking an after-dinner cigarette. Their plates, piled with rib and chicken bones, indicated the damage that had been done.

"The chittlins were fantastic," said Napolean Henderson, 20, from Birmingham. "Fantastic," he said shaking his head in agreement with himself, "just like back home."

Leroy Joe, 23, from New York and George Daniels, 20, also from Birmingham said, without question, that they agreed.

Albert Harris, 20, also from Birmingham, took off his glasses, wiped his face with a napkin and took a long drag off of his cigarette.

"It was really soul food," he said almost amazed. "And it was good."

"So good," he said with a contented sigh, "that I've been sitting here for the past 20 minutes trying to figure out how I'm going to get up."

[From the Stars and Stripes, Mar. 31, 1972]

DISCRIMINATION WORKS—TO LET MORE BLACKS IN KEY STAFF AND COMMAND JOBS, THE SYSTEM OBVIOUSLY HAD TO BE TAMPERED WITH

(By Ed Reavis)

HEIDELBERG, GERMANY. — Discrimination works.

The stated policy of USAREUR Commander-in-Chief Gen. Michael S. Davison—discriminating in favor of blacks—is paying off, according to the man Davidson put in charge of the program, Maj. Gen. Frederic E. Davison.

"We don't like the idea of setting goals or quotas," said Maj. Gen. Davison, "but we don't have the time or luxury to let this occur in an evolutionary manner."

The goal, says Davison, is to put minority members, blacks specifically, in key positions in proportion to their content in USAREUR.

"The decision was made here," Davison said, "to get more blacks in key staff and command positions. The question was how to get people out of a machine that is impartial."

Davison explained that since the Army's machine or machine-assisted system of making assignments is blind, USAREUR could expect no more than its normal share of the Army's black officers, despite the fact that USAREUR had been given priority by the Department of the Army.

Since only slightly over 3 per cent of the Army's officer corps is black and USAREUR was shooting for something like 10 per cent black officer strength in Europe, obviously the system had to be tampered with.

Seeking out black officers and getting them assigned to Europe is still in process, Davison said, because of the necessity for them to complete schooling and other overseas tours.

"We really won't see the impact of our efforts on blacks until these commanders are on the ground," Davison said.

Not only does USAREUR expect to increase its percentage of black officers, Davison said, "but we have tried to draw an assignment blueprint of Europe that would give optimal distribution to these positions. In Europe we would attempt to have in every battalion or equivalent-type unit at least one black battalion commander, executive officer or company commander. We also want black NCOs in some key spots in the battalion such as sergeant major or first sergeant."

Davison cited some figures to show the increase of black content: "As of July 1, 1971, we had the following statistics on officers: six colonels, 23 lieutenant colonels, no figure on majors and 103 captains. But more critical there were only three colonels in command positions, five lieutenant colonels in command of battalions or battalion equivalents and 39 captains in command of companies."

"Today we have," Davison continued, "two general officers in the command—and it's a sad thing to say that is 50 per cent of the Army's inventory of active-duty general officers—eight colonels, 66 lieutenant colonels, 107 majors, 141 captains and 102 lieutenants. In command slots we've got one general officer (an assistant division commander), four colonels, 18 lieutenant colonels (one is in an executive officer's slot), 16 majors—14 in executive officers' slots—and 41 captains commanding companies."

Davison then added that there were two colonels arriving in late July, one of whom is slated to command the Berlin brigade.

Davison went on to explain: "Right now we're running about 13 per cent plus in black enlisted men with a high concentration in the lower ranks; only about 4 per cent in the top grades of E9. That would be 23 black command sergeants-major and 127 E8s in first sergeants' slots."

Touching on the area of civilian employ, Davison said as of November 1971, there were 4,200 GC-appropriated fund employees of whom 200 were blacks. One month later that number jumped to 260.

In the nonappropriated fund area, 420 or 13 per cent of the employes were minority members. In December 1971 it rose to 16.2 per cent, Davison said.

"One point to be noted here is where we only had 19 people in the GS7 to GS11 category in November 1970, we had 30 in December 1971," Davison added.

"Our goal here is the same as with the officers and we are determined that we will meet our target but we will not do so at the cost of quality," Davison said.

In education, Davison said, there is now a drive under way to find more minority educators. And he predicted that next fall would see the number of black school principals boosted from two to five or six.

Five percent of the teachers in USARUER are minority members, Davison pointed out. "We want to reach 10 per cent by next fall," he said, "assuming that we can get the quality replacements."

Davison stressed that the examination for teaching positions will be centralized in USAREUR because of some charges of inequity under the old decentralized system.

"Last year in the States there was a split in responsibility between the Department of Defense and the Department of Army. We think that much of the effort fell between the cracks because of this split. This is now clearly a Department of Army effort," Davison said.

As far as administrators are concerned, Davison said that the goal is again to equate the 10 to 15 per cent minority content of the command.

Davison also said that progress in minority participation in civilian employment will be slower in coming due to the slower turnover.

The first effort of the Department of the Army in giving a fair chance to minority soldiers to get into the entire spectrum of higher skills was made in the military police field, Davison said.

"This resulted from the riots or disturbances at Camp Lejeune, Ft. Bragg and various other places. Investigators from the Pentagon found that almost without exception the real problem was that there was not sufficient black content among the MPs," Davison said.

"The point in getting more black content in the MPs," Davison continued, "is that it not only gives the black or minority soldier a chance to function in MP skill but to prevent the black soldier from getting the idea of a white police state."

At present, one of every six or 15 per cent of the MPs in USAREUR are black, Davison said. Eighteen per cent of the confinement specialists working on the stockades are black, relating to the higher rate of black content in the stockade.

Speaking on crime Davison said, "We know that our crime rate and the number of racial confrontations is down. We peaked in July."

On the subject of pretrial confinement—a particularly sore point with blacks who maintain they are confined unnecessarily—Davison said the figures for blacks declined from 140 (52 per cent of the total) in September to 109 (42 per cent) for February of this year.

Davison then addressed the matter of courtesy: "One of the allegations that has frequently been made and all too often substantiated is the matter of discourtesy of the support people, people in the exchange and finance offices, some civilians, some military. We have initiated a courtesy campaign to combat this.

On the matter of adult education Davison said, "We calculate an excess of 40,000 military men do not have a high school education. Our goal here is to get 25 per cent of those men, white and black, into one of our adult-training programs."

"We believe if a man is given a chance for upward mobility not only do we have a better soldier, but we are turning back to the community a better citizen, a man who will help strengthen the nation. Further, we are turning back to the country a man who doesn't feel that his tour of service was wasted," Davison said.

Speaking on long term plans, Davison said that plans are being initiated with the EES to establish training positions in the managerial area. At the moment there is only one black manager of an exchange and it's not a major store.

"We are also pushing for more supervisors and club-manager jobs," Davison said.

On the USAREUR equal opportunity program Davison spoke of the several sensitivity shows and workshops that are being performed in the command.

He also spoke of the difficulty of the equal opportunity officer's job: "One of the problems the equal opportunity officer is going to face is going in to his commanding officer and telling him that he (the officer) is way off base."

"Now, it takes a big man to accept that," Davison continued. "We have some commanding officers who are dedicated to doing what is right but are so convinced that their way is right that they are not always willing to listen. But they are becoming fewer."

"But, it's a two way street, Davison said. "We cannot fall into the trap of allowing two standards of conduct to exist under the guise of equal opportunity. This is one United States Army, Europe, and there has to be one set of standards and everybody has got to hack it under those standards."

USAREUR LEADER OPENS DRIVE TO EXTERMINATE OFF-POST BIAS

HEIDELBERG.—Gen. Michael S. Davison, USAREUR commander-in-chief, has opened a new drive to wipe out off-post discrimination in Army military communities.

In the latest Davison move, he has called on his commanders and community leaders to meet with the owners of German entertainment and business establishments permitting racial discrimination in a further effort to "lift any remaining bans on U.S. soldiers of minority races," a Heidelberg announcement said.

"The objective of this program is to insure that no member of this commmand is denied opportunities because of race or color," the commander-in-chief said. Preventive rather than correction actions are desired."

"It is my policy that racial discrimination under any guise will not be condoned," he said. "The use of 'members only' and other self-imposed devices by business owners to exclude directly or indirectly members of minority races are examples of discriminatory practices."

"These practices," Davison declared, "run counter to good morale and discipline and are totally inconsistent with USAREUR efforts to improve race relations."

Davison directed his commanders and community leaders to work closely with local German officials and business organizations.

The four-star commander pointed out that he has discussed this problem with German Defense Minister Helmut Schmidt and other officials of the Bonn government and also with a number of state minister-presidents. "They have assured me they stand ready to assist," he said.

Schmidt, in a letter to Davison earlier in March, asked Davison to inform him of cases where he had concrete evidence of discrimination.

Any cases documented will be presented during the next meeting of this U.S.-German joint working group on equal opportunity and human relations to be held later in the spring.

Davison told commanders that in places where discrimination is found they should seek an early meeting with the establishment's owner in coordination with city officials.

"The individual soldier must understand that in the past some gasthaus owners have suffered financial loss through repeated misconduct by soldiers," he said.

In this respect, he added, the rate of criminal misconduct has decreased significantly in the past seven months. "On our part, we must assure that this downward trend continues."

"The commander must also give assurance of his full support and assistance in return for the owner's cooperation," Davison said. At the same time he must stress the importance of proper conduct, German social customs, appearance and demeanor, and mutual cooperation to their soldiers, he added.

"Success depends on the full support by all members of this command," he concluded. "I desire that no stone be left unturned."

ENERGY, THE ENVIRONMENT, AND SOCIETY

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HANSEN of Idaho. Mr. Speaker, in a recent address, Dr. James R. Schlesinger, the distinguished Chairman of the Atomic Energy Commission, has a forthright and perceptive analysis of the public policy issues and alternatives that we face in planning for the Nation's future energy needs. In dealing with what he appropriately terms the "energy dilemma," Dr. Schlesinger reminds us that "the public has a right to choose" among the alternatives but the "haphazard choice, based on immediate emotion, is potentially crippling." Dr. Schlesinger has rendered a great service by placing these choices and their implications in perspective.

Mr. Speaker, in order to share this timely and thoughtful analysis of the "energy dilemma" with my colleagues in the House of Representatives, I include as a part of my remarks the text of Dr. Schlesinger's address to a meeting of the

conference board in New York City on Wednesday of this week:

ENERGY, THE ENVIRONMENT, AND SOCIETY

(By Dr. James R. Schlesinger)

I am delighted to be here with you today, as you deliberate on the broad issues of energy and public policy—and I very much appreciate the invitation by the Conference Board to join with you in these deliberations. I believe I would normally be expected to offer some inspirational remarks on "You and the Atom" or the prospective glories of nuclear power. I trust that you will bear with me, however, if I spread my net far more broadly—and touch on the underlying issues of public policy and on the ability of our society to deal coherently with these issues in light of present discontents.

Later, I shall make a few remarks about nuclear power, but it must be remembered that nuclear generating facilities provide only one of several alternative instrumentalities for the production of electric power and that electric production intimately and subtly intersects with the broader issue of energy usage. Moreover, energy not only represents increasingly our basic economic resource, energy usage represens a principal issue with respect to the protection or degradation of the environment. Finally, because of this dualism, our society has shown increasing signs of ambivalence—some might say, schizophrenia—regarding energy usage. As a consequence, society has encountered difficulties in developing the shared values and the discipline to provide coherent policies on this subject. For this reason I should like to approach this subject indirectly by addressing some of the difficulties of the society in achieving orderly and intelligible discussion of these fundamental problems.

The American public has the privilege of determining goals and of selecting a mix of measures to achieve those goals. It can proscribe or constrain various means—if it appreciates that there must be a high measure of consistency between means and ends. In the energy area, a variety of proposals have recently been elaborated: among them—no strip mining, a moratorium on nuclear plants, limit offshore drilling, no port facilities for imported LNG, no Alaska pipeline. The rationale for each one is perhaps understandable. The total set would be, to say the least, difficult to achieve. Obviously this is the case, if one presupposes a continued flow of energy to supply industry and commerce, to say nothing of the array of domestic services that delight the American consumer. It becomes even more visionary, if one adds additional objectives such as limited dependence on foreign sources of energy supply, limited utilization of foreign exchange within the balance of payments constraint, and low-cost energy.

The point is simple: the public has a right to choose, but one may hope that choice would be explicit—after weighing the full consequences of particular decisions. Piecemeal policies inevitably result in the inadvertent shortchanging of higher policy objectives. Haphazard choice, based on immediate emotion, is potentially crippling; it is tolerable only if not carried too far.

While these points should be obvious, I mention them only because they do not seem to be obvious in today's climate. Much public discussion seems to reflect the premise that benefits are available without costs or risks. In energy matters, there seems to be an assumption that the interdiction of various energy sources can be abstracted from the continued flow of power to homes and to industry. These are false premises. Unlike manna from the heavens, public benefits do not descend on us adventitously or miraculously. There has to be better understanding of process—of the relationship between cause and effect. The clear implication is that the utilization of energy must be attacked in its entirety and in light of the true alternatives, not in terms of particular elements or sources.

I dwell on these matters, not because they require particular insight; but because they are true. I fear that much of our present difficulty reflects the failure to appreciate these home truths. There is question today whether our society possesses the internal discipline, consciously and calmly, to choose a coherent set of policies. A society like our own can function effectively over the long run only if there are shared values—and "consensus" today is a much derided term. There is a widespread and exaggerated skepticism, even hostility, directed toward those in authority, both public and private. There seems to be no dearth of volunteers who wish to "second them a message." Unless we are able to restore a degree of civility, forebearance, and responsibility in our public discourses and a search for common values, there will be either a breakdown in the implementation of policy or policies instituted by *force majeure* over a fragmented and disheartened public.

Some of our difficulties, but only some, reflect the transitional problems of absorbing environmentalism into the set of shared public values. By and large, the impact of the evironmental movement on the perception of policy issues by government agencies has been healthy. I feel it to have been particularly fruitful in the case of the Atomic Energy Commission, where the environmental implications are increasingly better balanced in relation to traditional, technical or engineering objectives.

Nonetheless, the movement has been too ready to sacrifice longer run strategic objectives for transitory tactical successes. Any set of militants—not necessarily representative of the entire movement—has been in a position to delay or block individual projects piecemeal. I am persuaded that the high road to environmental improvement does not lie along the route of litigation. The most effective route for environmentalists is to obtain responsiveness on the part of government agencies. Litigation should be a last resort, used only in matters of fundamental importance.

I trust that the environmental movement will not be seduced by the heady atmosphere of recent years. It has achieved some notable objectives, but will it now proceed to consolidate the gains that have been made and become a durable force within our society? I would hope that strategies will be formulated in terms of longer run objectives and systematic treatment of the entirety of a policy issue, rather than the pursuit of immediate tactical objectives in the manner of sea lawyers. All this will be necessary if we are adequately to resolve the difficult problem of reconciling the demand for energy utilization with the goal of protecting the environment—recognizing that energy utilization is a principal source of environmental degradation—and if we are to achieve shared national goals in the quest for coherent policies.

ENERGY UTILIZATION AND SOURCES

Let me turn now to a brief review of the overall energy balace and to the prospective trends regarding energy supply and demand in the years ahead. Americans have grown accustomed over the years to an abundance of energy resources, to the ability freely to select among competing fuels, and to the utilization of energy resources without stint. Now we are confronted by the declining availability of domestically produced fuels of the desired type—with all that that implies regarding dependence on external sources of supply. With the relative reduction of supply we can no longer enjoy the luxury of regarding fuels as competing. Rather we are faced with the necessity of husbanding our BTU's and of treating the available fuels as complementary resources—in developing conscious policies for achieving maximum returns from what is available. Thus we must shape our energy policies under a set of constraints, hitherto unimaginable.

I am sure that the general quantitative picture is familiar to most of you. In 1971 this nation consumed close to 70 quadrillion British thermal units. Included in this total are some 5.5 billion barrels of oil, 511 million tons of coal, and 22 trillion cubic feet of natural gas, supplemented by relatively small quantities of hydropower and uranium.

Looking out to 1980 and beyond there are a number of projections, such as the recent one by the National Petroleum Council (NPC). Such projections are, of course, useful in providing a general measure of the magnitude of the energy problem, but it should be noted that they are not constrained by major measures of conservation.

The NPC study projects the growth of energy consumption in the United States by some 50% to a total in 1980 in excess of 100 quadrillion BTU's. It is estimated that by 1980 nuclear energy will have expanded some forty fold over 1970 and will be approaching supply close to 10% of total energy consumption. Coal consumption will have increased to 800 million tons. Despite the attractiveness of natural gas as a fuel and potential demand on the order of 35 trillion cubic feet, it is estimated that limited availability of natural gas will not permit utilization above the present level. Hydropower will increase only slightly.

The most significant change would be in petroleum consumption, increasing from 14.7 million barrels a day in 1970 to 22.5 million barrels a day in 1980. Since it is anticipated that domestic production will be only on the order of 12 million barrels a day, almost half of our petroleum supply will come from foreign sources. Increasingly the sources of supply would be in the Middle East, where the bulk of reserves are located. On an annual basis U.S. consumption would increase from 5.4 billion barrels in 1970 to 8.3 billion barrels in 1980. The costs in terms of foreign exchange in 1980 would run between 12 and 15 billion dollars a year.

In a recent talk before the American Petroleum Institute Joseph Swidler of the New York State Public Service Commission suggested that the NPC estimates were in a number of respects too "optimistic." Briefly, he suggested that the projections for both coal and nuclear were much too high. He noted the relatively rapid shift from coal to oil by utilities in the eastern section of the country and the relatively slow progress being made in getting nuclear capacity into operation. As a result, the increased burden would presumably fall even more on oil-imported oil. Consequently, he projected oil demand of 28.3 mmbd as opposed to the NPC's 22.5 mmbd. This would imply that something approaching 60% of national oil requirements in 1980 would come from foreign sources and almost 40% of total energy needs. It would also imply imports of 6 billion barrels of oil a year (with a tanker arriving in a U.S. port every hour) and foreign exchange costs approaching $20 billion a year.

Such predictions are illuminating, if not conclusive. They have the usual deficiencies of projections in that they do not reveal sensitivities to possible changes in policy and changes in economic conditions. Nonetheless, they do indicate very roughly the size of the problem that we face.

I do not know how much attention many of you have lavished on our ailing friend, the U.S. balance of payments. I think it proper to suggest that the BOP is not in sufficiently robust condition, now or prospectively, to bear an additional $15 billion or so of outpayments for oil imports. In raw financial

terms this nation can probably not afford so great a degree of dependence on imported energy resources.

If the raw financial considerations are not sufficiently persuasive, there are other disquieting questions. The national security implications of dependence of the American economy on resources subject to interdiction have been widely discussed over many years. Those considerations become increasingly pertinent in the years ahead. The closely allied international political implications of high dependence upon sources of supply, geographically restricted and politically volatile, is a matter on which you may care to reflect. Moreover, the environmental impact of this particular pattern of meeting energy demand has a number of highly unattractive features.

SOME DIRECTIONS FOR POLICY

The general pattern for meeting the nation's fuel needs that I have outlined is one toward which we could readily drift. This alternative strikes me as neither financially feasible nor substantively attractive. We would do well therefore to take major policy steps to avoid the dependence, penalties, and risks implicit in this pattern of energy usage.

I take it for granted that the American public will demand increasing numbers of BTU's. It also seems apparent that the altered availabilities of the several categories of fuels constrain our national choice and preclude that free selection among fuels we have known in the past. In particular, given the distribution of the world's petroleum reserves, 6% of the world's population cannot indefinitely consume 35% of the world's energy output including this resource category without becoming highly dependent on overseas sources of supply. That is not a matter of judgment; it is a matter of arithmetic.

Nuclear and coal are the energy sources in which our own resources permit for more extended usage in the foreseeable future without undue dependence on overseas supplies. They afford major possibilities for substitution. In its recent National Power Survey, the FPC estimates that by 1990 53% of thermoelectric generating capacity in this country will be nuclear. The AEC's breeder development is intended to increase by a factor of 60 or 70 the exploitation of the energy content in uranium. Assuming breeder technology develops as anticipated, and is exploited, the very tails left over from the AEC's gaseous diffusion operations would be sufficient to fuel reactors for upwards of a century. Whatever concerns have developed in some quarters regarding reactor safety, I think it fair to say that there is widespread agreement regarding the net environmental advantages from properly operated nuclear generating facilities in relation to fossil fuel facilities.

By contrast, in recent years coal has received diminished emphasis due to the environmental problems associated with some of our better located coal fields. Nonetheless, coal represents the predominant domestic source of hydrocarbons. Estimated reserves amount to 84 quintillion BTU's, of which approximately half is considered reasonable—a source that could last for a century or more. I believe it obvious therefore that we should devote the effort to develop coal gasification and other technologies, which would allow us better to exploit these resources without increasing the untoward environmental effects.

These fuels are best utilized at present in generating electricity. Broadly speaking, electricity is a superior energy form, which can be readily and flexibly employed. The exception at present is in mobile energy burners, and the AEC's efforts in battery development could bring a change in that respect within a decade. Over the years, electricity has increasingly been substituted for other types of energy usage and we should take care that debates over power plant siting do not forestall what is basically a desirable development.

I have spent little time on the current difficulties in putting electrical generating capacity on the line. Just as we need improved structures at the Federal level to grapple with our energy problems, so we need improved structures at the regional and state levels to provide advance planning and acceptable recommendations with respect to such issues as power plant siting. As you know, it takes 6–8 years from inception to operation for a modern power plant—a cycle far longer than the comparable swings in public opinion. The inability to get large plants licensed and operating has contributed to some of the anomalies we observe. For example, 20% of our natural gas is being used to generate electric power, when its highest use in all probability is in the home.

I do not know whether the problems I have discussed warrant in your judgment the term "energy crisis." To some observers the phrase is too melodramatic. A crisis, after all, comes only if it is unanticipated, and if appropriate policy adjustments are not made.

I think the phrase "energy dilemma" may be more descriptive. More precisely, there are a number of energy dilemmas. We face a congeries of problems far transcending the dramatic issue of fuel supply. There is, of course, the matter of power plant siting. Everyone wants the power; nobody wants the plants, and even less is there a desire for transmission lines. There is the matter of the efficiency of energy production and utilization, particularly as it impacts upon environmental quality. There is the matter of the appropriate combination of technologies to obtain higher efficiencies, and of government structures which will better contribute toward those ends. Each of these areas poses its own dilemmas. And in each of these areas the American society stands some risk of being impaled on the horns of those dilemmas.

In addition, I am inhibited in referring to an energy "crisis," because our national behavior clearly does not conform to such professions. On the one hand, some number of environmentalists seem to feel that the problem of demand expansion in relation to supply will yield to a combination of good will, absention from the use of electric toothbrushes, sumptuary laws, and continuous litigation leading to load shedding. These views do not seem to me to correspond closely to the inherent difficulties of the situation. Nonetheless, an essential element in the envisaged energy crisis is the presupposition that irrespective of policy objectives and constraints demand for energy grows more or less automatically. Challenging that presupposition is—or should be—the heart of the environmentalists' case—and in that respect they are right.

On the other hand, those who perceive a crisis or the possibility of a crisis are obligated to do more than to accept the growth of demand in the traditional manner. If we describe the increasing dependence on foreign fuels as a threat to the national security, to the balance of payments, or the steadfastness of our foreign policy, then we would seem obliged to consider measures more drastic for conserving on energy use. After all, if these are matters of fundamental importance to the national security, to international politics, and to foreign economic policy, then we can do somewhat better than automobiles that move at 10 miles to the gallon and badly insulated buildings that are simultaneously heated and cooled. We need to do better not only for these reasons, but for the time-honored motives of conservation in the Roosevelt-Pinchot tradition—as well as for the more recent concern regarding environmental protection.

STRATEGIC PETROLEUM RESERVE ALTERNATIVES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HOSMER. Mr. Speaker, in early February the Chief of Naval Operations, Adm. Elmo R. Zumwalt, told congressional committees that he foresaw an increasing economic vulnerability to the United States from our increasing dependence on petroleum imports. He cited official estimates that our oil and gas imports could increase to around 50 percent of our total needs by 1985 and reach a staggering $34 billion in dollar outflow annually.

The admiral reasoned that another power, possessing naval forces and other means to interrupt the flow of such a magnitude of energy supplies, would also possess a great potential for coercion of the United States. With considerable logic Zumwalt pointed out that an ability to protect the movement of petroleum through the sealanes would greatly reduce such a threat to U.S. vital interests. He spoke in terms of some 50 patrol frigates of a new class, designed to be cheaper and simpler, but yet more effective, than their destroyer escort predecessors.

However, in a speech in this Chamber on February 24 the gentleman from Wisconsin (Mr. ASPIN) disputed the military judgment of the Chief of Naval Operations and declared that protecting tankers bringing petroleum to the United States would be "an incredibly stupid waste of money." The gentleman's suggested alternative for coping with the threat is to "import as much oil as we could possibly use in a national emergency and store it underground in completely secure storage areas." He added that this could be facilitated by abolishing the oil import quota system and that "it would cost far less than the $7 million the import quota system costs every year."

Mr. Speaker, I believe that honest dissent is something that should be encouraged if we are aware of all the facts when we make the important judgments that are the daily tasks of this body. For that reason I believe that not only should the gentleman be heard, but that also the Navy probably should be heard in reply if it elects to do so at some appropriate time during its testimony to the committees of the Congress.

Meanwhile, however, for my own evaluation of the strategic threat and the optimum hardware and strategies needed to counter it, I am inclined to accept the views of the Chief of Naval Operations. This is because I am not persuaded by the gentleman from Wisconsin's speech that his suggestion is based on research in depth of various alternative answers to the petroleum supply question.

For example, the $7 billion "savings" he mentions is the aggregate of what some people think domestic petroleum prices would be reduced by if quotas

were abolished and imports freely permitted. Not only is that a highly "iffy" estimate, but it is not a sum of money that could ever be identified and rerouted to help pay for storage facilities. In any event, the petroleum-producing countries are continually boosting the price of their product.

Moreover, the $7 billion amounts to a drop in the bucket in relation to what the actual costs would run out at for providing secure underground storage areas for huge amounts of petroleum. The gentleman's suggestion obviously was not made in the context of a 30-minute nuclear war and, although he did not specify for how long a national emergency period he would provide storage, a conventional war of attrition must be thought of in terms of years. Three years would be the very least minimum time even a most confirmed optimist could estimate.

Using the 1985 volume of imports, this would mean putting at least three times $34 billion worth of petroleum in secure underground storage, an investment of $102 billion for starters. Then, the cost of storage and handling facilities could run a little less than the $13.5 billion estimated cost of the tanker fleet needed to carry our 1985 active requirements, exclusive of that need to carry more oil for new and additional storage. This sum might come to around $10 billion.

From this more realistic perspective the economics of storing petroleum as an alternative to providing active protection for it while it is moving on the sea lanes starts to suffer. The investment required would be at least $112 billion, which, at an annual carrying charge of only 10 percent, would cost over $11 billion each year. By comparison, if the 50 patrol frigates the admiral spoke of cost as much as $20 million each, the total investment in them would amount to just $1 billion, which is less than 1 percent of the investment involved in the gentleman from Wisconsin's scheme.

Of course, with the horrendous problem we already face because of deficit in our balances of international payments it is a little difficult to contemplate. When we get to importing $34 billion worth of oil and liquid gas in 1985, I frankly do not know where that kind of foreign exchange is coming from. If, in addition to that you remove quotas and allow the other half of our requirements to be imported at a cost of another $34 billion annually and you have managed already to spend an additional $102 billion overseas for the stuff to put in the ground, then I think you have started to live in a dream world.

At least in the Los Angeles Times last Sunday, April 16, there were some real world statistics quoted about energy in general and petroleum in particular and they are the same figures which have been used and quoted by Admiral Zumwalt. The article goes further and describes other parts of the petroleum crisis involving the shortage of receiving and processing facilities. The quantities of oil imports cited are staggering and no suitable alternatives to oil appear to be available now.

In particular I noted that none of the authorities quoted in this article thought well enough of the idea of storage of strategic reserves even to mention it. Indeed, the daily consumption predicted appears to make such a move an impossibility. I quite agree. Even if we were able to transport and process all the oil we need, it appears economically and otherwise impractical in addition to that to provide storage for a vast strategic reserve.

All this brings me to this conclusion that Admiral Zumwalt's observation was, indeed, a valid one. Certainly his statements which I know about have been neither incredible nor stupid. His observations appear to be better grounded in fact than those of the gentleman from Wisconsin, whose conclusion that the Navy needs no escort ship possibly could be expanded to a conclusion that the Nation needs no Navy, either.

I believe this body can confidently join me in according the admiral's thoughts the careful consideration they deserve. The article referred to, written by Thomas O'Toole, a Washington Post staff writer, appears below:

U.S. ENERGY CRISIS: LIGHT DIMS AT END OF THE TUNNEL

(By Thomas O'Toole)

"I think our energy shortage is not only endemic, it's incurable. We're going to have to live with it the rest of our lives."

Endemic and incurable are strong words, but strong as they are they only begin to describe the depth of the energy crisis in the United States.

What do you say about a nation that is sitting on 1,500 years of coal it may never be able to burn? How do you portray a country that must import one third of the oil it consumes every day?

How do you describe a land that has begun rationing natural gas to its people? Whose mightiest rivers have almost run out of dam sites? Whose entire supply of uranium could disappear in the next two decades?

The richest nation in the world has discovered it is energy poor and that this sudden poverty threatens the balance of trade, our attempts to clean up the air and water, and the efforts we've made to hold down the prices of products from gasoline to electricity.

In fact, the energy crisis in America threatens the American way of life, at least that life that means color television, frostless freezers, self-cleaning ovens and electric grills, knives, combs and toothbrushes.

"I think I can see the day when the country might have to ration electricity," said James R. Schlesinger, chairman of the Atomic Energy Commission. "I don't think it will come for several decades and maybe not until the year 2000, but I do think it will come."

The last 40 years have seen the population grow 70 per cent and energy consumption 310 per cent. Demand for energy is such that in the next 10 years the United States will need 50 new sites for oil refineries and 300 for power plants, all of them close enough to the cities to serve them but not so close as to spoil them.

"One day we might find the entire surface of the United States covered with power plants," said Roger C. Carlsmith, associate director of the Oak Ridge National Laboratory's environmental program. "That same day we might find that we have exhausted the nation's fuel supplies."

If fossil fuels are consumed at present rates, Americans will be left only with coal by the year 2,000. It might be hard to believe, but the country has already passed its oil production peak and stands on the brink of reaching its gas production peak.

"It doesn't matter that we may have found 30 billion barrels of oil and more than 20 trillion cubic feet of gas in Alaska," says S. David Freeman, onetime energy adviser to Presidents Johnson and Nixon. "Our rates of consumption are now so large that we can see the bottom of the barrel."

Last year, the United States consumed 5.6 billion barrels of oil and 22.1 trillion cubic feet of natural gas.

The country's 109 million cars used 90 billion gallons of gasoline, its 2,000 jetliners more than one billion gallons of jet fuel and its 3,400 power plants one billion barrels of oil, four billion cubic feet of gas and 300 million tons of coal.

SHORTAGE OF CHEAP FUELS

Americans now use more than six times as much per capita energy as the world average. The entire nation of 200 million people burns more energy than the 500 million of Japan, Great Britain, Germany and the Soviet Union combined.

Consumption of electrical energy has shown by far the greatest growth a direct result of the soaring electrical living standard.

Americans used almost 1.8 trillion kilowatt hours last year, twice what was used in 1961. The Federal Power Commission estimates that by 1980 electrical usage will have doubled again, that the country's electric companies will spend $125 billion on new plants and transmission lines to meet that demand.

By 1980, electric power expansion will cost $23 billion a year and by 1990 it will be up to $37 billion. One study of power usage in the United States concludes that during the 1980s a new one million kilowatt plant must be brought into service every 12 days to satisfy power needs.

The phenomenal growth in electrical consumption points up America's most serious energy problem: the shortage of cheap, clean fuels to make electricity.

Uranium is not yet in short supply, but only because nuclear power is still an infant industry. Coal the United States has in abundance, but not the sulfur-free coal the country's crowded cities will allow to be burned today.

OIL PRODUCTION PEAKED

Ironically, the two most wanted fuels are the scarcest—oil and natural gas. They're wanted because they're relatively (especially gas) clean and cheap; they're scarce because the United States is consuming more than it can produce.

Domestic oil production peaked in November of 1970, is now down almost 8 per cent from its peak to less than 11 million barrels a day. Alaska's North Slope will add two million barrels a day by 1980, but the once-rich fields of Texas and Oklahoma are dwindling so steadily that domestic oil output may never again reach 11 million barrels a day.

Gas production has not yet topped out in the United States, but it might have if last winter had been a cold one. Even so, gas heat was in such demand that distributors were rejecting new applicants and rationing old ones at the same time that gas was flowing from the wells in Louisiana and Texas at the highest rate in history.

"The analogy I like to use is that it's like a big ice cream soda," former White House adviser Dave Freeman said. "We can put a few more straws in the soda and suck it up a little faster, but all that's going to do is make it all gone that much sooner."

The flow of American gas has reached a record 65 billion cubic feet a day, a flow so high that proven U.S. reserves have fallen to their lowest level in 15 years, from a high five years ago of 289 trillion cubic feet to 247 trillion cubic feet at the end of 1971.

There have been charges that the gas industry has allowed reserves to drop to force a price increase, but the evidence is still strong that the nation has begun to run out of natural gas.

"The idea that gas is being sat on somewhere is economically absurd," FPC Commissioner John Carver told a congressional committee last month. "We have a gas shortage."

If oil and gas are so scarce, then how is the United States managing to make ends meet?

The answer is that the United States today is importing record volumes of oil and gas, quantities that promise to grow so great they will have a profound and lasting effect on domestic energy strategy, on the balance of trade and on foreign policy for years to come.

Oil import policy will be the first to undergo changes, unless a domestic miracle happens and somebody makes an overnight find of 100 million barrels of American oil.

The United States now buys 27 per cent of its oil from foreign suppliers, mostly Canada and Venezuela. But Canada and Venezuela face the same prospect of shortage that the United States faces. Less than 10 per cent of America's imported oil comes from the Middle East, partly because the quota system is biased against all foreign oil and partly because it's even more biased against Eastern Hemisphere oil.

But the only region of the world possessing the vast caches of oil the United States so desperately needs is the Middle East, where 80 per cent of the world's recoverable oil is located.

COMING IMPORT FLOOD

"Serious people are seriously concerned about our oil quotas, which have done little more than prop up domestic oil prices," is the way it's put by one leading energy consultant. "We're going to have to change the system."

The United States will import oil and gas worth an estimated $3 billion this year, but that's just a trickle alongside the flood that will pour into the country when (not if) the import quotas are relaxed.

By 1985, economists predict, more than half our oil and almost half our gas will come from imports. This would increase oil and gas imports by more than 10 times, to a staggering total of $34 billion.

Tankers will be hauling more than 12 million barrels of oil and more than five billion cubic feet of liquefied gas into U.S. ports every day, most of it from countries inside the Eastern Hemisphere. By 1985, America's oil and gas supply may well depend on how well we're getting on with countries like Libya, Algeria, Nigeria, Saudi Arabia and the Soviet Union.

Foreign affairs aside, the price that will have to be paid to guarantee delivery and distribution of all this oil and gas truly is boggling.

The National Petroleum Council figures that more than 360 new super-tankers will be needed to shuttle Middle East oil from the Persian Gulf to the United States. The price quoted for a 250,000-ton tanker today is $37 million, which puts a price tag of $13.5 billion on a Middle East fleet.

CANADA, ALASKA PIPELINES

Not a single U.S. port can handle these giant ships, which, when laden with more than two million tons of oil each, draw as much as 80 feet of water. This means the United States must construct three new deep-water terminals, one on each coast at a total cost of $1 billion.

Most of the money the nation must spend to deal with the rising oil tide will go to new refining capacity. The Petroleum Council estimates no fewer than 50 new refineries must be built in the United States in the next 13 years, at a cost of $18 billion.

The costs of handling anticipated natural gas imports will come close to the costs of oil imports.

Pipelines to run Canadian and Alaskan gas into the United States are priced at $4.8 billion, which is on top of $2 billion for pipelines to carry gas to be brought by ship into the United States in liquid form. It will cost the companies venturing into this business $4 billion to liquefy the gas and $1 billion to turn the liquids back into gas.

Tankers to transport the liquefied gas from countries like Nigeria and Algeria will cost $6 billion. Three of those tankers are already at sea, 39 are being built or are on order and the National Petroleum Council has said that 120 liquefied natural gas tankers will be needed by 1985 if the United States is to meet its gas demands.

These expenses approach at a time when drilling for oil and gas is getting more difficult, more expensive and more unrewarding.

ENVIRONMENTAL COSTS

"Dry holes" now cost the U.S. oil industry $900 million a year. Wildcatters are down to 20,000 feet in the ground seeking oil in West Texas. Gas wells 28,000 feet deep were only this year sunk in Texas' Pecos County, while early in March a gas well was sunk 30,000 feet in Oklahoma, making it the deepest well in the world and also one of the most expensive.

"Oil and gas fields don't reproduce," says the Interior Department's M. King Hubbert, one of the world's foremost petroleum geologists. "Every time we drill one, there's one less to go."

A final and inevitable expense is the growing cost of catering to the environment.

Oil and gas companies want to drill offshore, but the dangers of spills have not only limited offshore drilling but in some cases cut it out altogether—as in the Santa Barbara channel.

They want to build deepwater terminals along the East Coast to handle the anticipated armada of supertankers, but states from Maine to Florida are studying legislation to prevent such terminals. Delaware already has passed a bill that prohibits construction of any new oil refineries inside its borders.

"We have a very schizophrenic audience along the East Coast today," according to C. L. Woods, vice-president of Mobil Oil Corp., "because what Delaware is essentially saying to the other 49 states is . . . you guys do it, but keep them away from us."

What does it all mean? Well, one thing it means is that industry will have to spend that much more time, money and effort seeking solutions to these problems. That means that prices for oil and gas and all the products that chemistry squeezes out of oil and gas will be moving upward.

"The Nixon administration has tried extra hard to keep the lid on oil prices, but I'd expect that after the elections in November there will be at least a 50-cent-a-barrel increase in oil," former White House adviser Freeman said. "I'd expect even steeper increases in natural gas and in electrical energy prices."

Domestic oil costs roughly $3.50 a barrel, with foreign oil costing $2 to $2.50 a barrel. Domestic gas is cheap at 20 to 25 cents a thousand cubic feet at the wellhead, while the liquified foreign gas that's starting to come into the United States (Algerian gas has begun to move into Boston harbor) by tanker costs $1.10 a thousand cubic feet.

A 15 per cent increase in the price of oil means at least that much of a boost for gasoline and jet fuel, which together take more than 60 per cent of the oil in every barrel.

How much would this cost the consumer? In gasoline prices alone, no less than $2 billion. Trucking rates would go up. So would bus fares, heating oils and plastic packaging for everything from food to toys. Jet fares? Fuel is a large expense in airline operations, and nobody expects the nation's airlines not to pass on some of a price boost to their passengers. A growing percentage of the oil that comes out of each barrel is what the oil industry calls residual oil, literally the oil that's left over at the bottom of the barrel after gasoline and the lighter heating oils are taken from the top.

Time was when residual oil had little use, but today this leftover oil is used by just about every major electric utility in the populous East. The reason is that it is either lower in sulfur or can be made lower in sulfur than the coal that power companies can no longer burn because of sulfur restrictions around the cities.

ELECTRIC RATES DOUBLE

New York's Consolidated Edison Co. changed over the last of its 120 power boilers two months ago to burn residual oil. Con Ed now buys 140,000 barrels of low sulphur oil every day and expects to buy more than 200,000 barrels a day by 1973.

The New York utility gets it low-sulfur oil either by having Venezuelan oil " desulfurized" for 60 cents to a dollar a barrel or by buying low-sulfur Libyan oil at almost $4 a barrel.

Whichever way Con Ed buys low-sulfur oil it has had to pay almost double what it was paying two years ago and almost three times what it paid for coal when it could burn it.

"The outlook for electricity rates has got to be up because of situations like these," says Freeman. "I think electrical rates will double themselves in the next 10 years."

Natural gas prices are already on the rise, at least partly because gas hasn't been given close attention by the Nixon administration's price controllers.

Wellhead prices are up 30 to 40 percent in some regions, and people in industry and even in the federal government talk openly about doubling and tripling of wellhead prices in the next few years. Even doubling would be a boost of $4.4 billion in revenues for gas producers alone.

OPTIONS A DECADE AGO

"They talk about doubling and tripling the price because they say they want to get consumers to stop using gas, so the country can conserve gas," says FPC Commissioner John Carver, who's leaving the FPC in June. "They don't think about the market chaos that would follow a doubling or a tripling in gas prices."

There are those who say that such chaos could have been avoided, who say that the United States had options ten or even five years ago that might have put off the energy crisis in America.

America's reliance on foreign oil could have been at least delayed if the nation had chosen 10 years ago to explore more aggressively for offshore oil. Or developed the Colorado oil shale fields. Or gone in with Canada on a joint venture to exploit the vast tar sands in the remote regions of Alberta province.

The United States might still be able to extract some of the estimated 500 billion barrels of oil; locked up in these deposits, but while the nation has waited to do so the costs have skyrocketed and conservationists have closed ranks against offshore exploration and extraction of the Colorado shale.

"I'd just as soon leave it alone," says Interior's King Hubbert of the Colorado shale. "If you want to imagine one hell of a mess, imagine mining that shale and discharging the acid wastes into the Colorado River. I guarantee you'd kill the river."

The country's had some of the same opportunities in natural gas, like developing a process to make synthetic gas from naphtha or a method of freeing the 300 trillion cubic feet of gas trapped in solid rock in Wyoming and Colorado.

ABUNDANCE OF COAL

A program to make "syngas" out of naphtha has begun in the United States but it's small and it's based on technology developed in West Germany.

The trouble with the gas stimulation project is that the only way to rock the gas loose is with 200 (and maybe 400) underground nuclear explosions, a solution that's less acceptable to Americans today than it was 20 years ago when Project Plowshare was begun by the Atomic Energy Commission.

Nowhere has the United States been more remiss about exploiting its energy options than in the way it has handled and planned our use of coal.

Coal is our most abundant resource, there being two trillion tons of it in American soil. The energy content of American coal alone is 90 per cent of the energy content of all fossil fuels buried in the North American land mass.

Coal is also the easiest fossil fuel to extract and to use, but despite all its advantages coal is the one energy source in the United States whose use is on the wane.

The main reason is that coal is dirty. Coal burning fouled the air with 60 per cent of the 14 million tons of sulfur dioxide discharged by U.S. smokestacks last year. Its only growth market outside of exports has been the electric power industry, but laws against sulfur discharges now threaten that market.

New York's Con Ed is a typical former user of coal. In 1970, Con Ed burned 2.6 million tons of coal, then in 1971 burned half that. So far this year, Con Ed burned 140,000 tons of coal before shutting down its last coal-fired plant on Staten Island.

"If current trends continue," says Joseph Swidler, chairman of the Public Service Commission of New York State, "then total coal demand will be down to 370 million tons by 1980. That's 60 per cent of present demand."

"Things could come to a slow grinding halt unless we could get uranium overseas," says the Atomic Energy Commission's Robert Nininger. "Mathematically, we could be taken out to about 1982 but everything could stop if none of our alternatives worked."

The AEC's main alternatives are to buy Canadian uranium to flesh out America's own needs and to speed development of the fast breeder power reactor, which breeds more nuclear fuel than it burns.

Beyond that, it has two other alternatives which are nowhere as neat as the first two.

The AEC has decided to withdraw 50,000 of the 70,000 tons of raw uranium now in the national stockpile, enrich it in advance to fissionable uranium and hold it in abeyance for emergency needs.

Its other option involves a move it would never have risked five years ago. It will, if it must, remove about one year's supply of fissile uranium by taking it right out of our stockpiled atomic weapons, then processing it into power-grade uranium.

This might never be done, but if it's necessary to buy time the AEC is willing to do so. That's how far the energy crisis in America has taken us.

Such debacle could have been forestalled by foresight. Processes could have been developed to scrub the sulfur out of coal fumes before they reached the top of the smokestack. Better yet, a method might have been devised to turn coal into gas.

One reason these things weren't done is that the coal industry never pursued these goals. The Interior Department's Bureau of Mines and Office of Coal Research began their pursuit too late.

Both branches of Interior now have sulfur scrubbing and coal gasification programs under way, but it might be 10 years before either one is ready to be commercialized. It might not even be ready then, because Interior's budget for both programs is less than $75 million.

"This isn't enough," said one of Interior's top officials. "It's going to take $1 billion at least just to get coal gasification going in the U.S."

RACE AGAINST TIME

The story of what's happened to coal tells a lot about why there is an energy crisis in America today, but as one last footnote to it all, consider the plight of hydropower and nuclear power.

There are 52.3 million kilowatts of hydroelectric capacity in the United States, which is less than one-third the country's potential. Most of the two-thirds will never be used, largely because of conservationist opposition.

The Colorado River is already closed to future dams by congressional mandate. The one remaining dam site on the Columbia River is blocked by public opposition, as are half a dozen sites on the Snake River and as many again on the Eel River and Mad River in northern California.

Nuclear power is a somewhat different story, but even in its infancy is in a race against time to tap what little uranium the country has to support a viable atomic energy program.

The United States has 50,000 tons of uranium oxide (raw mineral for fissionable uranium) in stockpile, and 275,000 tons of uranium oxide in the ground as proven reserves.

There are only 20 nuclear power plants operating in the United States today. There will be 200 plants in use by 1980 and almost 400 by 1990, which means that uranium requirements for the next eight years will total 200,000 tons and then skyrocket beyond what is in the ground.

IMPROVING ALASKAN HOUSING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

RESOLUTION CONCERNING IMPROVING ALASKAN HOUSING

Whereas housing in the rural areas of Alaska is substandard; and

Whereas Alaska has a unique and severe climate in which to construct housing; and

Whereas the environment differs considerably from that of most of the other forty-nine states; and

Whereas there are many State and Federal agencies involved in the building and expertise on construction in the Arctic environment; and

Whereas this information is not generally known or being used to the best advantage

Therefore be it resolved that the Rural Housing Committee of the Alaska Rural Development Council, requests the University of Alaska to provide through a graduate, or similar type project under the guidance of the Alaska Rural Development Council compilation of a pertinent bibliography of all technical information pertaining to rural housing and that this information be made available to individuals, communities and State and Federal agencies.

SENATOR GEORGE McGOVERN: FARM INCOME AND THE FUTURE OF THE FAMILY FARM

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ABOUREZK. Mr. Speaker, from time to time I have brought to the attention of my colleagues articles by and about a man I greatly admire—Senator GEORGE MCGOVERN. It has been my pleasure to do so, because I feel that he is one of the most exciting and honest men in American politics today. Rarely, however, do I find myself in such complete agreement with him as I do when he discusses farm issues. Senator MCGOVERN has long been recognized as an outstanding scholar and leader on farm matters. It is with exceptional pleasure that I share with you today some of his thoughts on farm income and the preservation of the family farm:

SENATOR GEORGE MCGOVERN: INCOME AND THE FUTURE OF THE FAMILY FARM

In the last analysis, agricultural prosperity will depend on a national administration firmly committed to that goal. The Secretary of Agriculture has the authority to set price supports at 90 per cent of parity. This authority should be used until a program is devised which would insure 100 per cent of parity. It should be noted that Congress can only provide the executive branch the tools with which to provide adequate farm income. Farm programs have by and large not failed because of a lack of these tools, but because administrations for the last 20 years have ignored the need to provide the farmer with a fair reward for his labor and investment.

The present farm law, while admittedly a bad law, contains several options which could and should be used at once to restore farm income to at least a level equal to other segments of our society. Under the terms of existing legislation, the Secretary of Agriculture has wide discretion in setting the price support level for various commodities. However, recent Secretaries of Agriculture—at the direction of their Presidents—have all tended to set these support rates at the minimum level provided by law. And with few exceptions, the prices the farmer receives for these commodities have followed the support level. But it should be emphasized that existing legislation does permit the Secretary to set price support levels for corn and feed grains, wheat and dairy products at 90 per cent of parity. This can and should be done at once. An administration honestly committed to the preservation of the family farm would reject the current philosophy that price supports should be set at what former Secretary Clifford Hardin defined as "disaster" levels.

An administration committed to the well being of the American farmer would put an end to the boom or bust cycles which characterize our agricultural economy. It would recognize the need for farm programs to be attractive not only in election years, but in other years as well.

An administration committed to the well being of agriculture could take other steps to improve farm income in such areas as: import quotas, international commodity agreements, interest rates, proper management of CCC stocks, Food for Peace, interest rates and

adequate funding for REA, FmHA, ACP-REAP, SCS and others.

There is also genuine concern in rural America that large corporations are seeking to replace the family farm as the principle production unit. One large conglomerate, Tenneco, told its stockholders of plans to increase its agricultural operations with the announced intention of achieving vertical integration "from the seedling to the supermarket." Where vertical integration has occurred, as in the broiler industry, once independent family farm producers were placed in economic peonage.

Countless studies have conclusively shown that the efficiency of large corporate farm enterprise is no greater than the typical family farm. The intrusion of corporate agriculture poses a threat to all rural America. It has been determined that the demise of every seven family farms results in the death of one rural business enterprise. A corporate system of agriculture would result in exorbitant administered food prices to consumers.

The corporate invasion of American agriculture can be checked by the elimination of tax loopholes which give corporations and wealthy individuals unfair tax advantages, accompanied by a revision of the anti-trust laws to place specific limits on corporate agricultural involvement.

Currently, non-farmers who invest in agricultural operations may deduct an extremely high amount of their farm losses from their regular income. At the same time, non-farm interests under existing tax laws are permitted to change ordinary income into capital gains by investing in agriculture. In practice, investors write off their farm losses against their regular income while increasing their equity in the agricultural enterprise and later dispose of the investment, paying only a capital gains tax. These provisions are unfair to both farmers and the tax paying public.

Elimination of other loopholes in our federal tax laws would enable the federal government to assume at least a third of the cost of elementary and secondary education. This would reduce reliance on property taxes which are generally unfair but particularly inequitable to agricultural producers since their property taxes have increased 260 per cent in the last 20 years while their real income has been declining.

Other unique problems presented by corporate agriculture could be solved by enactment of the "Family Farm Act of 1972," which has been introduced in both the Senate and the House. This innovative and imaginative legislation has the strong support of the Nation's leading family farm organizations. This legislation would require that any business entity, with assets of more than $3 million or capital investment of $1 million or more in a non-farm business divest itself of any assets in, or controls over, agricultural production within five years. Farmer-owned cooperatives would be excluded.

It is important to note that this legislation applies to corporations that "directly or indirectly engage in farming." This provision would prohibit not only direct ownership by corporations but indirect domination as well. Indirect corporate domination is attained through contracts drawn with producers acting in an individual capacity. The contracting provision is of particular importance since corporations are increasingly using integrated or contractual arrangement to dominate agriculture. Such arrangements are now used for 95 percent of the Nation's broiler production and a disturbingly large portion of other commodities, including 20 per cent of cattle on feed.

NATIONAL LIBRARY WEEK: APRIL 16–22, 1972

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FRASER. Mr. Speaker, National Library Week, April 16–22, is being observed this week in libraries throughout the country, with a variety of activities based on the dual themes: "You've Got a Right To Read" and "Reading Makes the World Go 'Round." As a member of the House Foreign Affairs Committee, I am pleased to learn that many State and local National Library Week programs this year will be based on the fact that 1972 has been designated "International Book Year" by UNESCO. An important goal of the UNESCO year is to achieve greater interest, peace and understanding through books and reading. In this same spirit, President Nixon in his National Library Week message this year likewise urges close cooperation with people of other lands who share our conviction that libraries contribute greatly to a well-informed citizenry and to true and enduring national progress.

In connection with the observance of International Book Year, I insert in the RECORD at this point the "Charter of the Book" which was issued by UNESCO. Article VII of this document states that—

LIBRARIES ARE NATIONAL RESOURCES FOR THE TRANSFER OF INFORMATION AND KNOWLEDGE FOR THE ENJOYMENT OF WISDOM AND BEAUTY

Libraries occupy a central position in the distribution of books. They are often the most effective means of getting printed matter to the reader. As a public service, they promote reading which, in turn, advances individual well-being, life-long education and economic and social progress. Library services should correspond to each nation's potentialities and needs. Not only in cities, but especially in the vast rural areas which frequently lack book supplies, each school and each community should posses at least one library with qualified staff and an adequate book budget. Libraries are also essential for higher education and scholarly requirements. The development of national library networks will enable readers everywhere to have access to book resources.

The text of the Charter of the Book follows:

CHARTER OF THE BOOK

PREAMBLE

Convinced that books remain essential tools for preserving and diffusing the world's storehouse of knowledge;

Believing that the role of books can be reinforced by the adoption of policies designed to encourage the widest possible use of the printed word;

Recalling that the Constitution of the United Nations Educational, Scientific and Cultural Organization calls for the promotion of "the free flow of ideas by word and image" as well as "international co-operation calculated to give the people of all countries access to the printed and published materials produced by any of them";

Recalling further that the General Conference of Unesco has affirmed that books "perform a fundamental function in the realization of Unesco's objectives, namely peace, development, the promotion of human rights and the campaign against racialism and colonialism";

Considering that the General Conference of Unesco has proclaimed 1972 International Book Year, with the theme "Books for All":

The International Community of Booksellers Associations.

The International Confederation of Societies of Authors and Composers.

The International Federation for Documentation.

The International Federation of Library Associations.

The International Federation of Translators.

The International PEN.

The International Publishers Association.

Adopt unanimously this Charter of the Book, and call upon all concerned to give effect to the principles here enunciated.

ARTICLE I

Everyone has the right to read

Society has an obligation to ensure that everyone has an opportunity to enjoy the benefit of reading. Since vast portions of the world's population are deprived of access to books by inability to read, governments have the responsibility of helping to obliterate the scourge of illiteracy. They should encourage provision of the printed materials needed to build and maintain the skill of reading. Bilateral and multilateral assistance should be made available, as required, to the book professions. The producers and distributors of books, for their part, have the obligation to ensure that the ideas and information thus conveyed continue to meet the changing needs of the reader and of society as a whole.

ARTICLE II

Books are essential to education

In an era of revolutionary changes in education and far-reaching programmes for expanded school enrollment, planning is required to ensure an adequate textbook component for the development of educational systems. The quality and content of educational books need constant improvement in all countries of the world. Regional production can assist national publishers in meeting requirements for textbooks as well as for general educational reading materials which are particularly needed in school libraries and literacy programmes.

ARTICLE III

Society has a special obligation to establish the conditions in which authors can exercise their creative role

The Universal Declaration of Human Rights states that "everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author". This protection should be also extended to translators, whose work opens the horizons of a book beyond linguistic frontiers, thus providing an essential link between authors and a wider public. All countries have the right to express their cultural individuality and in so doing preserve the diversity essential to civilization. Accordingly they should encourage authors in their creative role and should through translation provide wider access to the riches contained in the literature of other languages, including those of limited diffusion.

ARTICLE IV

A sound publishing industry is essential to national development

In a world in which there are sharp disparities in book production, with many coun-

tries lacking adequate reading materials, it is necessary to plan for the development of national publishing. This requires national initiative and, where necessary, international co-operation to help create the infrastructure needed. The development of publishing industries also entails integration with education and economic and social planning; the participation of professional organizations, extending in so far as possible across the entire book community through institutions such as national book development councils; and long-term, low interest financing on a national, bilateral or multilateral basis.

ARTICLE V

Book manufacturing facilities are necessary to the development of publishing

In their economic policies, governments should ensure that necessary supplies and equipment are available for the development of an infrastructure for book manufacture, including paper, printing and binding machinery. The maximum use of national resources, together with eased importation of these supplies and equipment, will promote the production of inexpensive and attractive reading materials. Urgent attention should also be given to the development of transcriptions of oral languages. Those concerned with the manufacture of books should maintain the highest practicable standards of production and design. Particular efforts should be made for the manufacture of books for the handicapped.

ARTICLE VI

Booksellers provide a fundamental service as a link between publishers and the reading public

In the forefront of efforts to promote the reading habit, booksellers have both cultural and educational responsibilities. They play a vital role in ensuring that an adequate and well-chosen range of books reaches the reading public. Special book post and air freight rates, payment facilities and other financial incentives aid them in carrying out this function.

ARTICLE VII

Libraries are national resources for the transfer of information and knowledge, for the enjoyment of wisdom and beauty

Libraries occupy a central position in the distribution of books. They are often the most effective means of getting printed matter to the reader. As a public service, they promote reading which, in turn, advances individual well-being, life-long education and economic and social progress. Library services should correspond to each nation's potentialities and needs. Not only in cities, but especially in the vast rural areas which frequently lack book supplies, each school and each community should possess at least one library with qualified staff and an adequate book budget. Libraries are also essential for higher education and scholarly requirements. The development of national library networks will enable readers everywhere to have access to book resources.

ARTICLE VIII

Documentation serves books by preserving and making available essential background material

Scientific, technical and other specialized books require adequate documentation services. Accordingly, such services should be developed, with the assistance of governments and all elements of the book community. In order that maximum information materials may be available at all times, measures should be taken to encourage the freest possible circulation across frontiers of these essential tools.

ARTICLE IX

The free flow of books between countries is an essential supplement to national supplies and promotes international understanding

To enable all to share in the world's creativity, the unhampered flow of books is vital. Obstacles such as tariffs and taxes can be eliminated through widespread application of Unesco agreements and other international recommendations and treaties. Licenses and foreign currency for the purchase of books and the raw materials for bookmaking should be accorded generally, and internal taxes and other restraints on trade in books reduced to a minimum.

ARTICLE X

Books serve international understanding and peaceful co-operation

"Since wars begin in the minds of men", the Unesco Constitution states, "it is in the minds of men that the defences of peace must be constructed". Books constitute one of the major defences of peace because of their enormous influence in creating an intellectual climate of friendship and mutual understanding. All those concerned have an obligation to ensure that the content of books promotes individual fulfilment, social and economic progress, international understanding and peace.

(Approved at Brussels, October 22, 1971, by the Support Committee for International Book Year.)

THE CLAIMSMANSHIP GAME

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, the Thursday, April 20 Wall Street Journal includes an excellent editorial entitled "The Claimsmanship Game." In its editorial, the Wall Street Journal endorses a series of proposals by Mr. Gordon Rule, who is one of the Navy's most respected senior procurement officers.

Mr. Rule suggests that the Department of Defense should independently assess each and every claim that is brought to the Pentagon. The claim should be evaluated and then accepted, rejected, or adjusted. In the past just the opposite has been true. There has been a great deal of jockeying and horsetrading between politicians, corporate executives, and senior Navy officers.

In the present claims system, the contracting officer has the right to make a negative finding on any claim. The system in reality works exactly the opposite way. Contracting officers seem to avoid making a final decision and instead, permit endless negotiation, proposals, and counter proposals, dragging out the claims process.

Instead of haggling, Mr. Rule suggests and I agree, that claims should be taken to the Armed Services Contract Control and Claims Board. It is an independent agency that operates very much like an administrative court. Claims should be decided in this body.

The Wall Street Journal editorial follows:

THE CLAIMSMANSHIP GAME

Former Deputy Defense Secretary David Packard last month issued a plaintive appeal for reform in the manner the Pentagon does business with defense contractors. He addressed himself to the way contractors buy into contracts and the way they are bailed out after they get into difficulties: "We are going to have to stop this problem of people playing games with each other. Games that will destroy us, if we do not bring them to a halt."

Sen. William Proxmire, chairman of the Joint Economic Committee of Congress, has been conducting hearings on the military procurement system, and the House Armed Services Committee this week has been examining specific contract controversies. One case examined at length by Sen. Proxmire's committee has been especially revealing and to the point, indicating a need for reform clearly exists.

It involves Avondale Shipyards, Inc., a division of the Ogden Corp., which a decade ago contracted with the Navy to build seven destroyer escorts for $81.1 million. Two years ago, Avondale put in a claim for another $158.3 million it said would be needed to complete the ships. A year ago, the Navy negotiated a tentative settlement of $73.5 million on this claim.

That should have ended it, except for a civilian claims review group under Gordon W. Rule, the Navy's civilian director of procurement control. The Avondale settlement was the first the Rule group refused to recommend in its three years of existence. It argued the claim lacked substantiation. Whereupon the Avondale-Ogden lobby campaigned to get the $73.5 million anyway. The Louisiana congressional delegation—a mighty group that includes the chairmen of the Senate Appropriations and Finance committees, the chairman of House Armed Services Committee, and the House Majority Leader—put the pressure on.

Mr. Rule publicly complained about this congressional interference, without success. First, the Navy Material Command peeled off $23.5 million to keep the ships abuilding while negotiations continued. Then, when Admiral I. C. Kidd took over the Command, the company announced it had stopped work on the ships and wouldn't proceed until it got more money. Mr. Rule pleaded with the admiral to resist, to hold Avondale to its contract. But the admiral finally said the Navy needed the ships, and peeled off another $25 million. Avondale went back to work. Mr. Rule, told his group was going to be "reorganized," resigned from it.

It would be useless now to criticize the personalities involved in this Avondale affair and hope that next time they would try harder to serve the public interest. Clearly, the system itself has to be changed, as Mr. Packard so strongly argued.

Sen. Proxmire thinks he sees a solution: Take procurement away from the Pentagon and create a separate civilian agency to handle the contracting and claims settlement for the military. Then, at least the service chiefs—who go caps in hand to Congress for weapons and manpower—will not be put in the position of having to say "no" to a member of Congress when asked to "expedite" a claims settlement.

It may yet come to that. But there should be less severe moves that could have the same effect. Mr. Rule, for example, suggests that instead of horsetrading on claims, the Pentagon should independently assess the worth of a claim, accept it, reduce it, or reject it. If the contractor is dissatisfied, he

would have to go through an appeals process carrying the burden of proof. Throughout, Mr. Rule proposes treating these claims "as an adversary proceeding just like a case in court."

He would also invest those proceedings with the stature and dignity of litigation. "There should be a canon of ethics in the Bar Association," he says, "that should preclude lawyers running to Congress, calling up the Secretaries, doing a lot of things they wouldn't do for a case in court." He suggests a similar rule for the House and Senate, making it "improper for members of Congress as they are doing today to call constantly, to have meetings, call people up to the Hill, go down and sit with the Secretary, to talk about claims while they are being adjudicated.

These are reasonable proposals. Not that they would eliminate all the jockeying for advantage bound to take place where big contracts are at stake, but they would at least be a good start toward some reasonable rules for the claimsmanship game.

DISTRICT OF COLUMBIA NO-FAULT AUTOMOBILE INSURANCE ACT

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. STUCKEY. Mr. Speaker, H.R. 14483 which I introduced on April 19, 1972, establishes a no-fault system of automobile insurance for the District of Columbia. To further inform my colleagues and the public, I am submitting an updated fact sheet which will provide quick reference to the principal parts of the bill:

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 4(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 $1,500 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 4(b))

These benefits are reduced only by the amount of benefits received from social security disability, medicare, and workmen's compensation. (Section 4(c))

No insurer writing individual and/or group health coverage in D.C. may offer or sell insurance to D.C. residents which provides benefits for medical expenses incurred as a result of a motor vehicle accident. (Section 4(d))

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. (Section 4(e)(1))

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 4(e)(2))

Damage to one's own vehicle: The Act adopts the Keeton-O'Connell "triple option" system in which the policy holder 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 5) 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.

Effects 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 6)

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. insurer who pays first-party benefits to a D.C. insured is subrogated to the tort rights of that insured. (Section 6(b))

Payment of benefits: Benefits are payable as loss accrues and are over-due if claims are not paid within 30 days of submission to the insurer. Over-due 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 over-due, 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 7)

The hit and run problem: To deal with hit and run problems, and with the number of motorists who may operate uninsured vehicles in violation of the law, the Act establish an assigned claims plan under which injured persons are put in the same position which they would have been in had the motorist been properly insured under this Act. (Section 8)

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 9)

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. (Section 10)

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 10(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 11)

TAXES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HOGAN. Mr. Speaker, so often these days it seems that the humanity of the individual man is lost in the avalanche of statistics and antispetic reports which seek to present to us the condition of mankind. I fear we have all become so accustomed to thinking in terms of the family with 2.5 children driving 1.2 automobiles and owning 1.4 televisions in a nation of 200 million people that there is a tendency to forget that behind every such statistic there is a unique man or woman with unique attitudes, hopes, fears, and loves.

There is probably no statistical issue more difficult to humanize than taxes, but Philip McCombs of the Washington Post has succeeded in doing just that in two articles on taxation and education in Prince Georges County, Md., which I represent. He has brought alive a taxpayer and an educator. Neither man is everyman. Each man is one man, his own man. But in learning how each feels, we are reminded how all of us feel.

I insert the two articles in the RECORD at this time:

TWO VIEWS OF COUNTY'S PROPOSED EXPENDITURES

Behold the Taxpayer and the Teacher. Prince Georges County officials had their eyes on both as they prepared the fiscal 1973 budget proposal that was released yesterday.

The Prince Georges Taxpayer, also known as the Voter, pays the highest real estate tax rate in the Washington area.

The Prince Georges Teacher accounts for the largest single item in the county budget. The county's more than 8,000 teachers and administrators are scheduled to be paid $110.8 million in 1973—nearly 40 per cent of the total proposed budget of $280 million.

Prince Georges teachers are paid above the national average ($7,600 starting salary compared to the average of $7,061), but they are demanding more, as are teachers throughout the country. County government officials, wondering whether higher salaries mean better education and worrying about holding down the real estate tax rate, are stiffly resisting the teachers' demands.

John Gruber, president of the Prince Georges Teachers' Association, says he, too, is bothered by high taxes but that the dignity of the teaching profession and competitive raises nationally mandate another cost-of-living raise for Prince Georges teachers.

To understand how the Taxpayer and the Teacher see their situations in Prince George's, Washington Post Staff Writer Philip A. McCombs interviewed a representative of each group.

TAXPAYER: BETTER SCHOOLS FOR HIS MONEY

James E. Dawson, 39, 104 Julian Ct., Greenbelt, has a house with three bedrooms, two baths, two cars, a wife, three children, an insurance policy and an annual income of $11,500 to pay for it all.

His income is a little below Prince Georges County's 1970 average income of $12,450, the lowest average in the Washington area except for the District itself.

Dawson, a dark, intense, fast-moving man, also had a tax bill last year—for all taxes from federal to local—of about $1,922.

Of that, he said, figuring rapidly with a pencil on his overflowing sheaf of tax documents and personal income statistics, he paid about $720 to the county.

An education for his children is about the only substantial return Dawson figures he is getting from the county for his taxes.

"We pay $125 to Greenbelt," Dawson said. "We pay $9.75 a quarter for trash. If we go on a vacation or a weekend, we call (Greenbelt) police and they check our doors once a day. We get streets plowed and cleaned up (by Greenbelt). So we're not really affected by the county except for education . . . and the roads I travel on."

But since per-pupil school expenses in the county are $944 a year, Dawson figures he is ahead of the game. He is willing to pay more county taxes to raise teacher salaries—provided, he said, leaning forward and raising a finger in emphasis, "things are done efficiently."

Dawson, born and raised in the District and suburban Maryland, said he has watched the "courthouse crowd" that governs Prince Georges since he was a boy, and is convinced that the school system is somehow wasting a lot of money.

Waste is not something the Dawsons tolerate in their own lives.

"Some people have different values," said Jean Dawson, 38, his warmly humorous. rusty-haired wife of 13 years. "My husband and I were raised with very mediocre-income families. We weren't raised with expensive things and we don't need them."

A bucket of chicken purchased at a local carry-out is one of their luxuries. (The bucket was sitting on the dining-room table.) So was the $38 Dawson put out last summer so his family could use a local swiming pool.

They don't smoke or drink, and that helps.

"You don't have it, you don't spend it," said Dawson, a computer repairman whose many hours of overtime each week make the difference between having enough and not. "You tighten up."

It has been a life of tightening up and of struggle: bad grades for Dawson in high school, two years in electrical engineering at Montgomery Junior College, the draft, Korea, part-time work in 1969 as a Giant Food stock clerk at $2.83 an hour while getting through a computer school . . . and now, living on the edge still, no way to save any money.

"I really don't know how we do it," said Mrs. Dawson. "I see other people . . neighbors give things to the children, toys. You have to step to get over the toys (in neighbors' homes)."

The Dawsons have a budget book. Everything is noted down in it even a 15-cent expenditure for a birthday card. Every month, Dawson examines the book and tells his wife what they can't afford the next month.

They manage well. Their $24,500 home, bought six years ago, is neat and fully furnished. They bought it when Dawson was making $8,632 a year. Their old black-and-white TV drones downstairs during an interview. Coffee is served steaming in nice china. A little picture of Jesus graces the wall.

"We're very religious by the world's standards," said Dawson, who has taught Sunday school for 14 years. His wife sings in the choir at their Baptist church.

Last year, the Dawsons put out $535 in charitable contributions, most of it to the church. Internal Revenue didn't believe that. They were audited and passed.

The Dawsons laugh a lot as they talk. Mrs. Dawson noted to her husband that, "The computer field was wide open when you started (school), and closed the day you graduated." She laughed. Dawson chuckled and said, "I say I got the breaks . . . bein' white as opposed to bein' black." But then he frowned, the thought having made him serious again.

Dawson said he doesn't have a particular philosophy of education, but he has some definite ideas, one of which flies in the face of everything that the teachers in his county are fighting for:

"I look at it (the quality of teaching) from the business standpoint," he said. "A man should be paid for his performance . . . I don't feel experience itself makes (a teacher) better . . . Either you've got it or you don't."

He said, "We have teachers who are not quality teachers . . . They get tenure . . . We're not keeping tabs on the quality like a business would—well how good is this individual as a teacher?"

He said a teacher's "value to the children is hard to measure. I didn't realize the value (of my teachers) until I got out of high school."

Dawson said teachers in Prince Georges may be underpaid a little. He said he is willing to pay higher taxes to pay teachers more but only provided that:

Teachers are strictly rated by ability and paid on that basis without any experience increases. (The main thing the teachers are fighting for is to retain the scheduled experience increases in their current pay schedule.)

Classes are made smaller.

School construction costs are cut.

A "full, independent audit" of the school system's budget is made.

Told that the Teacher interviewed as "typical" by The Washington Post was paid $13,300 for 10 months' work, Dawson paused a long time, leaning back in his chair and linking his hands behind his head. "That's a good salary," he said.

Taking into consideration the Teacher's 10 years of experience and master's degree, Dawson said, he should be paid a little more, perhaps, but not the $18,000 for 12 months' work that the teacher said he thought would be fair.

"I'd like to be making 18 K also," said Dawson.

Mrs. Dawson said reflectively. "But does the low salary—I don't think it's low—does that drive him out of the teaching profession?" Answer: No. "So he's dedicated enough . . . that's good . . ."

The Dawsons said that they have been satisfied with the schooling their children receive. Their 12-year-old son James attends Greenbelt Junior High School, where the teacher interviewed teaches. Nancy, 8, and John, 5, are in third grade and kindergarten at Greenbelt-North End Elementary. A recent shortage of books in the junior high school has been their only complaint.

But even that, thinks Mrs. Dawson, "is not that much of a hardship on the kids . . . (and) our elementary is beautifully equipped."

The couple said it would be a struggle to send their children to college, but that they would help as much as they could—provided their children turned out to be "college material."

Otherwise, their children will simply have to go to work.

For now, the Dawsons are willing to pay the necessary costs of primary and secondary education. Said Dawson, "I expect things to cost more money, but I want no hanky-panky, and (I want) things done efficiently."

TEACHER: PROFESSIONAL STATUS, SALARY

George Strachan, 33, is a slow moving, sandy-haired man who has cultivated a serious demeanor in the decade that he has taught life and earth sciences—geology, soils, plants, animals—to Prince Georges County school children.

He said his schedule is rigorous:

From 8 a.m. to 3:30 p.m. on weekdays, Strachan (pronounced Strawn) teaches at Greenbelt Junior High School. After that, he grades papers, dreams up experiments, sponsors clubs, chaperones trips and dances and teaches adult school two nights a week.

Six classes of about 30 students each means that Strachan must gear himself up to confront 180 students each day.

He is mild-manner and slow in his movements before a class, patiently explaining things or walking about quietly during experiments, quizzes and study session. Occasionally, he cracks a joke and smiles.

Strachan said he works hard for his money and is tired when he gets home at night.

And, he said, he must scramble to get summertime jobs to make ends meet. Last year, that meant no summer vacation at all.

Strachan said he considers himself a professional man, like a doctor or lawyer. He has a master's degree in general science.

"I'm a highly trained professional person, I'm not a public servant," he said with an edge of pride in his voice.

Strachan said the $13,300 that Prince George's pays him for 10 months' teaching (about $1,000 over the teacher median for the county, according to the County Educators Association) is not enough—even when he adds to it $900 annual for night school work, $500 his wife earns substitute-teaching, and $1,400 he earns during the summer (total: $16,100).

Fair pay, he said, would be $18,000 a year from the school for 12 months' work.

When he started in the Prince George's schools in 1962 his pay was $4500 a year. Since then, he has earned his M.A.—qualifying him for more pay—and salaries throughout the system have gone up under pressure from the increasingly powerful County Educators Association.

Strachan has been lucky in many respects. Instead of having to spend nights and weekends studying for his master's degree, as most teachers do, he won a National Science Foundation grant that enabled him to spend a year earning his degree at the University of Northern Iowa. He also met his wife, Virginia, that year; she was a French and Spanish teacher.

"I don't want more than I'm entitled to," he said, but his responsibilities and training entitle him, he thinks, to parity with business and government, where salaries are still uniformly higher across the nation than in teaching.

Strachan led a reporter from Greenbelt Junior High on his daily 27-mile drive over country roads to his pleasant, 3-bedroom $26,000 home in a development in Anne Arundel County several miles south of Baltimore. Payments on the house come to $236 a month.

Strachan said he dislikes the daily drive, which he makes in his new sea-blue Chevelle Malibu 300 (monthly payments: $73), but that he couldn't afford a house in Prince Georges nor could he afford to pay rents that kept going up because of high taxes there.

The Strachan split-foyer colonial, where they have lived for a year, is neat and clean but sparsely furnished: Old chairs and sofa, a $29 coffee table, ancient TV, $20 sideboard, frayed rug, dining table and chairs bought on sale for $100.

In the bedroom, a ragged old bedspread on the double bed, a dresser bought for $15 at a rummage sale in Iowa, a red, heart-shaped candy boxtop pasted to the wall over the bed . . .

"A lot of people here are government work-

ers and are in a higher income bracket," said Mrs. Strachan, "I have a lot of friends who give me things. These white drapes, I took 'em sight unseen, and I'm just tickled to death." The drapes, now in the Strachans' living room, would have gone to Goodwill had Mrs. Strachan not shown an interest in them, she said.

Strachan said he would like to convert his cold, uninsulated and unfinished basement recreation room into a comfortable living space and library but cannot afford to.

However, Strachan is happy in his work as a teacher and his wife has not had to take a steady job to make ends meet. They figured out what it would cost for her to work—in transportation, lost household work, new clothes and so on—and decided it wasn't worth it.

"I don't really feel like I'd have to work," said Mrs. Strachan. "If anything happened to George I'd be ready and willing to work, but not just for the sake of keeping up with the Joneses."

Her husband also feels that, "If there are young children, there should be someone here until they leave (for school) and someone here when they return." The Strachan children, Kevin, 10, and Gina, 5, are in the 5th grade and kindergarten in Anne Arundel schools.

Strachan said he loves teaching: "It's very exciting being part of the learning experience." He taught swim classes at the YMCA while growing up in Western Maryland, and has wanted to do nothing but teach ever since.

Pressed on whether he thinks more money will make him a better teacher—whether the taxpayers will be getting something substantial for their dollars—Strachan leaned back in his chair and sighed, much as the Taxpayer leaned back in his chair when told that the Teacher would like to be making $18,000.

"A brick mason can show you what he did," he mused. "A doctor can set a bone. A teacher may not know for years, and may never know, what effect he's had."

Nevertheless, he said, teacher pay must keep rising for at least three substantial reasons:

Teachers may get jobs elsewhere at higher pay if Prince Georges pay increase fall far behind national norms.

Moonlighting to make ends meet takes away from a teacher's effectiveness in the classroom. (Strachan used to moonlight five nights a week, always felt tired, and decided to stop it.)

Not having enough time or money to devote to further education (Strachan would like to begin his doctorate work), also ultimately robs students of intellectual resources.

Strachan argued strongly that experience makes for a better teacher and that yearly experience pay increases now provided for in Prince Georges should be maintained.

A Prince Georges teacher now, under the "index" system that the school board is trying to do away with, earns an additional 6 per cent of starting salary (now $7,600) with every year's work, with a maximum of 16 steps. He also earns more for added education.

Under the present system, Strachan can look forward to an assured $456 increase next year, and more if a cost-of-living pay raise is approved by the county.

"If you go to a doctor, you wouldn't want him taking out your appendix if he's only done a few operations," said Strachan. "It may appear at times to the public that all they need is someone to contain the kids in the classroom, but that's not education . . . We can get dogs to keep people in a room."

Financial pressures are building on George Strachan, largely because of the expectations that he has for himself and his family.

His son Kevin, for example, will soon need braces on his teeth and that may cost thousands.

Strachan failed a recent test for a promotion to a vice principalship because his courses in school administration were insufficient.

The promotion would have meant an additional $1,000 in pay, he said. Where, he wondered, will he get the needed time and money to take the needed courses?

And, as yet, no job has been lined up for this coming summer, even though he has been trying hard to get one for a long time.

"I may have to do labor, or anything" he said. He did not smile at the thought, he said, because it was too close to being a reality. When an extension was built on Greenbelt Jr. High one recent summer, many teachers gladly turned out to do physical labor at $3 an hour.

SOUTHERN RHODESIA DISCRIMINATED AGAINST BY DENMARK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, it appears that discrimination against the South is not confined to this country. Denmark discriminates against Southern Rhodesia.

A recent news account from Denmark revealed that a Danish firm was fined $7,000 for exporting to the white Government of Southern Rhodesia while a report from South Africa disclosed that the Danish Government would grant $1.3 million in aid to the terrorist leaders of Northern Rhodesia—that Red minority controlled country now referred to as Zambia, which discriminates against people of Indian, Chinese, and European descent.

The related newsclippings follow:

[From the Washington Post, Apr. 21, 1972]

COMPANY FINED FOR RHODESIA SALES

AARHUS, DENMARK.—An Aarhus chemical firm and two of its directors were fined the equivalent of $7,000 today for illegal exports to Rhodesia in violation of U.N. trade embargoes.

It was the fourth Danish firm to be fined since the United Nations imposed trade sanctions against the white-ruled breakaway British colony.

[From To The Point (South African Fortnightly), Mar. 25, 1972]

DENMARK AND THE TERRORISTS

During a visit to the Zambian capital, Lusaka, Denmark's Foreign Minister Knud Anderson let his tongue run away with him—politically as well as financially. He left terrorist leaders rejoicing at the announcement that the Danish government would soon be providing them with no less than $15.6 million in aid. Within 48 hours of his departure, though, it appeared the figure should have been less than $2 million—which in terms of hard cash, would not go far in the arms markets of Prague or Peking. There had apparently been a misunderstanding about the designation "k" before the figure, which at first was taken to represent Zambian kwachas (worth about $1.3) but turned out to stand for Danish kroners. Still, terrorists organisations welcome every bit of aid. But Anderson's careless generosity will not do Denmark's credibility any good. No matter the explanation for the slip, there will remain a sense of let-down in the circles where Denmark is seeking popularity.

DISCRIMINATION

The 32-nation United Nations Human Rights Commission last week adopted a proposal to conduct a world-wide study of racial discrimination against people of African origin. Provided it is done in a scholarly manner and not aimed at any particular country, the study, which will take about three years to complete, will undoubtedly serve a useful purpose, for example, by flushing out countries, communities, organisations and groups whose righteous indignation at racial discrimination elsewhere is often a cloak to hide discrimination in their own backyard. Unfortunately the motion, approved by 19 votes, with nine countries abstaining, in itself reveals some discrimination. It refers merely to discrimination against "people of African origin" by which the sponsors meant black people. The commission could not have had in mind the Maghreb countries, Egypt, South Africa or East Africa where other people and races have been living for centuries who can also claim to be of "African origin" as much as anyone else. Africa may have been known as the Dark Continent, but for centuries it has also been the home of Berbers, Hamites, Carthaginians, Indians, Chinese and people of European descent.

The resolution would have been of greater value and picked up more support had it also included all other races. The fact is that in Africa there is also discrimination against people of Indian, Chinese and European descent, and not necessarily in white citadels such as Rhodesia or South Africa. In states such as Zambia, Kenya, and Tanzania (one of the sponsors of the resolution) there is marked discrimination against Indians (To The Point, January 15) as it is in Burma where in 1964, in one of the lesser known tragedies of modern times, 500,000 Indians were forced to flee the country. Pakistan is no happy place for Indians either. In Malaysia there is discrimination against the Chinese. Koreans are not happy in Japan and non-whites cannot settle in Australia, while in several African states, Liberia for example, no white man may acquire citizenship. In Morocco there is discrimination against Jews. In the process of Africanisation, East African states, such as Kenya and Tanzania, have discriminated against white people, many of whom never shared the views of London on how to conduct race relations in the African colonies.

By all means let us examine racial discrimination against human beings, but then all human beings should be included. The black people in Africa have undoubtedly suffered under racial discrimination and still do, but so have others, notably the Asians, and the UN which is said to represent all mankind, should be the last body to create the impression that one race in a particular area of the world should receive preferential treatment. Finally such investigations should not be confined to race alone. Ulster and the Sudan are extreme examples of what happens when discrimination on grounds of religion becomes rife. Research on discrimination against women is also a matter for the UN. This subject has been grossly neglected. No doubt the women of one Central African tribe, who have to return to their work in the field 24 hours after giving birth, while the husband gets into bed to receive congratulations and gifts, would agree.

NATIONAL LIBRARY WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, the Governor of Alaska, William A. Egan, has

set aside the week of April 16, 1972, as "Library Week in Alaska." The public library, with its many programs, is essential to our educational system and gives millions of Americans access to the great works as well as every major periodical. Today, in salute to our libraries, I submit the proclamation of the Governor of Alaska into the RECORD:

PROCLAMATION: NATIONAL LIBRARY WEEK

National Library Week is both the beginning and the climax of many year-round activities to encourage Americans to read more and to make reading opportunities more easily available to others.

The year, 1972, has been declared International Book Year with the special themes of "books for All" and "Books Bring People Together." In addition, the themes "Reading Makes the World Go 'Round" and "You've Got a Right To Read" have been selected for National Library Week.

Reccgnition is being paid to libraries and to the librarians who staff them: public, school, academic, State, and special. All are working together to make reading accessible and enjoyable for all Americans for continuing education and personal fulfillment.

Therefore, I, William A. Egan, Governor of Alaska, proclaim April 16–22, 1972, as Library Week in Alaska and call upon all Alaskans to join with their fellow Americans to participate in those programs which emphasize the importance of the printed word in this age of progress. Alaskans are further encouraged to visit their libraries and to become acquainted with opportunities they offer.

Dated this 10th day of April, 1972.

WILLIAM A. EGAN,
Governor.

———— ————,

Attest:

Lieutenant Governor.

OIL AND POLITICAL POWER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HAMILTON. Mr. Speaker, 31 months ago, an unknown, young army officer lead a coup in the small north Africa country of Libya. Since then, Col. Muammar al-Qaddafi has become increasingly well-known to foreign ministries around the world for his unique style of international role-playing and the use of his oil wealth for political advantage. This man, his policies, and his country are the subject of a perceptive article by Roderick Nordell which appeared in the April 19 Christian Science Monitor. I recommend this article to my colleagues:

LIBYA'S QADDAFI: EMERGING POWER BROKER
(By Roderick Nordell)

TRIPOLI, LIBYA.—Under the dedicated, dramatic—sometimes melodramatic—leadership of Col. Muammar al-Qaddafi, the North African desert's oil-rich Libyans are rising from the sands to be called the power brokers in this part of the world.

What is the most important thing for an international audience to know about Libya today?

When Colonel Qaddafi was asked this question—in two written copies as required—his reply was brief:

"Truth is what they should know, and truth is what they should see."

Part of the truth lies in Colonel Qaddafi himself, who is fascinating Arab-watchers with a smile and a zeal that seem handed down from the late Gamal Abdel Nasser, plus his own combination of unswerving purpose and unpredictable zigs and zags.

This is the young chief of state who reportedly suddenly had chairs removed from government offices to activate the bureaucrats, who was pictured picking olives to encourage the labor force, who has gone to visit disgruntled dock workers and aggrieved students.

"When the women protest, the poor devil stands before 400 screaming women," says an American executive in residence here. "He does a lot he doesn't have to do."

AUTHORITY IS UNQUESTIONED

The reason Colonel Qaddafi wouldn't have to do such things is that he has the power to do what he pleases. Sometimes he pleases to nationalize insurance companies or ban magazines with "ladies" on the covers.

But the American executive says that, despite ups and downs, he expects the general curve of business progress to continue here. He doesn't really know what is going to happen next, but he is sure of one thing—"my wife would be safe at midnight on any street in Tripoli."

Meanwhile, Colonel Qaddafi appears to prepare for holy war against Israel or any other enemy of the Arabs, devoutly citing Islam on the rectitude of his cause. Some observers are apprehensive, some are condescending. Whatever they think of his realism, no one seems to challenge his sincerity or incorruptibility in leading his people out of colonial darkness according to his lights.

"He won't talk to you and then go back to his council and say: 'Boy, I really snowed 'em today,'" says that American executive.

These are some gleanings in an effort toward the "truth" Colonel Qaddafi said was so important.

What is truth? The question asked by the Roman Pontius Pilate in ancient Palestine is no less difficult for a present-day outsider in one of the Arab lands where the Palestine issue underlies every answer.

Yet it was possible to put together personal impressions, foreign residents' observations, official information, and the words of Colonel Qaddafi himself during a recent week he extolled as a peak in Libya's post-colonial political development—the first meeting of the nation's "popular alliance," the Arab Socialist Union.

One conclusion was that the "truth" of a militantly Arab Libya must be looked for with a kind of double vision, somewhat like viewing the truth of the radical black-power movement in the United States.

According to such vision, for example, the talk of violent solutions represents the depth of urgent feelings but does not necessarily represent an immediate intention to resort to violence.

Nuances of such a view are more apparent to the insider than the outsider, who might be surprised to turn from what seems like a call-to-arms in a Qaddafi speech to an official government publication that says, "There is no risk to foreign investments in the country."

But it appears that to the Libyans, there is no contradiction here. Nor is there to Colonel Qaddafi when, during an unusual conference for the international press on April 1, he maintains his familiar militant stance on the Palestine issue, but then refuses to be trapped by a question imputing less militant attitudes to Syria and Egypt—Libya's fellows in the Confederation of Arab Republics so close to Colonel Qaddafi's heart.

PROBLEMS CONSIDERED DIFFERENT

"The federation is one thing, the problem of Palestine is another," he says, sitting calmly at a Formica table in a simple room at Azizia Barracks while birds sing furiously outside above the barbed-wire-topped walls.

And what about Italy, one of Libya's many former colonial rulers? After all, Colonel Qaddafi promptly deported almost 20,000 Italians after the bloodless revolution by which he and his Revolutionary Command Council came to power in 1969.

"We have a very good relationship with Italy," he says. And one is told by an American embassy man that, indeed, Italians are once again coming to live in Libya, though not the same ones that were thrown out.

One problem for Libya is to convey to the rest of the world what it has in its own enigmatic mind. No matter how safe Libya is for foreign investment, the new investor will not come unless he sees evidence to make him believe it is safe, says an American businessman in Tripoli.

Does Libya's nationalization of Britain's BP oil company mean that other companies will be nationalized? The BP case was so singular, says a local observer—and thought to be in retaliation for Britain's role or non-role in allowing three islands in the Persian Gulf to fall into non-Arab hands—that it says nothing about any possible nationalization of other firms.

Is it true that, after two rounds of stiff price increases, the oil companies have rolled back production and exploration to the point that Libya's extra revenue demands may have amounted to cutting off its nose to spite its face?

A complicated question, because Libya's oil contracts themselves limit production for conservation purposes and require a certain amount of continued exploration. Also, Libyan oil's selling points—high quality and closeness to Europe—lose some luster in the view of those who note that European refineries are mainly geared for a lower grade of crude and that plummeting ocean-freight rates have made remoter oil more competitive.

Another factor is the varying demand for oil in Europe depending, for example, on the severity of the weather. The Libyan prices have reached a "marginal" point of competitiveness, according to this view.

Yet now the price demands are not in themselves causing production significantly below what is allowed, according to an on-the-spot estimate. But a certain drive is seen to be missing from exploration that is undertaken by contract rather than risked through a spontaneous profit motive.

What if Libyan policies did result in companies leaving the oil in the ground? According to a foreign economist on the scene, this might be no worse and perhaps better than putting the money from the oil in banks, as the Libyans have been doing. The oil in the ground might appreciate more than the money in the long run.

As it is, the Libyans earned $2 billion from oil last year. Substantial losses are said to have followed a shift of some reserves from sterling to dollars—just before devaluation.

LIBYA'S WEALTH BRINGS POWER

But Libya has enough to contribute to various Arab causes elsewhere, to be a mark for groups seeking funds, and to be invoked as an influence in recent events, such as the Malta agreement and the expulsion of Israelis from Uganda. It was in the latter situation that the Times of London referred to the Libyans as "power brokers."

As for Malta, Colonel Qaddafi had been credited for a part in a reported British agreement not to use its Malta base to attack Arabs. And it was perhaps typical of him to reply as he did to a press-conference query on whether the agreement implied there was any likelihood that Britain would have used the base for such a purpose.

He said he thought the clause was superfluous, because the Arabs had nothing to fear from a base on Malta; it is within range of their own forces.

This cool Colonel Qaddafi—seemingly never on edge as he met the press in light suit, blue shirt, and striped tie—showed none of the signs of the high-strung personality sometimes attributed to him.

When he repeatedly speaks of undefined "lies" about his country, he may be referring in part to comments about himself personally, to rumors of breakdowns and sudden withdrawals, says a Tripoli resident here since before the Qaddafi group ousted elderly King Idris.

One needs one's double vision again in considering that the former King has been condemned to death in absentia—he is in next-door Egypt. No one seems to be making any effort to carry out the sentence.

Under King Idris, as an independent monarchy established two decades ago, Libya had a senate of appointed members for eight-year terms and a house of elected members for four-year terms. The effect is said to have been representation mainly for the privileged classes.

SMALL STEP TO AID PEOPLE?

Now Libya has taken what Middle East observers consider a small step toward potential representation of all the people. Some think it will fade quickly. Some are more hopeful.

Everything depends on how Colonel Qaddafi and the Revolutionary Command Council follow through on the commitment made with such fanfare during the first national congress of Libya's Arab Socialist Union held in late March and early April.

Not a little of Libya's wealth must have gone to bringing "third world" guests from many countries to be present as elected Libyans met with their leaders—not to wield any lawmaking power yet, but to engage in "dialogue."

For the first couple of days at least, apart from statements by well-wishing guests, the dialogue was virtually a monologue. And Colonel Qaddafi's ability to speak for hours, not to mention his audience's ability to listen for hours, called to mind the theory that the art of the nomad—whose life prevents the accumulation of visual arts—is verbal.

Colonel Qaddafi is of Bedouin stock, and he seems to assume that his audience reflects the opinion of scholar Philip Hitti that "no people in the world are so moved by the word, spoken or written, as the Arabs. Hardly any language seems capable of exercising over the minds of its users such irresistible influence as Arabic."

Colonel Qaddafi spoke, while French and English translations came through earphones, in Tripoli's Boy Scout Hall, where one occasionally saw a soldier with a machine gun looking almost as young as a Boy Scout, or a Muslin unobtrusively kneeling and praying in the corridors as the intermission crowd drank coffee or soft drinks instead of the beer or liquor Colonel Qaddafi has banned.

A local foreign observer noted that considerable controls had been placed on the election process bringing members from all over Libya to this first Arab Socialist Union meeting.

Colonel Qaddafi himself noted that a minority of candidates had been judged unacceptable. He explained there is need for an "opposition" in countries not yet liberated but there is no need for an opposition in a country liberated, as he said Libya now is for the first time in history.

What is needed instead is a means for the exchange of views between loyal citizens and their leaders. And this was what the union was for, he said.

A foreign resident adds that what also is needed is an "infrastructure" to provide channels for identifying and meeting the people's needs with more of Libya's economic wealth. The Arab Socialist Union might be a step in this direction and eventually toward some form of parliament.

Members of the union were enthusastic about its prospects. Two or three men-in-the-street took a wait-and-see attitude. When Colonel Qaddafi exhorted the people to be "revolutionary heroes" and work around the clock if necessary, one young Libyan said, "If I do, it won't be for Qaddafi, it will be for my mother and father and brother and sisters."

Meanwhile, the government is allocating increased funds to planning and developing a balaced economy with particular attention to improving labor skills. According to an American embassy report: "It is this combination of a program of diversification of the economy with large and growing financial resources that makes Libya an important potential market for technologically advanced services and equipment."

Only now is Libya's population reaching the 2½ million that were sustained along its coast in Roman times—without oil. Though much of the land is desert, it seems possible that Libya could bloom again for its people if the shadows of war do not close in.

LEADER TELLS OF NEEDS

This was part of the background as Colonel Qaddafi tirelessly sought to tell his truths during that recent week—to the members of the Arab Socialist Union, to the delegations from afar, to the press:

"There is a considerable number of women present here at this general national conference. This is striking evidence that this people has become free. In the past not even men had any word in the destiny of their country.

"We still need 2,000 mobile schools, to be moved from one valley to another and from one place to another. . . . We are in bad need for cultured citizens in all aspects. . . . But we need clean cultured citizens loyal to the Arab country and faithful to the Arab unity and believing in God. . . . I can't put faith in an atheist. . . .

"If we sever ourselves from our worthy and glorious history [Arab, Islamic, and pre-Islamic] and let the U.S.S.R. lead us or America become a replacement to our heritage, then we shall become valueless. If you rob me of these treasures . . . I shall not want any other life even if I am placed in towers constructed of gold . . . because the value of a human being is spiritual and moral—these are the most precious of God's gifts on earth. . . .

"Every one of you may feel that the Arab nation today is weak; the Arabs have been defeated by Israel and their land occupied. The world reached the moon, Venus, and Mars, and the Arabs couldn't do anything. This is a true statement existing now. But, let us not forget that the Arab nation, at one time, led the whole world. . . .

"We are not in need of fascism in our country, or of any other system from the East or West. However, we can give to the world and give in abundance. . . .

"We are slaves only to the bad. . . . How to create a free man—that is the difficult part. . . . The struggle with oneself is the greatest struggle."

ARTHUR GOLDBERG ON THE NIXON BUSING MORATORIUM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. EDWARDS of California. Mr. Speaker, former Justice Arthur Goldberg has written an eloquent plea for opposition by the legal community to President Nixon's proposed Student Transportation Moratorium Act of 1972. In his article, which appears in this morning's New York Times, Justice Goldberg sets forth his opinion that the President's antibusing proposal is unconstitutional because it violates the separation of powers mandated by the Constitution. He then goes beyond legal analysis to argue the need for the bar to stand up and be counted against this cynical exploitation of population passion which threatens the integrity of the Federal courts.

All of us who are lawyers should consider carefully Mr. Justice Goldberg's contention that it is our professional duty to oppose Mr. Nixon's antibusing bill. All of us as lawmakers must consider carefully the moral and constitutional imperative for opposition to this ill-conceived, repugnant legislative proposal.

I urge my colleagues to read Mr. Goldberg's article:

[From the New York Times, Apr. 20, 1972]

TO THE BAR: SPEAK OUT

(By Arthur J. Goldberg)

WASHINGTON.—There is today before Congress and the American people a proposal by the President for a legislative moratorium on court decisions relating to busing of public school students. This proposal is embodied in the proposed Student Transportation Moratorium Act of 1972 and the Equal Educational Opportunities Act of 1972.

It is my considered opinion that the President's antibusing proposals are plainly unconstitutional because they violate the separation of powers mandated by the Constitution.

The Founders established the Federal judiciary as an independent and coequal branch of our Government. To safeguard their independence, Federal judges are given life tenure and unreducible pay. More important, the Founders entrusted the courts with the great and, at that time, unprecedented power of judicial review of legislative and executive actions. These are to be tested by the litmus of the supreme law—the Federal Constitution.

Our courts exercise the power of judicial review not merely as a matter of tradition but because it was intended that they should have that power; they are not usurpers but an integral part of the grand design to ensure the supremacy of the Constitution as Supreme Law to which all branches of Government—including executive and the legislative—are subject.

In light of the undeviating and unanimous line of decisions of the Supreme Court holding that state-imposed segregation in public schools is unconstitutional and that busing is a permissible tool of school desegregation, what needs to be said of President Nixon's proposal which would interfere with the courts' handling of school desegregation cases?

The Federal courts have done their duty in the school desegregation cases. What is the nation's duty? And what is the duty particularly of the organized bar with respect to the President's proposal for a legislative moratorium on busing?

To me, the answer is plain.

Defend the courts.

Defend their independence from the executive and legislative interference.

Defend the integrity of the judicial process and our constitutional commitment to the rule of law and not of men.

Defend the many courageous Federal judges, many from the South and, specifically, from the Fifth Circuit and its districts, who have properly invoked judicial authority to ban racial discrimination in the face of legislative default and executive defiance

and, on occasion, widespread public misunderstanding and disapproval.

Lawyers are not defenders of the law if they leave the courts, and particularly our highest Court, defenseless against attempts to prevent them from performing their sworn constitutional duties. Courts cannot with propriety defend themselves; it is the specific obligation of the bar to come forward and provide a defense.

Whatever one's personal views are about the desirability of "forced" busing, and no one particularly likes the idea, I believe that no lawyer can differ with the concept that court decisions must be obeyed and enforced and not tampered with.

Enactment of the President's proposed Student Transportation Moratorium Act would be an unconstitutional interference with judicial power. The busing provisions in the Equal Educational Opportunities Act suffer the same constitutional infirmity.

Whether one agrees with me or not on the constitutional aspects of the matter, the pervasive note in the Administration's proposals is interference with the courts in the performance of their constitutional duties, and on this issue it is the plain duty of the bar to speak out in opposition.

The courts have done their duty in seeking to eliminate racial discrimination in public schools root and branch. Let the nation and the bar now do theirs.

A TRIP TO MARS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, I recently came across a humorous sidelight to America's man-on-the-moon program. With American astronauts landing on the moon this week I wanted to bring to the attention of my colleagues an interesting article which appeared in Transworld International Airlines magazine, Inside story, entitled "The Far-Out Charter." It seems that Transworld International Airlines began offering advanced tickets sales for the first chartered flight to the moon.

With over 10,000 applications coming in, 31 New York seventh-graders decided to get dibs on the first flight to Mars. Miss Melerski's homeroom class at Southside Junior High in New York should be congratulated for their determination and resolve to make the trip. I am inserting four letters from these seventh graders, and would like to offer TWA my wholehearted support in providing such pioneering flight plans for our citizens:

DEAR TRANSWORLD INTERNATIONAL AIRLINES:

We would like to find out how things are up there and besides I want to taste their water and breathe their air if they have any.

Scientists might even be able to improve our water. Now you can see were only trying to save the world from dying of pollution.

Yours truly,

The people that want to visit the red planet—Carol DeJac.

DEAR SIR: How much would it cost for our class to go first class on the wings. I want to go because I just like Mars people and my long lost uncle went to Mars 15 year ago. I'm really a Mars person, but Mars sent me down here on secret business. I already know enough about earth, and have hoped to get back to the old country. We have 32 kids in our class, including our teacher who also came from Mars.

Yours Truly,

DANIEL HIGHWAY.

To Whom It May Concern:

My class and I would like to take your first, first class trip to Mars. Seeing that the moon trip is overcrowded, I settled for Mars. We would like to order 35 seats. Spare no expense, because my Science Teacher, Miss Melerski is paying for the whole thing!

My three main reasons for going are (1) The people up on Mars may contribute to our toys for tots program. (2) I think I deserve a vacation. (3) I would like to spend a winter without the regular Christmas season.

Thank you for your time.

Yours truly,

LUCRETIA ADYMY.

DEAR SIR: I wish to have some information on the first flight going to Mars. Our class of 31 people would like first class seats. How much would they be?

We are looking some kind of life form. We will also collect rocks. How much tax is there on Mars rocks?

Thank you.

TERESA HERBERT

and the rest of our class.

P.S.—We're not queer, just interested.

EARTH WEEK 1972

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. KEMP. Mr. Speaker, almost 140 years ago the French philosopher Alex de Tocqueville wrote about us—the American people. He called us "the most peculiar people in the world."

He wrote:

You won't believe it when I tell you how they behave. In a local community in their country, a citizen may conceive of some need which is not being met. What does he do? He goes across the street and discusses it with his neighbor. Then what happens? A committee begins to function in behalf of that need, and you won't believe it, but it is true—all of this is done without reference to any bureaucrat. All this is done by the private citizen, on his own initiative.

There are those who say this might have worked, back in 1830—but that it will not work today—that things are too big, too complex—and besides, nobody cares anymore.

I disagree. People do care. Earth Day 1970 brought a new awareness of the environment to the people of our Nation, but it also marked a reawakening of the American spirit of self-help that would make our pioneering ancestors proud. These 2 short years have seen the unparalleled growth of citizens' efforts to preserve and restore our environment.

I am proud to say that the people of my district and New York State have shown outstanding leadership in their commitment to a better environment. As Governor Rockefeller states in his 1972 Earth Week proclamation:

The people have made clear their support of the efforts to improve the environment, to undo the centuries of unthinking exploitation of our natural wealth.

To call attention to their efforts and to encourage the fullest participation in future efforts, Governor Rockefeller has proclaimed the week of April 17–23, 1972, as Earth Week, to celebrate our mutual accomplishments to date and to focus our attention on all that remains to be done for our environment.

I fully support the Governor's proclamation and I would like to take this opportunity to pay tribute to the many individuals and organizations who have worked so hard over these past years to improve the quality of our environment and to preserve our priceless natural resources for future generations.

At this time, Mr. Speaker, I include for the RECORD, Governor Rockefeller's 1972 Earth Week proclamation:

PROCLAMATION

Two years have elapsed since the first Earth Day on April 22, 1970—two years during which the people of New York State have shown increasingly greater understanding of our essential dependency on the environment for the true joys of living and, indeed, for survival.

During this time, it has been widely recognized that the wise use of all resources is essential to minimize the adverse impact brought about by the state's growing population and expanding economy.

To help accomplish this, the Department of Environmental Conservation, New York State's pace-setting agency for meeting environmental concerns, is now engaged in preparing an environmental plan for New York. This legislatively mandated plan will help us provide for the management and protection of the quality of the environment and the natural resources of the state.

Continued public commitment is indispensable to the environment, for no program of government, no matter how farsighted, can succeed without the willing support of the people. And the people have made clear their support of the efforts to improve the environment, to undo the centuries of unthinking exploitation of our natural wealth.

To call attention to their efforts and to encourage the fullest possible participation in future efforts, we set aside one week a year to celebrate our mutual accomplishments to date and to focus our attention on all that remains to be done for our environment.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York do hereby proclaim the week of April 17–23, 1972, as Earth Week in New York State.

Given under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of April in the year of our Lord one thousand nine hundred and seventy-two.

By the Governor:

(Signed) NELSON A. ROCKFELLER.

(Signed) ROBERT R. DOUGLASS.

Secretary to the Governor.

ASPIN SCORES PROJECT SANGUINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, on Monday the Navy issued what it called a final

environmental impact statement on research, test, development, and evaluation for Project Sanquine.

Originally the Navy said it hoped to issue a final impact statement. However, after my intervention with the Council of Environmental Quality the Navy relented and decided to issue a final impact statement on only the research aspects of Project Sanguine.

Frankly, Mr. Speaker, I am both surprised and disappointed with the Navy's latest environmental impact statement on Project Sanguine. Out of 1,000 pages of text in the two-volume report, only nine pages are devoted to discussion about alternative locations and alternative systems to Project Sanguine.

The Navy even admits that it has not completed studies on the cost of the possible location of Project Sanguine in New York and Texas. But the Navy still insists that Wisconsin is the best location despite the fact its own studies are not completed. Apparently the Navy is still not seriously considering alternative locations of systems.

Naturally I have not yet had the opportunity to thoroughly study this huge document and comment upon it. However it should be clear that unless the Navy has answered all its critics including such Government agencies as the Corps of Engineers, and the Forest Service, I will pose further funding for the project.

There are more than environmental questions connected with Project Sanguine. A clear-cut case has never been made by the Navy that Project Sanguine is vital to our national security. Instead it appears that Project Sanguine will be a backup communication system and redundant with existing systems.

While it is true that Project Sanguine may allow the operation of our nuclear submarine at lower depths than at the moment, this consideration must be balanced by the potential environmental effects and the total cost of the system.

Unless the Navy can prove the absolute necessity of building Project Sanguine and that the project will entail no adverse environmental effects upon northern Wisconsin, I will continue to oppose additional funding for the project.

SCHOOL PROBLEMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, I include the following newsclipping in the RECORD at this point:

[From the Washington Post, Apr. 20, 1972]

SCHOOL INCENTIVE PLAN A FAILURE, OEO FINDS

(By Lawrence W. Feinberg)

In some classrooms, students who did good work were given cereal and candy.

In others the reward was a dollar for each reading unit completed.

After a year of providing such incentives, plus bonuses for teachers, the Office of Economic Opportunity has reported that they failed to produce significant gains in reading and mathematics achievement.

About 1,200 low-income students—including whites, blacks, and Mexican-Americans—and 78 teachers participated in OEO's incentives experiment in Mesa, Ariz., and Stockton, Calif.

The students' scores on standardized tests, the agency said, were about the same as those of other low-income youngsters in regular classes. Progress made by both groups, it said, was "disappointing."

OEO said its experiment was the largest ever done to test whether material incentives would raise the achievement of poor children, compared with those in regular classes.

The underlying theory, based largely on experiments with rats and other animals, was that learning could be improved by giving concrete rewards for desired behavoir.

Cash and prizes, the reserachers suggested, might be more effective stimuli than good grades, which often are not valued by lower-class youngsters.

Last year OEO said the project would cost as much as $100,000. But recently, Charles Stalford, the project manager, said the actual cost has not yet been determined because the agency and the school districts have not agreed on what the final payments to teachers should be.

Neither OEO nor the two cities are continuing the programs this year, although spokesmen for both districts said some teachers are still using incentives—mostly time off from classwork, not gifts.

In late January, OEO reported that another experiment it ran last year, having business firms operate public school programs, also failed to produce overall achievement gains.

Payments in these "performance contracts," like the teacher bonuses in Mesa and Stockton, were based on student achievement as measured by standardized tests.

The report made public recently on the two teacher and student incentive programs was prepared for OEO by the Batelle Institute, a non-profit research organization in Columbus, Ohio.

It compared students who received incentives with an equal number who did not receive them in comparable schools in both Mesa and Stockton. The children were in grades 1 to 3 and 7 to 9.

In 19 of the comparisons there was no significant difference betwen the incentive and the regular class groups. In three cases, all in elementary grades, the groups getting incentives did slightly better; in two cases, both in junior highs, students in regular classes gained slightly more.

In a statement summarizing the results, OEO declared that "the addition of incentives to the regular classroom routine cannot be said to have had any effect on children's achievement. . . ."

The OEO experiment is part of a fairly widespread movement, generally called "accountability," that emphasizes making schools and teachers responsible for how much their students learn.

In Washington this was reflected last year in a plan by psychologist Kenneth H. Clark adopted by the D.C. school board. It called, among other things, for promoting teachers to higher-paying ranks, partly according to their students' performance. This was bitterly opposed by the teachers union, and was not carried out.

In both Mesa and Stockton the teachers' associations cooperated with the bonus plans. They also made the decisions to share part of the money with students.

For teachers the bonuses were computed according to formulas, which differed in the two cities. In Stockton a teacher could earn an extra $5 for each student who made a gain of at least eight months on a standard test in either English or math. Each additional month's gain was worth $2.20 for the teacher, with a maximum of $24.94 per student per subject.

Thus, an elementary teacher with 30 students could earn a maximum bonus of about $1,500 OEO officials said none of them came close.

In both cities, the incentives for students included not only prizes and cash, but also trips, free meals, and more time for recess.

Although overall test score gains did not occur, a poll of teachers, also reported by OEO, indicated that most felt that students who were offered incentives caused fewer discipline problems and developed a "better attitude" toward school.

HOUSE OF REPRESENTATIVES—*Monday, April 24, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is My commandment, that you love one another, as I have loved you.—John 15: 12.

O God, our Father, who art the source of light, the sustainer of life, and the support of every noble endeavor, we bow in Thy presence praying that Thy spirit may be born anew in all our hearts. Grant that in the midst of difficult days and demanding duties we may be sustained by Thy goodness and strengthened by Thy grace.

Lead us in all good works that there be no want anywhere and favor us with Thy presence that good will may live in the hearts of all our people and peace come into the life of our world.

And grant, our Father, a safe return for our astronauts, from a successful mission on the moon.

In the spirit of the Master of men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolution of the House of the following titles:

On April 17, 1972:

H.R. 12749. An act to authorize appropriations for the saline water conversion program for fiscal year 1973.

On April 20, 1972:

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."