By Mr. CULVER (for himself and Mr. WHALEN):

H.R. 17188. A bill to establish within the Department of Labor a Trade Adjustment Assistance Administration, to transfer thereto certain functions and duties of other departments and agencies relating to trade adjustment assistance, to establish a comprehensive program of trade adjustment assistance, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TIERNAN introduce a bill (H.R. 17189) for the relief of Maria D'Arpino, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of my last weekly report to Ninth District constituents on the role of the Vice President and the method by which he is nominated:

NOMINATION OF A VICE PRESIDENT

Senator Eagleton's nomination as vice-presidential candidate, and his subsequent withdrawal, has stirred a growing debate on the way we select our vice-presidents, and even on the role of the office itself. The controversy is fired by the realization that 12 of our 39 vice-presidents have become president—three of them since 1945 (Truman, Johnson and Nixon). In eight of the 12 cases, the death of the incumbent president prompted the move.

Several studies, in the Congress and elsewhere, are underway on the role of the vice-president and the method of his selection.

THE ROLE OF THE VICE PRESIDENT

The Constitution assigns the vice-president two roles, one active (to preside over the Senate), and the other potential (to serve as the president in the event of his death or disability).

The primary role of the vice-president continues to be that of being available in the event something should happen to the president. In the words of John Adams, "In this, I am nothing, but I may be everything." Few presidents have given their vice-presidents substantive roles in the administration, choosing to assign them to ceremonial tasks. The role of the vice-president is so vague that some political commentators have even proposed that the office of vice-president be abolished, and that the Speaker of the House of Representatives be made next in line to the presidency.

THE METHOD OF SELECTION

Several proposals have been made for revising the method of selecting the vice-president, among them:

1. Vice-presidential candidates should seek the office at state conventions, or run independent races in state primaries. The presidential candidate would then make his selection from among the top two or three candidates, based on primary or convention results.

2. A national primary, or series or regional primaries, should be established in which presidential and vice-presidential candidates would run. Voters would choose two candidates, and the one with the second-highest total would become the vice-presidential nominee.

3. The presidential and vice-presidential candidates should be elected separately rather than as a team, following the practice of several states in which governor and lieutenant-governor candidates are elected separately, regardless of party.

4. Candidates in presidential primaries should announce their vice-presidential choices before the race begins, then run as a team up until convention time.

5. The second-place finisher in the presidential balloting at the national convention should automatically become the vice-presidential nominee.

6. The presidential nominee should be allowed several days to pick his vice-presidential running mate, then have his choice certified to the party.

NO CHANGE, OR SLIGHT CHANGE?

Those who oppose change argue that the present system has worked well. Vice-presidents who have come to power through the death of the incumbent—Theodore Roosevelt, Coolidge, Truman, Johnson—have compared favorably with elected Chief Executives.

In addition, the present system has the advantage of giving the presidential nominee the chance to assure himself of a compatible running mate, which would not exist under most of the alternatives.

Some effort at reforming the system needs to be made. At a minimum, I support changing the convention schedule so that the presidential nominee has two days to make his selection of a running mate. This could be done by switching the presidential nomination from the third to the second night of the convention, adopting the party platform on the third night, and nominating the vice-presidential candidate on the fourth night.

This minimum reform does not rule out more substantive changes later. It would, however, diminish the chances for another agonizing "Eagleton affair."

TRIBUTE TO SAM FLOOD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. ANDERSON of California. Mr. Speaker, on November 2, the many friends of Sam Flood will honor him with a testimonial dinner.

That night will offer each of us, who know him, an opportunity to pay tribute to his many accomplishments, his community spirit, and his active role in improving the quality of life for the residents of the Harbor area.

Sam Flood is truly "a man for all seasons," and as the poet Ben Jonson said—

He was not of an age, but for all time.

For, when I think of Sam, I think of the spirit which built this country.

Certainly he knows hard work. A retired shipbuilder, he knows what it is like to put the pieces together, to strain and agonize while reaching toward the perfect blend, to swell with pride for a job well done. Yes, Sam epitomizes the spirit of the early builders of America. But, there is more.

Sam Flood's involvement in community affairs is, perhaps, the highlight of his life, and again, the "man for all seasons" is reminiscent of our forefathers who molded our system with a view toward an active, vibrant, citizenry participating in the community activities.

When a job needs to be done, when a committee is being formed, when a coordinated effort is needed, when the community has a problem; Sam Flood is the first to add his name to the list of those ready, willing and able to lend a hand.

Yes, Mr. Speaker, Mr. Sam Flood is a "man for all seasons." His spirit, his congenial manner, his active quest to aid his fellowman—all are qualities which were admired in every age by every person, and are admired today by all.

Mr. Speaker, I would like to take this opportunity to commend Mr. Sam Flood, and his gracious and charming wife Regina, for their efforts on behalf of all of us, and for their untiring and unselfish deeds which have provided the impetus for the November 2 testimonial dinner.

REPORT FROM WASHINGTON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. ROYBAL. Mr. Speaker, I am pleased to include in the CONGRESSIONAL RECORD my October 1972 report from Washington to the residents of California's 30th District. The report highlights some of the major legislative and national issues being considered by the 92d Congress.

The report follows:

CONGRESS AND THE TAXPAYER

Over the past 4 years federal deficits have skyrocketed. Instead of a balanced budget, the Administration has piled up a deficit of $76 billion, surpassing the deficits of the last 3 Administrations combined.

It is estimated that over 50% of federal funds support military related programs, including new weaponry. While a strong defense is necessary, we should not lose sight of wasteful military spending that resulted in cost overruns exceeding $28 billion as reported in 1971. Nor should we forget that during this so-called peace economy and rapprochement with Russia and China, we will spend $80 billion for war and armaments, the same amount spent 3 years ago when this country was heavily involved in Vietnam and the arms race.

This policy appears highly questionable in light of our current economic needs. There are over 5 million workers unemployed with 15,000 in my own District. Taxes continue to rise with the brunt being carried by low- and middle-income taxpayers.

One answer to these inequities in our current policy is a fair-share tax reform that closes off profitable corporate and estate loopholes and gears our tax structure to a person's ability to pay. Another is re-evaluation of our national priorities.

While no program should be immune to Congressional scrutiny or criticism, we have set certain fundamental goals for ourselves as a Nation. They include: a full employ-

ment economy, equal educational opportunities, proper health care for all, a prosperous economy and the alleviation of poverty.

Congress is currently debating this question of priorities and fiscal responsibility under the Public Debt Limit bill. This measure as proposed by the White House would raise the federal debt ceiling to $250 billion for this fiscal year and grant absolute authority to the President to make budget cuts as he so chooses.

I oppose this bill in its present form for 2 very basic reasons: one, there should be no increase in the debt ceiling without tax reform to finance new expenditures; and two, Congress has the constitutional responsibility to set priorities and limit spending.

The debate on this bill is more than academic, for the taxpayer's right to representation is at stake. If Congress yields to the President and abdicates its budget authority, the taxpayer loses. No longer could his Congressman question and oversee expenditures as he does now.

As one observer noted, the difference between a dictatorial government and our American system is that "Congress controls the purse strings".

Consumer Safety

A decade ago President Kennedy delivered the first Presidential message devoted to consumer problems. His action became the catalyst for an ever growing national movement for consumer rights.

Several major consumer laws were enacted enabling the Government to seize foods, drugs and cosmetics that fail national standards, close plants selling unhealthy or diseased meat and regulate the flammability of fabrics.

With poor quality merchandise and faulty repairs costing the consumer thousands of injuries and deaths and nearly $200 billion last year, it became clear that the laissez faire doctrine of "Let the Buyer Beware" could no longer be tolerated.

Congress began to fashion a product safety bill that could save as many as 6,000 lives, 22,000 disabled and 4 million injuries due to defective products. It found that the current consumer apparatus was highly splintered and too weak to be effective within the federal bureaucracy. Over 200 consumer programs were being administered by some 40 different agencies. What the consumer needed was an advocate with independent authority to represent him before other Government agencies and in the courts.

Last month the House approved the creation of an independent Consumer Product Safety Commission charged with protecting consumers against defective products. Major provisions of this sweeping legislation included:

Authority to issue mandatory safety standards and conduct studies and tests of consumer products.

Authority to seek a court order against a product declared an imminent public hazard.

Requirement that manufacturers certify that a product meets safety standards.

Civil and criminal penalties for persons failing to comply with product safety standards.

Authority to require the manufacturer, distributor or retailer to give public notice of any product declared unsafe, to bring the product into line with safety standards, replace the product or refund its purchase price.

Provision to allow private citizens to sue for damages if injury or death resulted from use of any product failing safety regulations.

Prior to this Act the Government had never offered a comprehensive program of product safety but chose to deal with the problem in a piecemeal fashion. With the adoption of a regulatory independent agency, Congress has reversed its past attitude, providing for effective government and court action to prevent defective products from reaching the marketplace.

Benefits Protected

Over the objection of this Administration which recommended a 5% social security increase, Congress approved a 20% boost to raise the standard of living for 27 million Americans whose fixed incomes had been eroded by inflation and rising costs. The increase, however, lacked pass-along provisions which would prevent states from using the social security boost to reduce their own level of public assistance.

This practice subverts the intent of Congress and perpetuates a cycle of poverty and despair for millions of older, blind and disabled persons.

In seeking to correct this wrong, I introduced legislation that would guarantee the full social security increase to recipients while preventing any decrease in public assistance benefits they may be receiving, whether food stamps, Medicaid, or aid to the blind and disabled. This bill would bring considerable relief to some 8 million older citizens who live near or below the poverty line.

In a recent letter to all House members, I called for a united effort to get Congressional action on the pass-along during this session of Congress. Last week the House Ways and Means Committee which has jurisdiction over the pass-along recommended a narrower proposal covering only Medicaid recipients.

Although I would certainly support even this limited coverage, I intend to fight for a full pass-along when the Ways and Means bill comes before the House.

Legislative Report

UNEMPLOYMENT

Unemployment and inflation remains the most pressing problems facing residents of my District. The impact of this Administration's new economics, which offers billions of dollars in tax breaks to large corporations, has spelled disaster for the American worker. Counted among the unemployed are 15,000 from my own District.

To end this large scale unemployment, the Administration must call off its current freeze of public employment funds and manpower training programs, and adopt a massive public service strategy for more than 1 million unemployed workers.

In working toward this goal, I joined with Rep. John McFall of California in pushing for a 2-year extension of the accelerated Public Works Impact Program. Recently the House approved our bill as part of the total Public Works-Economic Development package. The bill authorizes a ceiling of $1 billion for immediate job-creating public projects in very high unemployment areas and would bring additional jobs to my District.

A recent House Labor report described the impact program as an effective tool in attacking joblessness and relieving the unemployment-inflation crisis which has gripped this country since President Nixon took office 4 years ago.

TAXES

One of the most glaring injustices today is the tax burden shouldered by low- and middle-income taxpayers. I oppose the continuation of special tax breaks for large corporations and the privileged few at the expense of the average taxpayer. Our tax system has become a multibillion dollar giveaway especially during a time when this country faces a budget deficit of $76 billion.

For this reason I have urged emergency legislation to close the glaring loopholes in our federal tax system. Known as "the Tax Reform Act", this measure would yield $7 billion or more a year in new revenues and check staggering increases in our federal debt.

NARCOTICS CONTROL

As a member of the Appropriations Subcommittees on Foreign Operations and Treasury-Postal Service-General Government, I have pushed for stronger international and domestic narcotics control. During this Congress two of my proposals have been adopted. One would cut off aid to countries which fail to curb the flow of drugs to the U.S. The other would increase the number of Customs officers at border stations, as well as improve search procedures and staff recruitment policies.

EQUAL OPPORTUNITY

Congress recently approved a 2-year extension of the federal antipoverty programs. During debate on the bill, I pointed out that this legislation would continue to help 25 million Americans escape poverty and gain access to decent jobs, housing and educational opportunities. The antipoverty bill would enable the Government to continue youth manpower; expand Head Start and Follow Through; extend community action and legal services; and continue senior opportunities and services, emergency food, and drug rehabilitation to develop job opportunities for rehabilitated addicts. New programs included rural housing for low-income families and environmental action to provide for payments to low-income people working on environmental and anti-pollution projects.

District Offices

I have opened another District Office in the Bell City Hall to serve Bell, Maywood and a portion of Huntington Park east of State Street. Beginning on October 25, the office will be open every Wednesday from 9 A.M. to noon to residents of these areas who have appointments to discuss matters with my staff. Please call 588–6211, Ext. 21, to make an appointment during that time. My Los Angeles Office which will continue to serve all residents of my District is located in Room 7110, New Federal Post Office Building, 300 North Los Angeles Street.

District Grants

Our District has received a number of important Federal grants and contracts for various programs. Included among these are:

EARLY EDUCATION

A $2.8 million grant from the Department of Health, Education and Welfare to the Economic and Youth Opportunities Agency, Los Angeles, to provide preschool training for nearly 4,000 children from low-income families, including medical and social services.

OLDER CITIZENS

A $48,000 ACTION grant to the Los Angeles Volunteer Bureau/Voluntary Action Center to operate a Retired Senior Volunteer Program. The grant is the first in a 5-year commitment to the Volunteer Bureau for placing 300 older citizens in volunteer community service during the first year and 2,000 by the end of five.

URBAN PLANNING

A $60,000 contract from the Department of Housing and Urban Development to the Barrio Planners, Inc., to conduct a visual survey and analysis of the East Los Angeles area. Barrio Planners is a nonprofit group offering technical assistance in urban planning to Mexican Americans.

MINORITY EDUCATION

A $353,000 Office of Economic Opportunity grant to the Economic and Youth Opportunities Agency, Los Angeles, for special educational and tutorial programs for minority children, a parent-teacher relations program, and support for 60 teacher aides.

FAMILY PLANNING

A $1.3 million grant from the Department of Health, Education and Welfare to the Los Angeles Regional Family Planning Council, Inc. to provide family planning services and counseling.

THE TOXIC DANGERS FROM ETO

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. WOLFF. Mr. Speaker, a clear danger exists today for every man, woman, and child faced with the necessity of undergoing an operation and the danger to which I refer is not necessarily from the operation or applied treatments involved, but rather takes shape in the type of medical instruments used in the operating room—instruments that have been sterilized with ethylene oxide gas (ETO).

Increasingly since World War II, but especially within the last decade, hospitals and the manufacturers of disposable medical devices used in operating rooms—such as plastic tubing, plastic hypodermic syringes, to cite but two examples—are sterilizing their instruments and products with ethylene oxide gas, a highly toxic substance.

The dangers derived from the use of ETO is found in the fact that rubber and certain plastics do not dissipate the gas absorbed during the sterilization process. The stable derivative that often results can cause toxic reactions and even deaths.

Mr. Arthur Perlin, a former FDA inspector and now a Port Washington, N.Y., pharmacist, informed my office that while working for the FDA in Detroit, he recorded over 100 cases of toxic and sometimes fatal reactions to ETO residues found in disposable hospital gloves, plastic tubings, plastic hypodermic syringes, and even catheters used for heart surgery.

Mr. Perlin reports some instances of surgeons ripping off their gloves in the midst of an operation because of the burns induced by ETO residues that had failed to dissipate following sterilization.

Commissioner Ley, then head of the FDA, in commending Mr. Perlin for his work in exposing the dangers associated with ETO, acknowledged that many unexplained injuries, and in some cases deaths, were related to ETO's use as a sterilizing agent.

But regardless of former Commissioner Ley's commendation of Mr. Perlin's efforts, the fact remains that little, if anything has been done to halt the use of ETO as an agent for sterilization, and thus a great danger remains.

Following Mr. Perlin's report to my office I wrote a letter to FDA Commissioner Charles Edwards in which I stated:

> It is my understanding that residues of ETO have been responsible for severe reactions, other-wise unexplained, and even deaths through contamination of sterilized surgical gloves, heart catheters, Pacemakers, and hemodyalisis (the latter two through polyvinyl or rubber tubing associated with them). I have further been informed by reliable sources that the FDA, though knowing of this problem for years, has resisted making the information public and in other ways failed to take adequate steps to safeguard the health of our populace.

Six weeks later I received a reply, enclosing three articles by Dr. Carl Bruch, who is the director of the Bacteriological Branch of the Division of Microbiology of the FDA, and an expert on the whole ETO problem.

As the FDA's reply shows, the agency has refused to take legal action on those who have been negligent in using the gas. Moreover, it has even refused to issue a general letter of warning on use of ETO, despite reports of its dangerous nature dating back to 1955.

As its reply to my letter explicitly states, the FDA considers 25 parts per million the "acceptable limit" of ETO residue in catheters, gloves, and syringes. This is the limit which has been generally proposed by Dr. Bruch, although he has elsewhere expressed doubts about the safety of any residue exceeding 5 p.p.m.

But the only limits which are publicly available as suggested guides are 10 times that high. They derive from the work of the Z–79 Subcommittee of the U.S. Standards Institute, the Subcommittee on Ethylene Oxide Sterilization. Industry members make up a clear majority of the subcommittee, which has explicitly rejected Dr. Bruch's 25-p.p.m. limit over a 4-year period, and announced a guideline of 250 p.p.m. Although it has no legal force, the subcommittee's standard is generally accepted.

The Government has made no move to work to change it—indeed, it sat in on the committee formulating it—and has acquiesced to it, although it is 10 times what the FDA wrote to us when announcing their "acceptable limit." Meanwhile, Dr. Bruch reports that the majority of the companies which make ETO sterilized devices or ETO sterilizers are not taking appropriate steps to warn their customers of the need to allow proper time after sterilization for the gas to dissipate.

The FDA claims to be making "efforts to determine safe limits for these gases with a view toward publishing such limits." The FDA has been making these efforts for over a decade, while hundreds have been injured and a number have died. The whole emphasis is wrong—instead of waiting for danger to be conclusively proven and then listening to the counsel of manufacturers, the FDA should have come in immediately with tough standards, and then waited for proof that it was too tough before allowing any relaxation.

There can be absolutely no doubt, on any basis, that the FDA is fully aware of the hazards associated with ETO—the FDA's own Weekly Recall reports has on at least two occasions made mention of the dangers of using ETO as a sterilizing agent.

What I here propose is for the FDA to begin at once that process whereby the absolute minimum toxic level of ETO is finally determined and for that level then to be imposed by the FDA as the standard for the entire medical industry.

In addition, I have asked Chairman PAUL ROGERS of the House Subcommittee on Health and the Environment to hold hearings into the safety factor of ETO with the hope that out of such hearings will come legislation safeguarding all Americans from the known as well as the unknown dangers of medical practices.

ON FREEDOM OF THE PRESS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. CONYERS. Mr. Speaker, the Founding Fathers of our Nation were foresighted enough to understand that freedom of the press is the cornerstone of a free society, a freedom now threatened by the administration's attempt to use the fourth estate as an arm of the Department of Justice. As a reaction to this insidious threat I cosponsored the Newsmen's Privilege Act, which was later reintroduced as H.R. 14334 by my colleague Mr. KOCH. This bill would enable newsmen to research a story without fear of Government reprisal, and fulfill the public's inalienable "right to know." News correspondent Earl Caldwell has firsthand knowledge of the harassment now confronting an investigative journalist. His informative article from The Saturday Review follows:

[From the Saturday Review, Aug. 5, 1972]

ASK ME. I KNOW. I WAS THE TEST CASE

(By Earl Caldwell)

(NOTE.—Earl Caldwell, a New York Times reporter based on the West Coast, is teaching this summer at the Columbia University School of Journalism.)

NEW YORK, N.Y.—At this point I am already so far past my deadline that my editor has given up listening to my excuses. She has parked outside my office and has informed me that she will not leave until the piece is finished. All this to pull loose my reaction to the Supreme Court's June 29 decision that the government has, if it chooses, a perfect right to subpoena me, or any other newsman, to testify before a grand jury—in my case, one investigating the Black Panther party.

The article should be easy to write. I've got so much to say that I feel about to burst. But I can't put anything on paper. I can't let anyone know. I have to keep it to myself. That's the rule of the game. Just this once, though, I'd like to say: The hell with it—the hell with what the Justice Department might do—the hell with what the New York Times thinks. I owe this one to myself. I know what I've been through these past two years. Let me get this off my chest.

The day the decision came down I stayed at home. A friend called to say that I had lost. Later that morning I phoned the Times, and Gene Roberts, the national editor, told me that the decision had been 5 to 4. Justice Rehnquist had made the difference. The deciding vote had been cast by a man who had been deeply involved in the subpoena issue when he was in the Justice Department.

I thought back to the day, February 2, 1970, when the first subpoena was served. It required me to appear in San Francisco before a federal grand jury that was probing the activities of Black Panthers. I had been counseled—not by my attorney, but by other legal experts and by people prominent in the newspaper industry—against being so anxious to go to court to fight the issue. They argued that I risked having a bad law made in an area where none had existed. In other words, I shouldn't go to court because I might lose. It would be better, they said, if we could work something out.

There was nothing to work out. I'm a journalist and, as quiet as it's kept, serious about my work. I grin a lot and try to give the impression that I'm always happy. That's the facade black folks must put up. So when I said that I wasn't going to appear before any grand jury investigating the Black Panther party, nobody believed that I was seri-

ous. Perhaps they didn't know where I'd been for the past five or six years.

I was on the balcony with Martin Luther King in 1968, and I saw him die. I saw the blood come out of his neck and stack up around his head. I watched Ralph Abernathy cradle King's head in his arms. I was there, and I looked into King's eyes and watched him die.

Before that I had done my time in the streets. I wasn't just in Newark or Detroit. I was on Blue Hill Avenue in Boston. I was on the west side in Dayton. I was in Cincinnati and Watts and Sacramento and Chicago and a lot of other places where black folks showed their anger and rebelled during the summer of 1967.

I remember being in Newark and visiting a young kid in his home just after his mother had been fatally shot. There were twelve in that family, and their father was dead. Their mother had locked them inside the apartment when the rioting broke out, and she was lying on a couch. She got up—maybe to get a drink of water or maybe to see about the food on the stove. It makes no difference. The thing that's worth remembering is that when she got up a bullet came through a window and tore her neck apart. When I arrived, with my press card, there was only a pool of blood left and holes in the walls that were bigger than your fist. The next morning the stories in my paper were not about police and National Guardsmen firing weapons so powerful that they dug walls apart. The *Times* headlined stories about snipers—snipers who the governor of New Jersey said were operating in the black community and who were highly professional (in spite of the fact that they never killed anyone).

Out of that summer came Rap Brown. I went across the country with him, and I watched thousands of black folks who were fed up, who were so filled with rage that they, too, were about to explode. Out of all that came the Black Panther party.

When I linked up with the Panthers late in 1968 on the West Coast, they called me a cop. I had to be a cop, they reasoned: The *New York Times* was not about to send a black reporter 3,000 miles just to cover them.

I had friends who knew Kathleen Cleaver; she was my first contact with the party. But to make it, you had to be able to deal with the Panthers in the streets, the Panthers whose names you never asked, whose names you never read in the paper. They were the ones who showed me what I needed to know. Late one night in San Francisco they yanked an old couch away from a wall in a cramped apartment, exposing stacks of guns of every sort. I could tell my readers then to take these people seriously, and I did.

I watched the Panthers' breakfast program before other reporters knew it existed. I wrote about it in the *Times*. If I've ever written a page-one story, that was it. The story was all there, but it was buried somewhere in the thickness of the Sunday edition. I told how painstakingly they went about their work, cooking big breakfasts—eggs, bacon, ham, grits, biscuits—they had it all. But they also added politics, in the songs they sang, in the literature they gave to the kids. Nobody tried to hide the political part from me—the reporter from the *New York Times*. Every now and then I'd get the third degree. "C'mon now, Caldwell; we know you're a cop," they'd say. But I kept coming back, and I kept telling them: "I'm a reporter. That's my job. That's the only reason—the only reason I'm here." Somewhere along the line they began to believe me.

On the morning before he went into hiding and eventually slipped out of the country, I visited Eldridge Cleaver in his San Francisco home. I remember him sitting there at his typewriter with his shoes off and telling me that the time was coming when the Panthers would have to move against black journalists. Once, he explained, it hadn't made any difference what we wrote because nobody—nobody black, that is—read us. But with blacks beginning to read more, what was being written about them was becoming more important. "What good do you do, anyhow?" he asked me. I wrestled with the question then; it is even more difficult to answer now.

As I became more deeply involved with the Panthers, I began to keep all kinds of files on them. On Panther personalities. On off-the-record conversations. I kept tapes, too, and I would write my personal reactions to everything involving the Panthers that I covered. At this point they were under attack by police groups across the country. At a time when the party was shutting out reporters, I was closer to it than ever. I would sit nights at the national headquarters on Shattuck Avenue in Berkeley, talking with anyone who would talk. Often I would not leave until 3 or 4 in the morning. The party trusted me so much that, I did not have to ask for permission to bring along a tape recorder. Some writers hinted on occasion that I was a member of the party: I wrote that off as professional jealousy.

But I was never permitted to follow the story through to the end. The FBI saw to that. I had my first encounter with FBI agents when I wrote about the Panthers' guns, but that time they left me alone when I assured them that all the information was available in the newspaper. Then, late in 1969, they began to interfere with my work. They wanted to pick my brain. They wanted me to slip about behind my news sources, to act like the double agents I saw on old movie reruns on TV.

This is not my fantasy. The Times knew what was happening. They knew the FBI was calling me every day. Finally, Wallace Turner, chief of the Times bureau in San Francisco, arranged for an assistant in the bureau, Alma Brackett, to take all my calls. The FBI even had women call. It went on like that for months, until one day an agent told Mrs. Brackett that, if I didn't come in and talk to them, I'd be telling what I knew in court. That's when they subpoenaed me. They asked for all of my tape recordings, notebooks, and other documents covering a period of more than fourteen months—and let me know that, if I did not come in with everything, I would go to jail. As it turned out, when I did refuse to appear before the grand jury, I was found in civil contempt and sentenced to jail until I complied with the court order. Fortunately, the court agreed to stay the execution of that order until I had a chance to appeal.

The rest is history. I met Tony Amsterdam, a good man and a brilliant lawyer, who understood why I could not appear before the grand jury. Tony was beautiful. He never asked about money. He never said that we shouldn't do this or we shouldn't do that because we might get a bad law written. He said that we were right and that we would go all the way to the Supreme Court if we had to. We did. And now the Court has ruled, and it makes me sick that the vote that beat us was cast by one of the very men who earlier sat in the Justice Department, where he could not have avoided being involved in this whole issue. So the records show that we lost—lost in a court that black folks had come to think of as their last resort for justice in the United States of America.

It's no longer important now what the government can get from me about the Panthers. I have nothing to say about them. They are not the same organization now that they were when I covered them. As for the notes and the tapes I spoke of earlier—well, they're all gone. I ripped up the notebooks. I erased the tapes and shredded almost every document that I had that dealt with the Panthers. Many of those items should have been saved, for history's sake, as much as for anything. But in America today a reporter cannot save his notes or his tapes or other documents.

That's not all. From now on no newspaper can hope to cover effectively an organization such as the Panthers. I don't care how black a reporter is, he won't get close. He won't, and he shouldn't try. He won't because he cannot be trusted as a reporter. When he goes out and cuts an interview, he may say that it's only for his paper. He may swear to it. But if he means it, the government can now put him in jail and keep him there. Ask me. I know. I was the test case. And because Justice Rehnquist did not disqualify himself, we lost.

Yes, this should be an easy piece to write. I have a lot to say. It's difficult, though, because I have a lot to think about. I am teaching this summer at Columbia University, but in another month I'll be heading back west to my job as a West Coast correspondent for the *Times*. I still have not figured out how I can go back into the black community—or any community, for that matter—and present myself as a journalist. Hell, even the Supreme Court has now said that there is nothing wrong with forcing a reporter to become a spy. But not all of the Court misunderstood.

In his dissenting opinion, Justice Douglas wrote: "A reporter is no better than his source of information. Unless he has a privilege to withhold the identity of his source, he will be the victim of governmental intrigue or aggression. If he can be summoned to testify in secret before a grand jury, his sources will dry up and the attempted exposure, the effort to enlighten the public, will be ended. If what the Court sanctions today becomes settled law, then the reporter's main function in American society will be to pass on to the public the press releases which the various departments of government issue."

HON. WATKINS M. ABBITT

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. GRIFFIN. Mr. Speaker, Congressman WATKINS M. ABBITT at the close of this session, concludes a distinguished career of over 24 years as a Member of Congress.

Congressman ABBITT has had a long career, contributing to both his State and Nation; as a member of the Virginia Constitutional Convention of 1945; State Democratic Chairman; and as a Member of Congress for over 2 decades.

Serving 24 years with distinction, Congressman ABBITT has made significant contributions as a member of the Agriculture Committee and the Committee on House Administration. His service as a member of the Committee on Standards of Official Conduct speaks highly of the devotion and respect he commands among his peers and as a dedicated public servant.

The guidance and counsel of the gentleman from Virginia, WATKINS ABBITT in the legislative process has indeed been valuable and I know that the Congress will miss his service. I do want to wish him well in the future as he returns home to Virginia.

TABULATED RESULTS FOR POLL CONDUCTED SEPTEMBER 1972

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. VEYSEY. Mr. Speaker, last month I sent a questionnaire to every one of my constituents in the 43d Congressional District of California asking their views on a number of vital issues confronting us here.

We received more than 22,000 responses—enough to be confident that the results represent an accurate survey of public opinion in the district. Several thousand respondents extended their answers with additional comments, which I will read and answer as time permits.

I reprint below for the benefit of all Members the tabulated results of the poll, as well as some personal comments of my own:

1. Do you believe that forced busing of school children from your neighborhood by court order will:

(a) Improve quality of schools: Yes, 9%; No, 91%.

(b) Eliminate segregation in schools: Yes, 23%; No, 77%.

(c) Reduce racial tensions: Yes, 12%; No, 88%.

(d) Add to the cost of local schools: Yes, 97%; No, 3%.

However, few who perceived any benefits from forced busing, almost all agree it will cost money. Except where a community voluntarily undertakes widespread busing. I have consistently voted against forced busing. I want to use the money for upgrading schools and facilities instead of buying and maintaining a fleet of vehicles.

2. Should the President be prohibited from engaging our armed forces in hostilities for more than one month without a declaration of war by Congress? Yes, 59%; No, 41%.

The House and Senate are in a deadlock over how to limit the President's war-making powers, but there is widespread feeling that the Congress—and the people in turn—should be consulted before our Armed Forces are committed on any extensive operations abroad.

3. Do you approve of selling large quantities of agriculture products to the Soviet Union? Yes, 64%; No, 36%.

Although a majority approves the grain sales, a substantial number commented with reservations: Russia is alleged to be transshipping some of the wheat to North Vietnam; the sales will cause our domestic wheat and bread prices to rise as supplies diminish; we are solving Russia's deepening agricultural crisis without extracting enough political concessions.

4. Do you think the federal minimum wage should be increased from $1.60 to $2.00 per hour? Yes, 61%; No, 39%.

Barring a last minute settlement between House and Senate differences, minimum wage hikes do not seem likely in the present Congress. Points of differences are the coverage of youths, State and local governmental employees, and the timing of the proposed increases.

5. Should we start to phase out wage and price controls? Yes, 29%; No, 71%.

The authority for wage/price controls expires next May 1. However, the continued threat of inflation makes it unlikely that controls will be allowed to lapse completely.

6. Would you vote to suspend air service to any country that harbors airplane hijackers? Yes, 96%; No, 4%.

The House passed, and I supported, a measure to authorize the President to cut off all foreign aid to a nation that harbors air pirates. I have introduced H.R. 16343 to suspend air service between the United States and any country that harbors air pirates. Neither is likely to pass the present Congress.

7. Should Congress ban the sale of cheap, concealable handguns (the so-called Saturday Night Specials)? Yes, 76%; No, 24%.

These results verify the findings of pollster George Gallup, who reports that people have consistently favored restricting handguns since 1938. The problem is how to draft a law that would define a "Saturday Night Special" without infringing on the constitutional right to bear arms—much like the problem of drafting an antipornography law that does not violate freedom of speech.

8. Do you approve of unauthorized negotiations between American Citizens and North Vietnam? Yes, 15%; No, 85%.

On October 2 the House voted 230–140 to empower the President to bar private U.S. citizens from visiting or "negotiating" with a country with whom we are in armed conflict. I supported the measure, but unfortunately it required a two-thirds margin for passage. The bill is dead for this session, but could very well be brought up again next year under regular rules that would require only a majority vote for passage.

9. How do you feel about amnesty for those who fled this country to evade military service? (Check one only, please)

(a) For amnesty now 11%.

(b) Would consider individual cases after a cease fire and POW return 26%.

(c) Oppose amnesty of any kind 63%.

The vast majority opposes amnesty to draft evaders so long as Americans are held prisoners of war by the North Vietnamese. After a settlement to the conflict and the prisoners have been returned, attitudes may soften and the evaders considered on a case by case basis.

10. Do you favor a federal law to authorize "no-fault" auto insurance? Yes, 76%; No, 24%.

This was the least answered question in the poll—possibly reflecting uncertainty over what "no fault" auto insurance is. Generally, it provides that insurance companies pay the damages of their clients in an accident without regard to who was at fault. Several States have adopted the plan, and measures are pending in both the national Congress and California Legislature to authorize no fault insurance. The issue is bound to increase in importance next year.

11. Would you stop distribution of food stamps to strikers? Yes, 76%; No, 24%.

An amendment in the Agriculture Appropriations bill to bar food stamps to a family with one member on strike was defeated 199 to 180. I supported the amendment, but a coalition of Southerners who traded their votes in exchange for Northern liberal support for continued agricultural subsidies defeated the motion.

12. Do you think President Nixon was right when he resumed bombing and mined Haiphong Harbor after the North Vietnamese invasion in April? Yes, 92%; No, 8%.

The percentage opposed to the bombing is less than one half of those who voted for immediate withdrawal in our February poll. Many who wanted to end our involvement before the bombing now appear to support the President's actions to conclude the war.

A FIGHTER FOR JUSTICE AND PEACE—FATHER ROBERT REICHER

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. MIKVA. Mr. Speaker, with the recent death of Father Robert Reicher, Chicago and the Nation lost a great fighter for justice and peace.

Father Reicher's tireless efforts on behalf of the farmworkers of Illinois and the downtrodden day laborers throughout America typified his quest for social justice on behalf of all peoples.

We would serve Father Reicher's memory well by turning with equal fervor to the still unfinished agenda of social problems facing America and the world. But without him, our job will be a little bit harder.

I would like to insert in the RECORD the funeral homily given at Father Reicher's funeral by Msgr. John R. Gorman, rector of St. Mary of the Lake Seminary, so that those who were not fortunate enough to know Father Reicher during his lifetime might know of his works and his wonderful humanity.

The homily follows:

FUNERAL MASS FOR REV. ROBERT A. REICHER

(By Msgr. John R. Gorman)

Today we are here because of the untimely death of an uncommon man.

Every man must write a story with his life—a story that tells what he thought his own personal existence was all about—a story that depicts the issues and values he believes in—a story that shares his mission and challenge with all who read it.

Father Reicher was a man who with his life wrote a powerful story. There were three central themes around which his life's energies were focused.

The first theme is suggested in this morning's reading from Daniel (Daniel 12: 1–3). Here the prophet is speaking of a troubled and confused nation of Israel. He promises that men will arise to lead their people. They will be "wise men" who will "lead the many to justice."

Yes, a passionate concern for justice, equity, fairness was a central theme in Father Reicher's life.

Early in his seminary years he delved deeply into the writings of Pope Leo XIII and all the succeeding papal encyclicals that dealt with social justice. In order to understand the human situation of man's social life, he also became an avid student of sociology.

Certainly his classmates in the seminary remember the special seminars Bob Reicher would hold in the barber shop after the

evening meal. With characteristic patience and enthusiasm he would explain the issues and challenges to which the social encyclicals addressed themselves. Even in the seminary he began to speak forcefully to a church that was slow to realize the great injustices being suffered by so many segments of our society.

His first assignment as a priest was to St. James Parish in Arlington Heights, Illinois. Here his talent for organization, work and creative ideas brought new life to a fine parish. It was only a short time before his sharp eye for justice and his compassion for the poor brought him into contact with the serious social problem of the migrant farm workers mainly of Mexican descent who lived near St. James Parish. It was through these people and their cause that he became so deeply and effectively involved in the cause of migrant workers across the country.

Sociology continued to be an absorbing study for him and he finished his Ph. D. in this field at Loyola University of Chicago.

It seemed to be just a matter of time until he became part of the staff of the Catholic Council on Working Life. Here his interest in and knowledge of the great social needs of the poor, of minority groups was furthered under the expert guidance of informed and dedicated tutors from the ranks of the clergy and the laity. He learned well from these men and women of vision. With them he studied the injustices that were prevalent in our society—housing, race relations, education, labor problems, business practices and the ethics of international relations.

His career as a teacher took shape quickly as he now was able to wed the theory of Christian social justice to the experiences of his every day life that brought him into close contact with the human problems of society.

He worked closely with many colleges and adult education centers. The faculty and students of Barat College, for example, enlisted his expertise as a teacher for several years.

The future priests of the Archdiocese of Chicago came to understand and be bothered by the great social unrest of our day through the untiring efforts of Father Reicher. His presence as a teacher at Niles College of the seminary system and at the major seminary, St. Mary of the Lake, Mundelein, left a deep impression on hundreds of young men who are priests in the Archdiocese of Chicago. As a teacher he was competent, well prepared, creative, enthusiastic, demanding and patient.

He truly was a wise man who spoke to a confused and troubled world about the dignity of man, the nobility of work, the sanctity of human life and the necessity of justice as the cornerstone of all human interaction. The *justice* of which he spoke was Christian justice—it was based on the gospel values enunciated by the Lord Jesus Christ.

All around him Father Reicher saw a world in which men and women were full of division, suspicion and ignorance of one another. A world of jealousy, contention and conflict. Divisions that brought strife included those between labor and management, long-standing and unaddressed attitudes between various Christian churches and Jewish communities; tensions, unjust laws and unfair political practices that separated racial groups and ethnic cultures; strained relations between members of the Church, bishops and priests, priests and laity; painful disagreements between faculty members and boards of administration; and the agony of war and other military expressions of power—all somehow related to injustice and the lack of peace in the lives of men.

The second theme in the story of Father Reicher was *Peace.*

To bring justice to bear on the actions and decisions of men, Father Reicher knew he must do more than teach. So he gave himself to a life of committee work and commissions to try to implement the principles he held so firmly.

When the Archdiocese of Chicago formed a Commission on Human Relations he was selected as a charter member. Along with other talented and dedicated members of that group, he worked to understand and develop guidelines for policies that would bring greater harmony and peace between churches realizing that, as the Second Vatican Council said, we are living in an ecumenical age. The Commission also addressed the great unrest in the black community as well as the plight of all minority groups and struggled to formulate plans and structures to bring about greater peace to these segments of society.

As Executive Director of the Archdiocesan Office of Conciliation and Arbitration Father Reicher strove to help people live more peaceable with each other. The principle of "due process" that was the backbone of this Archdiocesan Office flowed from the belief in the dignity of each individual man and his right to justice. Under his capable leadership many dedicated people, clergy and lay, worked diligently and patiently to restore peace to various aspects of the human family.

Father Reicher was part of the Coordinating Board of the Association of Chicago Priests. He was a member of the Design Committee for the Presbyteral Senate of the Archdiocese of Chicago.

Each year—at the Holy Name Cathedral—a "Labor Day Mass" would be celebrated. Under his guidance men and women representing various aspects of labor and management and the professional world would come together in faith. They would hear about and celebrate the dignity and worth of their fellowman, the theology of work and the ethical principles that must guide a Christian as he cares for the world.

Just a few short weeks ago, a group of Chicago priests gathered in Holy Name Cathedral to think and pray about the Vietnam War. One of the two talks that evening was given by Father Reicher. In his typical fashion he presented in careful detail the history of the initial involvement of our country in that war. With equal attention to detail, he built a powerful argument that showed the immorality of our continued presence in that war.

Peace—his second life-theme—was pursued relentlessly. His own personality along with the strength of his ideas were his instruments for peace. He was effective because, as St. James says in the second reading of the liturgy this morning, he had a "wisdom from above." Father Reicher was a wise man as a teacher, but his wisdom in dealing with people in pain was "peaceable, lenient, docile, rich in sympathy, impartial and sincere." The words of St. James seem to speak clearly to the first two themes in the story of Father Reicher.—"The harvest of justice is sown in peace for those who cultivate peace." (St. James, 3:17-18).

Death is the final theme of this story. We all used to comment on his driving nature and demanding schedule. He asked little for himself while he demanded much for his fellow man. He lived with abandon, throwing himself into work, running from one crucial problem to another. Many people tried to slow him down—with little success.

Somehow, Bob Reicher seemed to understand that a man must be in control of his life—its direction and its purpose. But he also understood the necessity of addressing death—so it just doesn't happen—but it, too, is chosen and fits into his entire story.

He knew well the meaning of Our Lord's words read in the Gospel of St. John just a few moments ago. "Unless a grain of wheat falls on the ground and dies, it remains only a single grain; but if it dies, it yields a rich harvest." John 12: 22-25.

Father Reicher believed these words and lived them. He knew that a life is no life unless it is shared. This is true whether we speak of the life of an idea, of a cause, or the life of personal care and compassion that supports, encourages and challenges the lives of others.

In this moment of loss and sorrow, we extend our deep sympathy to his mother, brother Paul and to his relatives and friends.

We are sad because we may feel we had to write his personal story in a hurry because not too many years were given to him.

In a more realistic sense, however, we must realize his story was clear—compelling and complete.

We all knew him to be a man who husbanded his time well, worked hard, but expected and demanded a return for his efforts. His life is now laid upon all of us that the issues of justice and the cause of peace so well articulated by this priest be not forgotten. That the conscience he awakened in all of us not be dimmed. That the restlessness and the sense of urgency to work for the Kingdom of the Lord be not compromised.

This harvest of his life is now our continued responsibility.

In a way, the story of Father Reicher is over—in a way, it has just begun.

He took his three themes from the life of Our Blessed Lord.

It's from Him he expects his reward.

Listen to the Words of the Lord that Bob Reicher believed in:

Happy are those who hunger and thirst for justice: they shall be satisfied. Matthew 5:6.

Happy are the peacemakers: they shall be called the Sons of God. Matthew 5:9.

Anyone who loses his life—will keep it for all eternity. John 12/25.

DANNY LEWIS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. HOGAN. Mr. Speaker, many of our colleagues probably remember the ghastly bus accident last May in nearby Hillcrest Heights, Md., in which five persons were killed and 40 injured when an interstate bus overturned. The scene was tragic, but the situation could have been much worse were it not for Volunteer Chief Danny Lewis of the Silver Hill Fire Department and Rescue Squad.

Upon arriving at the scene of the accident, Chief Lewis and his fire company found that the bus had overturned in such a way as to trap 15 passengers beneath the bus in a ravine. Chief Lewis requested additional equipment and sent one truck to a nearby lumber yard to get as many four-by-four timbers as possible to shore up the bus, so that it would not roll into the ravine.

While waiting for the timbers to arrive, Chief Lewis directed his men to evacuate the less seriously injured persons who were not in or under the bus. They were given first aid and treated for shock. When the timbers arrived, the bus was shored up and the removal of persons in and beneath the bus was begun. In less than an hour all of the trapped victims were removed and trans-

ported to nearby hospitals. Witnesses stated that without the professional and experienced manner demonstrated by Chief Lewis' leadership and direction, other lives would undoubtedly have been lost and other passengers would have suffered additional injury.

The American National Red Cross honored Chief Lewis for his heroic deeds on that day by awarding him the Red Cross Certificate of Merit, the highest award given to a person who saves or attempts to save a life by using skills learned in a Red Cross first aid, small craft or water safety course.

Mr. Speaker, I join with the Red Cross in commending Chief Lewis for his quick-thinking and knowledgeable actions in an emergency.

RENT WATCH FOR SOCIAL SECURITY BENEFICIARIES

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. HELSTOSKI. Mr. Speaker, the Cost of Living Council in conjunction with the Internal Revenue Service has published an informational booklet on a "rent watch" program designed to prevent illegal rent increases from cutting into the additional social security payments which go to the elderly, the handicapped, widows, and children.

The "rent watch" program is designed to protect renters from illegal rent practices and to assure that the regulations of the economic stabilization program will be enforced.

The Economic Stabilization Act is being enforced by the Internal Revenue Service offices across the country. In Bergen and Hudson Counties, the two IRS offices are: Internal Revenue Office, 334 Union Street, Hackensack, N.J. 07601, Telephone: (201) 487-8981; Internal Revenue Office, 591 Summit Avenue, Jersey City, N.J. 07306, Telephone: (201) 659-9038.

My constituents who are social security beneficiaries and who may have questions on rent increases should contact the above IRS offices.

Following is the information brochure which provides a summary of rent regulations, as well as question and answers:

"RENT WATCH" FOR SOCIAL SECURITY BENEFICIARIES

DEAR SOCIAL SECURITY BENEFICIARY: You are concerned about living costs, and it is our job to do everything we can to hold down the costs of living. For many, rent is a big part of your monthly bills. Because rents are such a large part of living costs, and because Social Security payments increased by 20 percent on October 2, the Cost of Living Council has developed a special program to help prevent excessive and unjustified rent increases.

We know that the elderly and others who rely on Social Security payments spend a larger percentage of their income on rent than most other Americans.

Our "Rent Watch" program is designed to prevent illegal rent increases from cutting into the additional Social Security payments which go to the elderly, the handicapped, widows and children.

The "Rent Watch" is designed to protect renters from illegal rent practices and to assure that the regulations of the Economic Stabilization Program will be enforced.

The "Rent Watch" is being carried out by the 58 Internal Revenue Service District offices across the country under the direction of stabilization officials in Washington, D.C. The Internal Revenue Service is the enforcement arm of the Economic Stabilization Program.

The "Rent Watch" consists of an audit of housing for older persons; a special rent complaint service for Social Security recipients and increased authority for the IRS to administer rent control regulations and levy financial penalties on violators.

It will be to your advantage to study this brochure carefully. It contains a great deal of practical advice on how to deal with the rent question. On page 2 you will find out what you should do if you have a complaint.

On pages 3 and 4 you will find a summary of the rent regulations.

We want to help you in every possible way with any rent problem so we urge you to make full use of this booklet and the "Rent Watch" program.

Sincerely,

DONALD RUMSFELD,
Director, Cost of Living Council.

HOW TO TELL IF YOUR RENT INCREASE IS LEGAL

To give special quick service to Social Security beneficiaries who wish to ask questions or file complaints about recent rent increases, we have established a "Rent Watch" program in over 300 Internal Revenue Service offices across the nation.

The rent on most apartments is regulated by the rules of the Economic Stabilization Program. If you should receive notice of a proposed rent increase from your landlord, there are several things you can do to find out whether the increase is permissible:

(1). Remember that your landlord must give you a proper 30-day notice of a proposed rent increase.

(2). Visit or call your landlord and ask him to explain how the increase meets the requirements of the Economic Stabilization Program.

(3). If you are not satisfied with your landlord's explanation, write, telephone or visit your nearest Internal Revenue Service office. Be sure to indicate that you are Social Security beneficiary and send or bring with you copies of all notices from your landlord.

(4). Bear in mind that it is illegal for a landlord to harass or threaten a tenant who protests a rent increase to the Internal Revenue Service. Landlords who attempt retaliatory evictions or other such actions face possible criminal or civil penalties.

RENT CONTROL QUESTIONS AND ANSWERS

The Rent Control regulations are designed to help you, the tenant, by keeping rent increases within reasonable limits. Rent controls provide a definite set of rules landlords must follow to increase or decrease rents—plus protection for the tenant from rent gouging and retaliatory actions.

Rent regulations are complex. We admit it. But the basic rules and protections are simple to understand.

If you have unanswered questions, IRS district offices are geared up with rent experts ready to give priority to the questions and complaints of Social Security recipients.

Just call, write or visit your district IRS office—and be sure to say you receive Social Security payments.

You've got questions. We've got answers.

Question. Are all rents under controls?

Answer. No, not all rents are under controls. Units exempt from—not under—controls include:

Units owned by anyone who, along with members of his family, has a direct or indirect interest in no more than four units;

Units renting for $500 or more a month on January 19, 1972;

All nonresidential property;

New construction offered for rent for the first time after August 15, 1971;

Rehabilitated residences where the cost of repair is more than one half of the market value of the dwelling preceding the rehabilitation, and which are offered for rent for the first time and completed after August 15, 1971.

The regulations cover not only apartments and houses but also mobile homes and houseboats, as long as they are used as permanent homes.

Question. If a landlord owns three rental units and his father owns two, are the units under controls?

Answer. Yes, they are. Both have an interest, direct or indirect, in more than four units. The regulations exempt only an owner, who, along with members of his family, has a direct or indirect interest in one to four units. A family includes an individual, his spouse, his parents, children and grandchildren.

Question. I've heard the term "base rent." What does it mean?

Answer. Base rent is the highest monthly rent a landlord can charge for a residence before making any allowable increases. Generally, it is the approximate market level rent for a housing unit before the Freeze began on August 15, 1971. In figuring a rent increase, you ALWAYS start with base rent.

Question. How may my rent be increased above the base rent?

Answer. First, the landlord must give you a proper written notice 30 days before the increase. He can adjust rent to pass through increased state and local real estate taxes and fees. The rent also may be increased to pass through the cost of capital improvements completed after August 14, 1971, until fully recovered. Your base rent may be raised by a flat 2.5 percent a year to cover all other increased costs. Finally, if the majority of the affected tenants agree, the landlord may increase rents to recover costs to him in providing increased property or services.

Question. Let's take those parts of an increase one by one. First, how can the landlord increase my rent for increased taxes, assessments and fees.

Answer. He cannot increase your rent until the month such a bill becomes due. In most cases, the landlord cannot charge you increased rent until your lease has expired.

Now, when there has been a capital improvement, a landlord may charge the tenants benefitted by the improvement 1.5 percent per month of the total cost. For example, if your landlord installs an air conditioning unit costing $500 in your apartment, he may increase your rent only by 1.5 percent per month of the improvement's total cost, or $7.50 a month, until the improvement is paid off.

The cost of increased property or services not called for in your lease may be pro-rated among tenants only if a majority of the tenants who would benefit request the property or services in writing. For example, if a majority of tenants request a guard in an apartment house lobby, the landlord may raise the rents of all tenants on a pro-rated basis to pay the guard.

Question. What kind of rent increase notice must my landlord give?

Answer. A very specific one, written and delivered 30 days before the increase is due. Use this as a checklist of information that must be in the notice:

(1) Monthly rent of the unit before and after the proposed increase.

(2) The base rent and how it was determined.

(3) Percent and dollar amount of the increase and the date it takes effect.

(4) The units involved.

(5) Itemization of the increased costs and how they are prorated to the unit.

(6) A full description of capital improvements and their proration.

(7) The documentation supporting the

increase and the hours when it may be inspected.

(8) If the tenant still has questions, an offer by the landlord to meet with the tenant.

(9) A statement that information in the notice is correct.

(10) That the tenant, after meeting with the landlord, may contact the District Director of the Internal Revenue Service and give him a copy of the rent increase notice and a written statement of why the tenant feels the increase is illegal. The landlord also must provide the address of the IRS office in the notice.

(11) That the proposed increase will take effect on the date specified in the notice. But if all or any part of the increase is later found illegal, the landlord will refund the overcharge within 30 days after it is found illegal.

(12) That it is illegal for the landlord to take retaliatory action against a tenant who asks or complains about an increase and that the landlord will not take any retaliatory action.

Any increase notice that is unwritten, or delivered less than 30 days before the increase takes effect or which omits any part of the checklist is an illegal notice—and the rent increase is therefore illegal.

Question. If I don't think an increase is fair, or I want more information about it, what can I do?

Answer. Ask the landlord to show proof of increased costs or capital improvements being used as the basis for a rent increase. If you still don't feel the increase is proper, meet with the landlord and ask him to explain the increase. If the explanation does not satisfy you, write a statement indicating why you feel the landlord is in violation and submit it, together with your rent increase notice, to the Internal Revenue Service.

Question. If I complain to the IRS about a rent increase, what's to stop my landlord from evicting me?

Answer. Quite a lot. The regulations specifically forbid any retaliatory action, such as harassment or eviction, by a landlord against a tenant who exercises his rights under the regulations. Landlords who attempt to retaliate face possible prosecution and fines up to $5,000 for each offense. In addition, IRS has new powers to impose administrative sanctions—refunds to tenants, rent rollbacks and penalties of double the overcharged rent. Anyone who feels he is the victim of retaliation because he questioned or complained about a rent increase should notify the IRS immediately.

Question. My landlord says his painting of the halls is a capital improvement and he can recover the cost by increasing my rent? Can he?

Answer. No, he can't. Painting of the lobby and halls is maintenance, not a capital improvement. Capital improvements must continue beyond a 12-month period, benefit your residence and be subject to depreciation allowance.

Question. How can I file a complaint with the IRS?

Answer. Gather all the written material you can relating to your problem. If you are coming in, telephone, or send a letter, be sure to have the material on hand. Be sure to identify yourself as a Social Security recipient so that your case can be red-flagged for priority treatment.

TRIBUTE TO HON. WATKINS M. ABBITT

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. ASPINALL. Mr. Speaker, today we pay our respects to our colleague, Hon. WATKINS M. ABBITT, who is leaving Congress at the end of this session after a long and fruitful term of office. He is one of our senior Members, having been returned Congress after Congress since 1948.

He has been an industrious Congressman not only in the interests of the people of that district which he served so ably, but also as he has worked with us here in the national legislature. His quiet and pleasing personality has endeared him to all of us. To the best of my knowledge, he has never uttered one word or committed one act which has hurt or offended a colleague.

It has been my pleasure to work on the Committee of Standards of Official Conduct with "WATT," as he is affectionately known to all of us, and I have enjoyed his companionship, respect, and esteem for his colleagues.

He usually has lunch in the Members dining room and on many, many occasions, it has been my pleasure to enjoy his comradeship at such times. I think I can testify that his favorite dish of cabbage is usually the topic of at least short duration at the luncheon table. In this, as well as other matters, he accepts the ribaldry with the grace and courtesy of a real southern gentleman.

In fact, that is what WATKINS M. ABBITT is and always has been—a fine southern gentleman dedicated to the interest of the people of his district and to the people of the Nation generally.

He shall be sorely missed and I, for one, wish him well in the days ahead.

"MANNY" CELLER

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. MIKVA. Mr. Speaker, anyone who has ever run for elective office has to respect a man who can keep the confidence of the people for as long a period of time as has "MANNY" CELLER. But that is only an indication of his perennial magnetism—the test of time is the mark of a man, and the mark of MANNY CELLER is one that will last as long as there is a Constitution, a Bill of Rights, a concern for liberty, a passion for justice.

The Bible tells us that it is our duty to pursue "justice, and only justice." EMANUEL CELLER has obeyed that stricture all of his congressional life.

The words we say about him are also only of the moment, and can express only the personal affection that those of us who have had the privilege of serving with him hold for this man. But his pursuit of justice and excellence are his imprimatur on the history of this country, and they set a benchmark for all who will ever serve in the Congress of the United States.

Many men have walked the Halls of this House; few have left an imprint as great as MANNY CELLER. We are not likely to meet his equal in our time.

For all you have done and all you have meant, thank you Mr. Chairman. I know my great-great-grandchildren will be even more grateful that MANNY CELLER served his country so long and so well.

CONGRESSMAN LOUIS STOKES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. CLAY. Mr. Speaker, on October 2, my colleague, Congressman LOUIS STOKES, in a speech to the Women's National Democratic Club, eloquently outlined the critical concerns of black Americans in this presidential year.

The impending realization that we may face 4 more years of Richard M. Nixon is a harsh blow to those who have suffered from these past 4 years of neglect. For despite the great problems born of the racism which still afflicts the Nation, progress was slowly being realized. The election of Richard Nixon in 1968 put a swift end to that.

Black and poor Americans cannot afford 4 more years of unemployment, of poverty, lacking health care, and meaningful educational opportunities. Nor can the Nation afford to continue this administration, for the despair of the needy is permeating the spirits of all our citizens.

In the words of LOUIS STOKES:

It is time to restructure our national priorities, rededicate ourselves to sensitivity regarding the plight of others, and abandon althogether the hypocrisy of our society . . .

Mr. Speaker, I commend the speech to my colleagues:

SPEECH BY CONGRESSMAN LOUIS STOKES

It was 103 years ago that the voters of Louisiana sent the first black Representative to the U.S. Congress. His name was John Willis Menard and, because his white opponent contested his victory, he was never seated in the Congress to which he was elected. From 1870 to 1901, a total of 20 black Representatives sat in the House and two served in the Senate. All were Republicans—all were elected from Southern States.

Between 1901 and 1928, a period of 28 years, not a single black man or woman served in Congress. Black service resumed again in 1929, and today there are 13 black Representatives and one black Senator.

In 1969, Shirley Chisholm, Bill Clay and I came to Washington—bringing the number of black representatives to nine. 1877 had been the previous high-water mark for black representation in the House—with eight Congressmen. It had taken us 92 years to come back.

The nine of us came together—under the leadership of Congressman Charles Diggs—to form the Congressional Black Caucus. It had been apparent from the start that we would have to serve as congressmen-at-large for minority, poor and disadvantaged Americans—for citizens whose voices had never been heard in Washington before.

In June, 1971, the first annual Congressional Black Caucus dinner brought 3,000 people to Washington. That occasion made it possible for us to hire the staff we needed to follow the exhortation of our keynote speaker, Ossie Davis. As he put it "it's not the man; but the plan—it's not the rap; but the map."

The plan came into being very shortly after that. It was to schedule a series of national conferences and public hearings around specific and urgent issues. We had three goals:

(1) to crystallize black thought throughout the Nation; (2) to provide a national forum for minority, poor and disadvantaged Americans—where their resolutions to their own problems could be brought forth; and (3) to provide information and documentation necessary for legislative and administrative action.

In the year that followed, we had hearings on racism and repression in the military; the mass communications media; and governmental lawlessness. We held a conference with locally-elected black officials from around the country; and conferences on health in the black community; black enterprise; education; national priorities; and Africa. In the course of those hearings and conferences, we collected data that had never been put together before.

The health conference told us how a black child suffers serious disadvantages from the moment of birth. The chances are that his mother had little or no prenatal care available to her.

He is twice as likely to suffer from malnutrition as the white child. It is more likely that he will contract lead poisoning. He may be one of the 2.5 million Americans who carry the sickle cell trait; or he may be one of the 50,000 who has the disease. In later life, he is more likely to be afflicted with hypertension, cancer and heart disease, but less likely to visit a doctor.

Only 3 percent of the 300,000 physicians in this country are black. On Chicago's South Side, there is only one doctor for every 9,000 people. In rural Caswell County, North Carolina, the ratio is 1 to 19,055 people.

At the Black Enterprise Conference we learned that the white to black business ownership ratio is 46 to 1, while the white to black business dollar is a dismal 333 to 1. We learned that only 2 percent of this Nation's 7.3 million businesses are black-owned. White businesses had sales of 1.5 trillion dollars, but black businesses sold only 4.5 billion dollars worth of goods and services. Blacks own or control only a meager 0.5 percent of the liquid assets in this country.

The practice of racism has resulted in a systematic exclusion of blacks from the business market. This racism has denied blacks the opportunity to acquire training in management. Consequently, blacks have been deprived not only of access to capital resources, but also the opportunity to freely enter the marketplace.

The caucus' hearings on the mass media produced further documentation of racism—not only in the hiring of minority employees, but also in the treatment of news in the black community. We learned that in the newspaper industry, only 4.2 percent of all employees, and only 1.5 percent of the professionals, are black. In the broadcast industry, only 2 percent of all officials and managers are black, compared to 45 percent of the service workers. Of the 7,000 radio stations licensed in the United States, 360 are oriented to the black community—but only 19 are black-owned. Out of the four radio stations programmed to serve the black community in this city, three are owned and controlled by whites.

The education conference told us that while black students represent 12 percent of the college age population, only 6.6 percent of those in college are black. We learned that many white teachers are guilty of "blaming the victim," by wrongfully assuming that black children cannot or do not want to learn. And we proved that research and development funds go almost totally to white schools.

At the recent hearings on governmental lawlessness, we learned that title I funds, designed to go to poorer schools for special projects, have had to be spent on the upkeep of old buildings and the purchase of books and other essential materials. We learned of a white school district in New Mexico that buses in little Indian children—120 miles every day—so that it can receive title I funds.

Together, the conferences and hearings that we held produced a massive indictment against the American system. But they also produced concrete suggestions for change, based on the underlying belief that the American system has not become petrified yet. We still believe that a Government based on compassion instead of arbitrary self-righteousness would result in the flexibility that is needed to ensure equal opportunity.

It was with this belief—and the knowledge that the Democratic Party needed full black participation in the 1972 election—that we presented the black declaration of independence and the black bill of rights to the platform committee of the Democratic National Convention. This document was the culmination of a year of talking and meeting with black Americans from every part of this country. It contained the new data that we had gathered, and it was an official record of what minority, poor and disadvantaged Americans see as solutions to their own unique problems.

The 1972 presidential election is less than one month away. As Democrats and as black Americans, we have no alternative but to support Senator George McGovern.

For the past four years we have had to deal with an administration that—even while it was callous and unresponsive—still knew it had to return to the American people in 1972. It frightens me to think what could happen to our unfulfilled commitment to equality and freedom if Richard Nixon wins and does not have to report back in 1976.

The facts that I've shared with you this afternoon—about health, business, communications and education in the black community—are a reflection of our national history, insofar as that history is one of racism, inequality and injustice. But as slow as our society has been to live up to the goals of the Declaration of Independence and the Constitution as far as black Americans are concerned, there were signs of steady progress and growing enlightenment before Mr. Nixon took office in 1969. His administration has turned the clock back for justice and equal opportunity and it is going to take a lot longer than four years to undo the damage he has done and to eradicate the seeds of hate and mistrust he has sown. If he wins the election this year, then I don't know if the damage will be undone in our lifetimes.

Let me tell you how his domestic record looks to black Americans. The economy—unemployment, rising prices, maldistribution of wealth and income—is our most pressing problem right now. It is a rarely acknowledged fact that in times of economic trouble, the people at the bottom of the economic ladder are hit hardest, but helped least. In President Nixon's economic policies, we have proof of that rule.

Since he took office, the unemployment rate has increased by 85 percent. In July, black unemployment stood at 9.9 percent; but the average figure for blacks in cities was 23 percent, and in some neighborhoods it was as high as 45 percent. White teenage unemployment is 14.8 percent, but black teenagers are unemployed at a national rate of 33 percent. In May, while Vietnam veterans were unemployed at an 8.1 percent rate, but black veterans had a figure of 13.8 percent.

We know now that part of the President's new economic policy was to curb inflation by increasing unemployment. He didn't succeed in stemming inflation, as you well know, but he certainly increased unemployment.

On Labor Day this man had the audacity to go on the radio to extol the "work ethic" and condemn the "welfare ethic." Let's examine that so-called "welfare ethic." When President Nixon took office, there were 9.7 million welfare recipients. Today that number is increased by more than half; in May, there were 15.11 million Americans receiving public assistance. I think that it is more than coincidence that the increase in welfare receipients corresponds to the increase in unemployment. If the President really believes in the work ethic, then it is difficult to understand why he chose unemployment as the tool to combat inflation.

Perhaps one of the most serious aspects of this whole picture is the President's recent action that ensures that the situation is going to get a lot worse before it gets better. I am speaking of the elimination of quotas in Federal programs. Many observers see this as the end of a Federal commitment to civil rights enforcement. The full impact of the disembowelment of programs like the Philadelphia plan hasn't been felt yet in the 55 cities that will be affected. But if black unemployment in those cities stand at 23 percent today, I don't want to predict what that figure will be at the end of four more years of a Nixon administration.

It is interesting that while the shock-waves of the elimination of quotas still haven't reached many parts of this country, they've already been felt abroad. I recently came across a South African newspaper which contained an article that had this headline: "No Rush of Negro Diplomats for South Africa." The article reported the President's action on quotas and then went on to analyze what it would mean in South African terms. To them, the elimination of quotas is an assurance that the President will not send black diplomats to their country.

In other words, President Nixon's action over here endorses apartheid over there. I believe that if South Africa approves of something our Government does, then our Government should reexamine its decision very closely.

This, then, is how our country appears on the eve of the 1972 presidential election. Opportunity in all fields is limited and becoming more so. Unemployment is rising. The government is forcing people to go on welfare at the same time that it calls them "cheaters" and "loafers." When and if the economy takes a turn for the better, black Americans may be no better off—because the Federal commitment to equal opportunity has been abandoned.

25.6 million Americans live on less than $4,100.00 a year, and 34 percent of those people are black. In 1970, for the first time in a decade, the number of poor Americans increased. Black families earn only 60 percent of what white families make. The gap between rich and poor is widening.

The distribution of wealth is even more unequal than the distribution of income. The richest 20 percent of all families own 41 percent of all income, but they own 75 percent of all assets. The poorest 25 percent of the population have debts at least as great as their assets.

Somewhere along the line, the President said, "watch what we do, not what we say." and so we did. We watched as "busing", "Law and Order," and now "Quotas" were turned into systematic attempts to deprive black Americans of their constitutional and human rights. We watched as Nixon appointees to the courts began to chip away at hard-earned civil rights. We watched as black Americans became the victims of an economic program that gave industry its biggest profits in history. And we watched our children's schools be deprived of the funds they need to operate. We watched as grain dealers, milk producers, railroad executives and high Republican officials were allowed to use their money and connections to open White House doors. But it took the Congressional Black Caucus over 2 years to get a meeting beyond those doors. We watched as, over the years, less money was available for programs for the poor—because of a war that is draining our economy of $16.7 million A DAY.

This is not what the Nixon Administration said. This is what it did. If Mickey Mouse were running for President in 1972, then I would vote for Mickey Mouse.

But we are fortunate that we don't have to choose between Mickey Mouse and Richard Nixon. George McGovern is an intelligent and sensitive man and his administration would be able to say, "watch what we say because that's what we're going to do."

It is time to restructure our National priorities, rededicate ourselves to sensitivity regarding the plight of others, and abandon altogether the hypocrisy of our society. We can do that with the vote, less than a month from now.

PRIVATE PENSION FUNDS NEED BETTER REGULATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. WALDIE. Mr. Speaker, the problems of unemployment in California have brought into focus related and pressing problems of faulty pension plans, and lack of security for retired persons, not only in California, but nationwide.

It is a devastating realization by those who have contributed to funds throughout their working life, to find that their pension company has gone bankrupt. It is disheartening and frustrating for those recently unemployed by the aerospace industry, to find that because of such things as the expiration of the "5-year period of recall rights"—of North American Rockwell Corp.—employees with 8, 9, and 9½ years of pension credits are left with nothing. And often, for those who do find jobs after being unemployed, there are problems of not being able to transfer pension funds from one company to another.

There have been implications made by groups such as the Committee To Protect Pensions that, for example, North American Rockwell is accruing benefits from shabby pension plans. One charge is that North American Rockwell made an unsecured loan from the assets of the NAR fund—a fund which was contributed to by NAR employees and not subject to 52 percent to 48 percent corporate profit tax, as would be the case of net profits of NAR.

Another charge made was that NAR hires new employees under the exact classification of those who have been laid off, thus excluding those employees closer to retirement and replacing them with new employees and making the odds against being a retiree great.

How widespread among corporations these questionable practices are, or whether they, in fact, occur should be the subject of a comprehensive investigation.

The Senate Labor Subcommittee has undertaken a study on the termination of private pension plans and has been critical of the present private system. It was concluded by two members of the committee that:

Pension plans were scrapped immediately after a merger or acquisition by another company, characterized as a larger conglomerate.

Most employees "had been led to believe that their pension rights were guaranteed, and were unaware of the reduction or termination possibilities.

When the pension plans were dropped most participants and retirees were unable to obtain information about what losses they might suffer. Some were misinformed or mislead as to their pension rights.

In view of these findings, and the grave personal losses by victims of poorly managed, poorly regulated private pension plans, it is obvious that there is a clear need for bills insuring reinsurance and systematic funding of pension plans, and a greater need for further study in this area.

A HARD LOOK AT REVENUE SHARING BILL

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. BRINKLEY. Mr. Speaker, on September 21, I presented a statement to this body urging my colleagues to take a "fresh look, a close, hard look" at the conference report on the revenue sharing bill.

I personally have taken that fresh look and, quite frankly, I am deeply disturbed.

Only Tuesday this body raised the national debt ceiling to $465 billion. On that measure, the gentleman from Mississippi (Mr. COLMER) quoted the following figures: For the fiscal year 1973, the interest on the national debt will be $23.1 billion. That amounts to $63,287,671 per day, $2,636,986 per hour, $43,950 per minute and $732.50 per second.

The gentleman contended that we needed to approve the $250 billion spending ceiling provision for fiscal year 1973 attached to this measure allowing the President to make the determination as to which programs would be cut because, he reasoned, Congress could not or would not itself do so at this late hour, and the terrible reality of massive inflation, if allowed to go unchecked, would bring about the downfall of the Republic. While I am in complete agreement that we should spend no more than our income, I am unwilling for the President, whoever he may be, to make the choice as to which programs have, and which programs do not have, priority.

That is a constitutional prerogative of the Congress; it is our constitutional duty and responsibility to make those decisions. The Mahon amendment, which I supported, could have achieved the same thing. What is wrong with having the Congress ratify a Presidential recommendation for areas in which cuts are to be made? If, indeed, this is a matter of crisis proportions, as I also consider it to be, what is wrong with staying in session or coming back in early January?

And now about revenue sharing. If it gives with one hand and takes away with the other, it is patently deceptive. Will revenue sharing turn out to be merely substitutionary for the programs which will be cut to get under the $250-billion spending limitation for fiscal 1973—and I am frankly concerned with such programs as Public Law 815 and Public Law 874, important funding for education. I am concerned with Rural Electrification Administration money, and Farmers Home Administration funds for water and sewerage. If money is cut for those programs, for example, and provided to State and local governments in the form of general revenue sharing, it will be a sad commentary on the Federal system.

To my chagrin, the conference report on revenue sharing was held over until today from yesterday. Substantively speaking it made no difference, but Member confidence in the leadership continues to ebb because of its probable well-meaning deferrals to some Members without consideration for the schedules of others of us.

WASHINGTON REPORT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. COLLINS of Texas. Mr. Speaker, now that we are concluding the 92d Congress, I am making my regular report to Texas.

The following is my report to the Third Congressional District of Texas:

GREENBELT PARK SUCCESS

The biggest environment achievement in the Nation this year has been the addition for the Trinity River Dallas Greenbelt. HUD, through its Legacy of Parks Program, on August 28, 1972, gave a $2,235,187.50 grant to the City of Dallas. This is the largest park grant in America this year. Combined with this, Dallas will add $1,117,593.

The big boost came through John Stemmons, whose Stemmons' Industrial Properties are making an outright matching gift of 933 acres to the Greenbelt.

Both Stemmons and HUD stipulated that all land must be acquired by January 1, 1974. Park Director L. B. Houston and his Park Superintendent, Grover Keeton, will negotiate with 14 other tract owners in this central downtown section of the Trinity overflow area.

The Dallas Park Board has consistently pushed for the complete Trinity Greenbelt Consolidated Park. When this acquisition is completed, the Greenbelt will have about 5,000 acres. The eventual objective is 8,200 acres, which will make it the largest city park in the world.

The Dallas Park Board is to be commended on this farsighted development. The President of the Dallas Parks is Dr. William B. Dean and the V.P. is J.D. Wright. The members of the Board are: Ebby Halliday Acers, Lee Drain, John D. Gilliland, Floyd V. Gish and Pettis Norman.

The Dallas City Council helped make the park possible by including matching acquisition money in the last Bond Issue. It has supported every phase of this Trinity Greenbelt development. The Dallas City Council includes Mayor Wes Wise, Mayor Pro Tem Ted Holland and Councilmen Lawrence E. Ackels, George L. Allen, Doug Fain, Jerry Gilmore, Sheffield Kadane, Anita Martinez, Russel B. Smith, Garry Weber and Fred Zeder.

The Trinity Greenbelt will provide Dallas with extensive recreational facilities such as riding trails, bicycling paths, archery and

rifle ranges, basketball courts, baseball diamonds, golf courses, tennis courts, swimming pools, and lake facilities. When complete the park will run 25 miles through the heart of the county along the full length of the Trinity River.

A year ago HUD Under Secretary Van Dusen came down to visit with Collins and Dallas business and park leaders. He viewed the enormous plan by helicopter. As he left Van Dusen remarked "This is the best conceived overall greenbelt proposal that I have seen anywhere."

"This Greenbelt represents another Dallas success story," Congressman Collins said. "All of us remember when John Stemmons, Bill Windsor and David Burton gave the right-of-way land for the Stemmons Expressway. Now John Stemmons has come in again to give the matching share of the land for the greatest park in America. Our City Council covered it with the Bond Issue that you just passed and your Park Board coordinated everything with HUD and all other interested parties to expedite the development. One hundred years from now the Trinity Greenbelt will be recognized as Dallas' great team move for the 70's."

PRIORITIES FOR 1973

As we end 1972 Congress needs to work on legislative planning for 1973 action. Listed here are the priorities I plan to emphasize. Your viewpoint and constructive suggestions would be helpful.

PEACE THROUGH DEFENSE PREPAREDNESS

The major challenge for the 70's is how America can maintain World peace. The only answer is to establish defense parity between the United States and Russia. The current Soviet strategic arms build-up continues to gain momentum and their lead in military defense critically affects the world balance of power.

The Russians are spending 25% of their gross national product on defense while the United States spends only 7%. More importantly, the Russians are spending 75% of their defense dollar on equipment and research, while America spends only 33%. Most American defense dollars go for manpower—salaries, food and housing. Our defense budget must be spent on more planes, electronics, submarines and technical research if we are to maintain world peace.

The most recent report of the Secretary of Defense revealed the following:

The Russians lead us in Intercontinental Ballistic Missile Launchers by a margin of 1550 to 1054; in Fighter-Interceptor Aircraft by 3100 to 593; in Surface-to-Air Missile Launchers by 1000 to 839; and in Anti-Ballistic Missile Launchers by 64 to 0.

In the last 10 years the Russians have developed the world's fastest interceptor aircraft, the world's largest strategic missile and the world's largest helicopter. Russia has produced eight new airplanes while the U.S. has developed only one.

NEIGHBORHOOD SCHOOLS

A Constitutional Amendment is the only permanent way we can end forced busing of school children in this country. This past session of Congress has seen the education and safety of our children disregarded by liberals in Congress who are determined to bus and end our neighborhood schools. President Nixon and the House have taken positive action for ending busing. 1973 could bring a more conservative Senate with more constructive legislation.

TAXES

There will be a strong move by Liberals in Congress in 1973 to raise more tax money by closing "loopholes" in the tax laws. This would mean higher taxes for the average individual and a business slowdown because of the increased tax burden. Legitimate tax deductions which encourage business growth and which afford relief to the already overtaxed American family income would be eliminated. Of particular importance to Texans is the proposal to completely eliminate the Oil Depletion Allowance. Domestic drilling for oil and gas has already been reduced in half. Elimination of the depletion allowance would severely depress activity in the oil and gas industry which is so vital to the Texas economy. The proposals to eliminate tax deductions for mortgage interest payments and property taxes on the home would greatly increase the costs of buying a home. In addition, by elimination of the deduction for contribution to charities, many of our fine community service organizations and the majority of our private colleges and universities would be faced with financial ruin. The need is for lower taxes and less government spending.

BALANCING THE BUDGET

Excessive Government spending has been the major cause of inflation in America. It has created a national debt in the U.S. larger than the national debts of all the other countries in the world combined. It means an increasing tax burden on ourselves, our children, and our grandchildren.

In 1972 the Government overspent its budget by 26 billion dollars and more deficit spending is forecast for 1973 unless Congress takes action. I have consistently opposed measures to require a balanced budget. It is encouraging to see that the Administration and other Congressional leaders are recognizing this problem and are advocating legislation to impose a definite limit on Federal spending in 1973.

BUILDING BETTER NEIGHBORS

South America is developing rapidly. There is much to be done, but the countries do a better job when the people do it by themselves.

Most Texans oppose Government Foreign Aid; they believe there is a better way. I feel the best way to help these growing nations is for the further development of the Foreign Mission programs of our churches.

Texas church missions have played an important role in foreign growth. One of the greatest mission organizations, the Wycliffe Bible Institute, is now building its world headquarters out near Duncanville. The gifts of our American Jewish neighbors have made the growth of Israel possible.

Let me tell you about the trip Dee and I made this summer to Medellin, Colombia. Our oldest daughter, Dorothy, is married and lives there. Every time we visit Medellin we spend an afternoon at the orphanage Granjas Infantiles. The Catholic Charities of Dallas is the largest benefactor of this orphanage.

I wish everyone in the Third District could join us when we visit Granjas and see the 250 smiling girls. The orphanage is one of the cleanest places in South America. They mop and sweep and keep every piece of litter picked up. The dormitories are crowded but the beds are neat.

Probably the greatest reason for the happiness you see in every face is the love of the Mother and the Sisters who take care of the Granjas. While we give our money, these Nuns from France are dedicating their hearts and their lives to these girls.

I once told the Bishop that their faith so permeated the orphanage that you could feel the spirit of Jesus Christ on the grounds.

This trip as we walked through the sewing room, the Mother was very excited. The textile mills in the city had given the orphanage big bags of scrap rags. The girls took these small scraps and made shirts, pants, nightgowns and all types of children's clothing.

The Mother was so thrilled that there in the orphanage they were able to do something for the poor children who lived out in the countryside. Here were orphans who were proud to be doing things for poor people.

It gave us the warmest feeling to see these little girls growing up with smiles on their faces and love in their hearts. Let's do Foreign Aid the right way. Give to the Foreign Mission program in your Church.

LOOP BRIDGE

The Federal funds commitment providing for the Loop 12 Bridge was the major regional legislative achievement this session. Oak Cliff, Grand Prairie and Irving all had listed it as Top Priority.

The urgency was that with an expressway being built to service the entire western half of the area, the roads bottlenecked into a one-lane bridge crossing the Trinity River.

President Nixon provided for the new bridge in next year's budget and in the hearings before the House Public Works Committee no objection was raised to this appropriation item. But then, just before it went to the Floor, the staff director of the Public Works Committee deleted it.

We went to the Senate for help and Senators Tower and Bentsen succeeded in having the Loop 12 bridge appropriations included in the Senate bill. The Trinity River Authority was most effective in expediting action on it.

The big move was to get the Conference Committee to reverse the House position and include the bridge. Fortunately, Dallas has representation on both sides of the aisle. Special commendation goes to Congressman Tiger Teague who led the fight and Jim Wright, Earl Cabell, Ray Roberts, as well as George Mahoney, Chairman of the House Appropriations Committee.

The Texas Highway Commission has already provided the major portion of the bridge cost and is nearing completion on the design. With this bridge constructed, we will move six times as much traffic through the area. But the big victory was in getting a reversal and getting this essential item passed and signed into law.

GOLDEN ANNIVERSARIES

If you have friends or relatives living in Dallas County who are celebrating a 50th Wedding Anniversary write and let Congressman Collins know. He would like to honor them by sending an American flag that has flown over the United States Capitol.

RESOLUTION ON FARE INCREASE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, the Port of New York and New Jersey is extremely vital to the best interests of the people of Hudson County, N.J. I am very concerned by statements made recently by PATH officials and others which indicate a fare increase for persons who use this form of mass transit.

The result of such an unwise decision would be to further increase congestion and pollution in New York City and its surrounding areas as well as cause hardship to thousands of persons, most of whom are persons, of modest means.

The commissioners of the town of West New York, N.J., have passed a resolution opposing this increase. With all Members concerned about pollution and congestion this is more than a local issue, it is one which concerns very vital interest. I urge

all Members to ponder the views of the town fathers of West New York.

The resolution follows:

RESOLUTION

Whereas, PATH is Hudson County's lifeline to New York City and vitally affects the economic, cultural and social life of the residents of Hudson County and West New York,

Whereas, The Port of Authority of New York and New Jersey, though it has performed magnificently on many essential projects, has concentrated its activities in vehicular tunnel transit, but has neglected other mass transit,

Whereas, a principal purpose of the Authority was to improve rail transit (Art VI 32:1–7 NJ Revised Statutes, 65 McKinney Sec 6407), and

Whereas, statements by a Port Authority member regarding an increase in the PATH fare has been issued, which if put into effect would be a blow to the mass transportation system of Jersey City with its increasing urban problems and to the waterfront development project and other areas, and

Whereas, The Authority must look at mass transit in its totality, and must not consider PATH as a deficit operation, but must treat it as part of an immensely profitable overall operation, including tunnel and bridge vehicular, and air transit, therefore

Be it resolved, That the Board of Commissioners of West New York opposes any increase in the PATH fare as unwarranted, unjustified, and detrimental to the interests of the residents of Hudson County, and adverse to plans now in formation to rebuild said county, and

Be it further resolved, That copies of this resolution be forwarded to the Authority, Governor William T. Cahill, members of the Hudson County legislative delegation, the County Board of Chosen Freeholders, and the Mayors of all Hudson County municipalities with the request that they pass similar resolutions.

NATIONAL POLICY FOR SNOWMOBILES

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BERGLAND. Mr. Speaker, I am introducing legislation today which would provide for the establishment of a comprehensive Federal-State program to regulate the rapidly growing winter sport of snowmobiling.

In my Minnesota district and throughout the snowbelt States, the coming of the snowmobile has resulted in a revolutionary increase in the number of citizens participating in wintertime outdoor recreational activities. The sport has grown like Topsy and it is clear that the reason for this growth is that snowmobiling offers an opportunity for healthy outdoor recreation and an outdoor way of life to a tremendous number of Americans who would otherwise be kept indoors during the winter. It is also undeniable that snowmobile recreation has had a healthy economic impact on areas of our country that are sorely in need of it and that the snowmobile has made life easier for farmers, foresters, law officers and others who must travel outdoors during the wintertime.

It is also undeniable, however, that the coming of the snowmobile has brought some problems along with the benefits. Nonsnowmobiling users of public lands complain that unrestricted snowmobiling unduly interferes with other competitive recreational opportunities. Conservationist groups allege that uncontrolled snowmobile use has adverse environmental consequences. Accidents are on the increase and such diverse groups as the Center for Automotive Safety and the National Transportation Safety Board have decried the lack of uniform safety standards for snowmobiles used on public lands and elsewhere. All of these diverse groups are calling for Federal action and, since the snowmobile is clearly here to stay, these calls for action will grow louder as more snowmobiles are placed into operation. Because our Government must be responsive to public sentiment, it seems clear to me that there will be Federal laws or regulations affecting snowmobiling in the very near future. The issue before us today is whether these laws and regulations will be developed by piecemeal legislative and/or administrative response to specific concerns of the moment or whether this Congress, in its wisdom, will provide for the kind of comprehensive long term planning which is clearly necessary to adequately promote the safety and enjoyment of the millions of our citizens who will engage in the sport of snowmobiling both this winter and throughout the coming years.

The legislation I am offering today meets the need for a comprehensive Federal policy regarding snowmobiles used on public lands, it provides for Federal-State cooperation in the development of programs for promoting the safety and enjoyment of snowmobiling on lands under State jurisdiction. I believe this bill is entitled to the consideration and support of this body.

JOSEPH F. KOZO: OUTSTANDING LEADER OF DETROIT BOYS' CLUBS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. CONYERS. Mr. Speaker, for 25 years, Mr. Joseph Kozo has rendered outstanding service to the Boys' Clubs of Metropolitan Detroit as its executive director. During this time he has served in the organization in many capacities from his first job as physical instructor to his present position as executive director.

Through his complete dedication to the service of youth he has guided and influenced hundreds of boys through troublesome times to an effective and mature manhood. He has helped to establish numerous scholarships benefiting young men who would otherwise be unable to have a college education. As a member of numerous national program committees, he has initiated and carried out new innovations and concepts benefiting Boys' Clubs on local and national levels. He has been especially active breaking down racial discrimination which for so long had created a gulf of ill-will in many youth activities. In addition to his professional activities he has characterized his career with a deep personal interest and regard for the boys under his direction and, as well, for his associates in the Boys' Club field.

This week Mr. Kozo will be honored by his friends and colleagues at a testimonial dinner where he will be given the Heart and Soul Award for 1972. Let me quote to you from the award:

Mr. Kozo began his professional career as an athletic coach at the Boys' Club of Bethlehem, Pa., in 1946. In 1947, he was appointed Physical Instructor at the Boys' Club of Detroit, an organization he has served faithfully ever since.

Currently, the Executive Director (as of June, 1972) of the Boys' Clubs of Metropolitan Detroit, our recipient earned his Bachelor of Science in Education and Master of Arts in Recreation from Wayne State University. He is a certified Boys' Club Worker and the Secretary of the Boys' Clubs Professional Association.

As a Boys' Club Professional, he has given of himself in behalf of the Boys' Clubs of America and the Midwest Region. He was instrumental in developing the Midwest Region's Junior Leaders Institutes and Adult Program Workshops. He has served as a member and chairman of the Boys' Clubs of America National Committee on Physical Education, as a member of the Midwest Region Program Leaders Advisory Committee and as a member of the Regional Steering Committee of the Midwest Region of Boys' Clubs of America.

Widely respected for his total devotion to the movement, outstanding leadership, and example, the recipient stands as the epitome of a Boys' Club professional.

The recipient of this Award has by thought, word and deed exemplified the highest type of professional Boys' Club worker. He has demonstrated unusual initiative, imagination and creativeness in the performance of his duties and responsibilities to his community and given liberally of himself in long and devoted service in behalf of the Boys' Clubs of America and the Midwest Region.

As one who has known Mr. Kozo through the years, I add my heartfelt thanks for a job well done on behalf of many parents who know that Joe Kozo has been a good influence on the lives of their children.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM. J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

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

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

CONGRESSMAN BILL ROY CITES RECORD FOR YOUNG CITIZENS

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. ROY. Mr. Speaker, one of my first actions as Congressman was to cosponsor a constitutional amendment to grant the right to vote to all citizens 18 years of age and older in both State and Federal elections. With the adoption of this amendment has come endless analysis of the potential impact of the "youth" vote. Some say that the impact will be great; others say that the effect will be measured. I suppose that only time will tell, but I know that the passage of the 26th amendment has had a large impact on my own family. In 1970, there were only two registered voters in my family, but in 1972, there are six registered voters, four of whom will be casting their first vote this November. If this situation is typical, the "youth" vote will most certainly be an important factor in this election year.

The problems that concern our youth are problems that concern us all. When I came to Congress in 1971, I believed very strongly that it was imperative that we end U.S. involvement in Indochina so that we might direct our limited tax dollars away from the military and war and toward more pressing domestic needs such as education, health care, pollution control, as well as insuring that every American has adequate food, clothing, and housing.

Since I have been in Congress, I have supported every effort to legislate an end to the war in Vietnam, contingent only on the release of Americans held prisoner of war and an accounting of our men missing in action.

Unfortunately, all such efforts have been rejected, and Americans continue to kill and be killed. We presently spend one-half billion dollars a month to pay for the stepped-up bombing activity. I wish desperately that we could spend this money for positive domestic programs, and will continue to do all that I can to end our involvement in this war.

In June 1971, I voted against the 2-year military draft extension. I did this for two major reasons. First, the draft is inequitable and unfair. Second, we were told that the war in Southeast Asia could not be continued without an extension of the draft. As you know, the Congress voted to extend the draft until June 1973. But consistent with my conclusions and vote in June 1971, the Pentagon stopped sending draftees to Vietnam in early 1972, and the President recently indicated that the draft will cease in June 1973. I commend these actions.

Since I have been in Congress, I have worked to strengthen our total educational system. I voted for the Higher Education Act of 1972, the most far-reaching educational measure in our history. This bill recognizes the utmost importance of a balanced educational system—one which includes community colleges and vocational education schools, along side of our 4-year colleges. It is imperative that we recognize the diversity that our community colleges and vocational education schools offer. I also supported the important veterans' education bill.

A matter of concern that affects us all—young and old alike—is the taxing system that is employed by the Federal Government. There are many inequities in the present system, and I have introduced legislation to review and reform our tax structure. I think that the next Congress must work toward revamping the present system so as to provide more equity and fairness.

One of the most outstanding inequities in our taxing mecl anism is the problem of unfair tax treatment of single persons. As it stands now, over 30 million unmarried taxpayers will be penalized because of their single status. I have introduced legislation which would extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married persons filing joint returns.

Another special interest of our young people is in the area of ecology. I have received countless letters from my young constituents expressing their very real concerns as to the future of our environment. This interest is very refreshing for it indicates a sense of awareness on the part of our youth. I am especially heartened by this interest because I am a member of the Subcommittee on Public Health and Environment, the subcommittee which has jurisdiction over various environmental measures. Among the environmental legislation that I have cosponsored are the noise control, Youth Conservation Corps, Federal water pollution control amendments, and the Safe Drinking Water Acts.

I have cosponsored two other bills aimed at including young Americans in the process of government. One of these would change the minimum-age qualification for serving as a juror in Federal courts from 21 to 18. The other proposes a constitutional amendment to lower the age of eligibility for service in the House of Representatives and the Senate by 3 years. If this bill is approved, and ratified by the States, persons would be eligible to serve in the House of Representatives at age 22 and in the Senate at 27.

Mr. Speaker, I supported the lowering of the voting age to 18. It is my belief that young people today are ready and able to make wise choices in the voting booth, as well as make major contributions to the political process. The votes of our young citizens will have a constructive effect on our Government and on the continuing efforts to make our political process more responsive and effective.

REPORTS TO TEXANS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. PRICE of Texas. Mr. Speaker, as part of my continuing effort to keep the residents of the Panhandle and northwest Texas informed about my activities in the Congress, I am inserting in the CONGRESSIONAL RECORD at this time, the text of my latest monthly news report, weekly report and annual questionnaire:

"SMALL BUSINESSMAN'S MEETING FIRST STEP," SAYS PRICE OBJECTIVE: BUSINESS OPPORTUNITIES AND MORE JOBS

In twin conferences held in Wichita Falls on September 29th and in Amarillo October 2 local businessmen, giant corporations, federal agencies and the man on the street sat around the conference table and discussed "how we can do more for each other." The two conferences arranged by Congressman Price were termed a great success and the first step in a program to ultimately expand and attract new business. Thirty representatives of the various branches of the government including SBA head Tom Kleppe and FHA head Jim Smith that either purchase or act as consultants attended the conference. Industry representatives from across the U.S. encouraged small firms to actively seek sub-contracts. At the luncheons the 158 participants heard remarks from Price that were summarized by "let's roll up our sleeves and go to work."

PRICE EARNS 100 PERCENT RATING ON NATIONAL SECURITY

Price's reputation as one of the strongest supporters for a strong national defense received a boost when the National Security Voting Index was published. Price received a 100% rating on legislation concerning national defense. The rating is an analysis of the national security voting records of members of the 92nd Congress as compared with majority public opinion. Price who has been cited many times for his stand against liberal proposals regarding foreign and domestic affairs was quoted as saying "Some of these radical proposals would destroy this country. I can't imagine anybody supporting them."

GEORGE WASHINGTON AWARD WINNER JOINS PRICE STAFF

Mary Rando, daughter of Mr. and Mrs. Santos Rando of Friona, Texas, has been appointed to the Congressman's district staff. Miss Rando in 1967 was awarded the George Washington Honor Medal Award for her interest in government and devotion to American traditions and ideals. Miss Rando is a graduate of Friona High School, is working on her degree at New Mexico State University and this summer served as a Congressional Intern in Price's Washington office. Her activities in youth work, church and civic affairs have gained her many honors. She will be in the Congressman's Amarillo office located in the Post Office Building.

PRICE APPOINTED TO GOP POLICY COMMITTEE

Congressman Bob Price has been appointed to the GOP Policy Committee, it was announced in Washington. The committee has as its primary purpose the guiding of legislation through Congress. Working closely with the Administration the committee is active in creating legislation and carrying the legislation through the Congress. The committee consists of a limited number of Congressional leaders. Price commented "my appointment to this committee is really an honor. I believe in the 93rd Congress we will have the opportunity to enact some very important legislation that will coordinate with President Nixon's plans for peace with prosperity and progress with pride."

VIETNAMIZATION, NOT CRAWLING TO HANOI WILL END WAR SECRETARY OF DEFENSE AND CONGRESSMAN PRICE AGREE

In a breakfast address to Air Force Association members, Secretary of Defense Melvin Laird stated the continuation of Vietnamization will lead to the war's end

and the return of all U.S. prisoners of war. Secretary Laird and Congressman Bob Price arrived at Sheppard Air Force Base early the morning of September 28th to attend the breakfast, tour portions of the base and to hold a press conference. In his introductory remarks Price pointed out a strong national defense is a major deterrent to war and that Secretary of Defense Laird was an active proponent of this philosophy. Secretary Laird in his closing remarks said that Price had been helpful to him while he served on the House Military Appropriations Committee and continued to be of help to him as Secretary of Defense. Laird and Price served together in Congress and share joint philosophies in regard to national defense.

PRICE OPPOSES PROPOSALS TO ELIMINATE DEPLETION ALLOWANCE

Congressman Bob Price at a meeting in Wichita Falls with Assistant Secretary of the Interior Hollis Dole expressed once again his opposition to proposals that would discourage domestic exploration of oil and gas. Price said, "there are those who propose these radical movements and those who support them. They would have us dependent on foreign oil for our domestic and military needs. We must not support this philosophy."

In addition, Price said he will form a Northwest Texas Petroleum Advisory Committee to assist him in dealing with oil and gas legislation. He said the members of the committee will be announced after the election so that the committee can have a nonpartisan membership. "The committee will present an opportunity for all parts of the new Congressional District to work together in a cooperative effort to fight against those committed opponents of the oil industry," Price concluded.

JOB OPPORTUNITIES WITH THE FEDERAL GOVERNMENT

White House Fellowship Program—Ages 23–26, assignment as assistants to senior White House staff members, the Vice President, Cabinet officers or other top Government officials. For further information write to: Director, President's Commission on White House Fellows, The White House, Washington, D.C. 20500.

Foreign Service Career Opportunities—21 years or older, junior year of college, citizen of U.S. for 7½ years. For further information, contact: Board of Examiners for Foreign Service, Department of State, Washington, D.C. 20520.

NORTHWEST TEXAS JOB LOCATER SERVICE

For information regarding current job vacancies with the Federal Government in the Northwest Texas area, any resident may dial free from anywhere within our state this telephone number: 1-800-492-4400.

CONGRESSMAN PRICE AND SECRETARY BUTZ ATTEND HISTORIC MEXICO CITY CONFERENCE

Because of his firsthand knowledge and experience as a lifelong rancher and livestock producer, Congressman Price was extended an invitation by Secretary of Agriculture Earl Butz to attend the recent conference in Mexico City as part of the American delegation which concluded a historic screwworm eradication agreement with the Mexican Government. This important agreement will establish a new screwworm control barrier in Southern Mexico and will upon taking effect save U.S. livestock producers the over $50 million in losses suffered this year.

This agreement is the latest in a long series of actions taken by Secretary Butz designed to bolster farm and ranching income, and further enhances his growing reputation as being the most effective Secretary of Agriculture in many years.

PRICE BILL TO ALLOW 65 YEAR OLDS TO WORK AND STILL COLLECT SOCIAL SECURITY

Congressman Price has introduced legislation that would stop deductions of outside earnings from the Social Security benefits of 65 year olds. Price said, "A person can pay into Social Security for a lifetime and if he continues to work can find himself unable to collect one dime at the time he needs the money the most."

The bill will abolish the limitation placed on the amount of outside money a 65 year old may earn in order to continue to receive his or her Social Security benefits.

The House has approved a proposal to raise the income limitation for workers drawing benefits. The Price bill would remove the limitation altogether.

OCCUPATIONAL HEALTH AND SAFETY

This week House liberals delivered an almost fatal blow to some small businessmen and their employees when they voted down an amendment to the Occupational Safety and Health Act which would exempt employers of 15 or less people from the stringent OSHA regulations.

The financial burden placed on small businesses by OSHA will in effect cut employee chances for extra income and in some cases may cost employees their jobs. Some businessmen have indicated to me that the costs of meeting these requirements will cause them to cut back their number of employees in order to pay for meeting arbitrary health and safety standards.

I firmly believe that all people should have adequate, safe working conditions but this should be worked out between labor and management, and not by legislative decree. This is just one more function of private business that we are yielding to federal government interference.

In April, I introduced an amendment to the HEW-Labor Appropriations Act which would exempt employers of 25 people or less. The defeated amendment was a modified version of my bill.

WATCHDOG AWARD

For the third year in a row it has been my honor to receive the Watchdog of the Treasury Award from the National Associated Businessmen. This award is in recognition of my fiscally conservative voting record.

It has long been my contention that our policy of chronic deficit spending is largely responsible for the many problems of inflation, the balance of payments deficit, the dollar-confidence crisis and the like which have seriously eroded our Nation's position as a world economic leader and placed great burden on our taxpayers.

It gave me a great deal of satisfaction this week to follow this fiscal policy and vote for the $250 billion debt limitation. Passage of this measure is the first ray of hope I have seen in this free-spending majority controlled Congress. I hope this attitude will continue.

TOWN HALL MEETINGS

As soon as the Congress adjourns, I will again be travelling the District and visiting with you at our Town Hall Meetings.

Time, date and place of these non-partisan, open to the public sessions will be posted with your local radio station and newspaper.

I urge your attendance at these meetings to share with me your views on government issues.

MINIMUM WAGE

This week the House again rejected efforts of the labor-liberals to stack a conference committee on the minimum wage. Spurred on by the Senate, this group hoped to increase the minimum wage immediately to $2.20, a figure which would place an enormous burden on the small businessman.

I believe people should be able to earn a decent living wage; nevertheless wages must be set at a realistic level and ought to be determined by agreements between labor and management, and not by the dictates of government.

I fear the adoption of this extravagant $2.20 proposal would, in the long run, mean the closing of thousands of small businesses as well as the loss of thousands of jobs and millions of dollars in wages.

MEAT INSPECTION

Under pressure of the Meat Cutters Lobby and their cohorts, the House voted down a measure which would have given financial assistance to State meat inspection programs.

This legislation, designed with the federal government underwriting 80% of meat inspection costs, would have left control of these programs at the local level.

The whole scheme of preventing passage of this legislation has been aimed at causing the failure of the small processors (who do not wish to be unionized), the folding up of the state programs, and the complete federalization of meat inspection. This will make it possible for the unions to organize the larger processors vastly increasing their membership, fattening their treasury with dues and greatly enlarging their power.

The defeat of this measure will also guarantee their goal. It is unfortunate that the interests of some Congressmen seem to lie with the unions instead of the housewife who buys meat for the family table or the small businessman and his employees.

RAILROAD RETIREMENT BENEFITS

I voted with an overwhelming majority to override the President's veto of increased benefits for retired railroad employees.

I feel it is only fitting that these people be given the same benefit of an increase as that given to retirees who are on Social Security. The cost of living is the same for all our senior citizens and it would be totally unjust to ignore the needs of this group.

CONGRESSMAN BOB PRICE ASKS YOUR OPINION

DEAR FRIEND: As part of my continuing effort to keep informed about the views and concerns of the citizens of Northwest Texas-Panhandle Counties, I am writing to ask your opinion about the issues of importance facing our Nation.

Would you please take a few moments to respond to this questionnaire by marking your answer in the space provided. Should you care to give me your additional views or comments on any issue, or if you feel I can be of assistance to you on any matter effecting the Federal Government, please feel free to write me a separate letter. However, to help facilitate the processing of this questionnaire and to insure that any special comments or problems will be given proper attention, *Please Do Not Write on This Questionnaire.*

18–21 Over 21 Please indicate your age category by circling the appropriate group.

YES NO PLEASE ANSWER EACH QUESTION BY MARKING AN "X" IN THE SPACE TO THE LEFT.

——— ——— 1. Do you support the President's policies affecting the withdrawal of American forces from Vietnam, conditioned on the release of U.S. POW's and MIA's, a ceasefire throughout Indochina, and the holding of an internationally supervised Presidential election in South Vietnam?

——— ——— 2. Do you believe this Nation should expand its trade with Communist countries in "non-strategic" materials?

——— ——— 3. Would you favor a drastic cut of as much as $30 billion in U.S. defense expenditures?

——— ——— 4. Do you support legislation to prohibit busing of school children solely for the purpose of obtaining racial balance in the classroom?

——— 5. Do you favor Federal programs to curb pollution even if they result in higher taxes and a loss of job opportunities?

——— 6. Do you favor legislation to exempt small businessmen with 25 or fewer employees from the Occupational Safety and Health Act of 1970?

——— 7. Should the Congress enact welfare reform legislation which would give every family a guaranteed annual income, even if this raises taxes paid by working citizens?

——— 8. Do you favor Federal legislation to register and restrict the ownership of hand guns?

——— 9. Do you believe the Federal Government should be required to balance its annual budget except in time of war or grave national emergency?

——— 10. Do you favor a comprehensive mandatory system of health insurance operated by the Federal Government even if this means an increase in your payroll taxes?

——— 11. Do you believe the minimum wage should be raised from its present rate of $1.60 per hour for non-farm workers even if this causes higher prices for consumers and a reduction in the number of available jobs?

——— 12. Would you favor the adoption of a Federal no-fault auto insurance program if the States fail to reform their laws?

——— 13. Do you approve of the way Secy. of Agriculture Butz is handling his job?

——— 14. Would you favor enactment of a "bracero" law to allow farmers to employ alien agricultural workers?

TO RETURN QUESTIONNAIRE

Fold; tape or staple closed; attach 8 cents stamp and write your return address on outside. Mail to: Congressman Bob Price, 430 Cannon Office Building, Washington, D.C. 20515.

Thank you sincerely for taking the time to give me your opinion on these issues.

PRESS FREEDOM MEANS PUBLIC FREEDOM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. EILBERG. Mr. Speaker, in a democracy it is important for citizens to be fully informed if they are to exercise their power at the polls in a responsible manner.

The press is the most vital link in communications. It is essential that the press remain free, as prescribed by our Constitution. The Government must never force or intimidate the Nation's newspapers so as to squelch any point of view.

For this reason I include into the RECORD this excellent article by Albert Blank of the Philadelphia Bulletin.

PRESS FREEDOM, A PUBLIC FREEDOM

(By Albert Blank)

The week of October 8 to 14 is being observed as Newspaper Week in communities throughout the nation. Anyone who reflects on the role of modern newspapers in today's society is reminded anew how wise were those men who wrote into the First Amendment to the U.S. Constitution the guarantee of a free press.

Thomas Jefferson once said he would prefer to live in a country with newspapers but without a government rather than a country with a government but no newspapers.

"No experiment can be more interesting than what we are now trying," he wrote on another occasion, "and which we trust will end in establishing the fact that man may be governed by reason and truth. Our first object, therefore, should be to leave open to him all the avenues of truth.

"How do you go about giving the citizen a clear shot down the avenue of truth?

"The most effectual (method) hitherto found," said Jefferson, "is freedom of the press." It still is.

Newspapermen throughout the English-speaking world are well aware of Edmund Burke, who first referred to them as the Fourth Estate, 200 years ago in the British House of Commons.

"In this Parliament," said Edmund Burke, "are three estates: The Lords Spiritual, the Lords Temporal and the Commons. But, in the Reporter's Gallery, yonder sits a Fourth Estate, more important by far than all.

"What then remains?," he asked Parliament. "Only the liberty of the Press, which no influence, no power, no minister, no government, which nothing but the depravity or corruption of a jury can ever destroy. It will be the nation's most awful moment, it will be the first grasp of tyranny, and how pregnant is the example. What remains if the public press is extinguished, the people enslaved, and the prince undone?"

"As an advocate of society, of peace and of liberty, I conjure you to guard the liberty of the press, the great sentinel of the state, the grand detector of public imposture. Guard it and cherish it, because whenever it ceases to flourish, there will die with it the liberty of the people and the security of the Crown."

To benefit from a good press, the public should zealously defend press freedom even when it hurts.

Freedom of the press is not a press freedom but a public freedom, a public possession and right, and in many ways the public's stoutest weapon.

To deserve its freedom, the press should strive to be full, fair and factual. But a free people does not leave it to the government to decide what is full, fair and factual.

The greatest strength of a free press is not points of similarity, but in the points of difference. In the production of news every step involves the conscious intervention of some news-gatherer, and two accounts of the same event will never be the same.

The threat to the liberties of the individual is always possible. External vigilance on the part of the public is essential, and that is why once a year Newspaper Week seeks to focus attention on Freedom of Expression—a priceless heritage bought with blood and tears over many years.

TRIBUTE TO THE HONORABLE SEYMOUR HALPERN

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DELANEY. Mr. Speaker, when the 93d Congress convenes next January those of us who look forward to returning will greatly miss the presence of our distinguished and amiable colleague from New York, the Honorable SEYMOUR HALPERN.

SY HALPERN is a true gentleman, and a highly skilled and effective legislator. It has been my privilege to know at first hand his intense dedication and exemplary devotion to service, not only to his own constituents in Queens County, an area in which both our districts are located, but to the people of New York and throughout the Nation.

He is a warm and gracious human being, who genuinely and thoroughly enjoys helping his fellow man. His colleagues respect him highly as a man of deep conviction, who always has the courage to do what is right. Those who have found themselves in disagreement with his position on some issues know him as a vigorous and able debater who never yields his principles, and is as gracious in defeat as in victory.

Prior to entering politics, SY served as a reporter with the Long Island Press, and was a feature writer for the Chicago Herald-Examiner. In 1938–40, he was assistant to the president of the New York City Council, and from 1951 to 1954 was widely acclaimed as an outstanding member of the New York State Senate. During his seven terms in Congress, he contributed significantly to important legislative measures reported out by the Committee on Banking and Currency, and was a highly valued member of the Committee on Foreign Affairs.

In addition to his manifold congressional duties, SY devotes considerable time to a multitude of philanthropic, cultural, and medical causes.

While he may be absent in body from this Chamber in future sessions, SY HALPERN will always have a place in the hearts of those who have had the privilege of serving with him.

I am confident he will not be inactive in retirement, and I wish him and his lovely wife, Barbara, every success and much happiness in the years ahead.

THE ATHLETIC SAFETY ACT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DELLUMS. Mr. Speaker, each year hundreds of thousands of young Americans are injured participating in scholastic sports competition. Obviously, there is no way to fully eliminate the inherent hazards of competitive and contact sports, but I am convinced that the extremely high rate of injury can be reduced by the application of stringent safety standards for school sports.

I have introduced the Athletic Safety Act in an effort to establish the type of standards required to cut down on such sport injuries. The Athletic Safety Act amends the Occupational Safety and Health Act to put high school and college athletes and contests within OSHA coverage.

On September 13, 1972, I was privileged to be able to appear before the Special Labor Subcommittee chaired by my distinguished colleague from New Jersey

(Mr. DANIELS) to discuss H.R. 16447. At this point, I insert my testimony before the committee into the RECORD:

STATEMENT OF REPRESENTATIVE RONALD V. DELLUMS ON THE ATHLETIC SAFETY ACT

Mr. Chairman, I want to thank you for this opportunity to testify in support of the Athletic Safety Act which I introduced on August 17. Your committee is holding hearings on the administration of the Occupational Safety and Health Act, one of the most important pieces of legislation from the point of view of the public benefit that has been enacted in years. The workers in our fields and factories desperately needed protection against the hazards to which their life and health was constantly exposed—and this committee sponsored the legislation to provide that protection.

I want to speak today on behalf of another group whose lives and health are also regularly put at hazard—but who have no protection against unsafe conditions to which they are exposed. I am talking about athletes in America's high schools and colleges. They are the cream of your youth, and they are injured wtih a frequency we should not tolerate. For example, can you believe that every year one out of every two high school football players is injured? Since there are about 1.2-million high school football players, it means that there are 600,000 football injuries in high schools alone each year.

These statistics are appalling—but they are accurate. They come from a scholarly study by Drs. Robey, Blyth and Mueller published in the Journal of the American Medical Association. The definition of injury used—a condition requiring medical treatment or which resulted in restriction of usual activity for a day beyond that in which the injury was received—is comparable to that used in occupational injury statistics—but there is *no* occupation which has an injury frequency rate that even approaches that of the high school football player.

Yet this is not the only study to show incredibly high injury rates among such players. In fact, previous studies based on medical records or direct interviews come up with similar results—only the studies based on insurance company records show a significantly lower frequency—and the reason for that is obvious; many injuries never result in a claim.

When your committee was considering occupational safety and health protection for our nation's workers, you regularly heard that federal legislation wasn't necessary, that employers would look after their workers, and that injuries were inevitable or just due to the carelessness of the workers. Your committee rejected those false arguments—and I ask you also to reject equally false arguments that athletes deserve no statutory protection because the schools will look after them or that there is nothing that can be done about injuries anyway. We know that too many schools and colleges do *not* follow sound safety practices; we know the pressures on the schools and the coaches to produce winners; and we know those pressures result in sacrificing the safety of the athlete for the athletic prestige of the school. We know that accidents are not inevitable—they can be reduced with proper practices, equipment and availability of care.

We cannot rely on the benevolence of the schools or the coaches; we must protect the health and safety of our athletes with federal legislation—and that is exactly what the "Athletic Safety Act" does. The Act applies provisions of the Occupational Safety and Health Act to high school and college athletic contests. It also expands the definition of national consensus standards to include the code of the National Collegiate Athletic Association and similar state and national athletic associations so that the expedited rulemaking procedures of the Act can be used for athletes as they were used for workers.

Mr. Chairman and members of the Committee, literally millions of our young men and women need the protection that the Athletic Safety Act can give them. I ask for your support of it. Thank you.

Also appearing, at my invitation, before the panel were three young men who know firsthand of the dangers of school sports. Bill Richardson, from Annandale, Va., is a former football captain at the University of North Carolina, and an All-Atlantic Coast Conference lineman in 1970; Michael Ritz is head athletic trainer at American University; Gary Shaw, a former University of Texas football player and author of a new book, "Meat on the Hoof: The Hidden World of Texas Football."

The following two stories, written by J. D. Bethea of the Washington Star-News, aptly summarizes the reasons I feel that athletic safety legislation for the school level is direly needed:

LEGISLATION PROPOSED: EMPATHY FOR ABUSED FOOTBALL PLAYERS

(By J. D. Bethea)

For Rep. Ronald V. Dellums, D-Calif., yesterday was only the beginning of a drive to gain support for his new bill which, if enacted, would affect millions of high school and college athletes.

The hearing, at least the part concerning Dellums, before the House subcommittee on labor was short and routine. Yet, his amendments, proposed August 17th, to the original Occupational Safety and Health Act of 1970 would have far-reaching ramifications as the Athletic Safety Act of 1972.

Citing statistics published in the Journal of the American Medical Association that there are 600,000 football injuries in high schools alone every single year, Dellums said that although the nation's workers are protected under the present act, there is no occupation with an injury frequency rate approaching that of the high school football player.

Much of the impetus for the Athletic Safety Bill came as a result of the death last year of University of North Carolina lineman Bill Arnold, who was stricken during practice.

Flanking Dellums, as witnesses, were Bill Richardson, co-captain at the University of North Carolina in 1970 and All-Atlantic Coast Conference lineman the same year; Mike Ritz, head athletic trainer at American University; and Gary Shaw, who did not testify.

Shaw is a former University of Texas football player and author of "Meat on the Hoof: The Hidden World of Texas Football" a book to be published in late November. It is a scathing denunciation of college football as practiced by Texas Coach Darrell Royal, whom, Shaw feels, is not a typical, but rather representative of coaches throughout the country on a certain level.

Richardson, who lives in Annandale, had played out his eligibility and was not a member of the UNC squad when Bill Arnold died. He was, however, part of a Committee of Concerned Athletes who issued a report to refute what they felt was a whitewash job by the Faculty Athletic Committee dealing with Arnold's death last September.

"It was 86 degrees and we had high humidity on the day Arnold collapsed from a heat stroke," said Richardson. "Arnold was obviously in trouble. They practiced for an hour and 50 minutes without a break. I'd like to know why there was no trainer on the field? Why wasn't a doctor present? Why wasn't the team allowed to take a rest or liquid break?"

The answer to these questions, according to Richardson, is that in big time college football today, player safety has a low priority. What's more, Richardson continued, the coaches are not in a position to be objective about a player's condition or ability to play. "They have to win. That's what counts. Nothing else."

Rich testified that school administrations look first for a winning team and secondarily on the health and welfare of the athlete.

"We need rules and regulations setting up facilities and personnel for athletic trainers. There are no such regulations now," Ritz asserted. As an example, he cited the case of a wrestler who came to A.U. on a full scholarship but who couldn't flex his elbows. The athlete was not allowed to participate but Ritz's point was that the youth had spent the previous five years wrestling.

"Unless the high school athlete is cared for in his growth years, there is nothing we can do when he comes to us."

Chairman of the select subcommittee, Dominick V. Daniels, D–N.J., said, "The committee would certainly like the view of other witnesses as well as the views of school administrators, college administrators, and we look forward to your help."

Those in depth hearings, should be scheduled for the beginning of the year.

PLAYER ABUSE: GARY SHAW TELLS WHY IT'S "MEAT ON THE HOOF"

(By J. D. Bethea)

When he entered the University of Texas in 1963, Gary Shaw took with him visions of crisp, colorful autumn afternoons, beautiful coeds and the glory of being part of a football legend.

Four years later, Shaw's football career, such as it was for a marginal player who managed to rise briefly to second-string level, ended. His illusions were gone. So were his dignity, self-respect and past identity, all victims of the daily eroding effect of major college football.

The result of Shaw's personal trauma is the book "Meat on the Hoof: The Hidden World of Texas Football," to be published by St. Martin's Press in late November.

Shaw was in Washington this week for the opening of House subcommittee hearings on the Occupational Safety and Health Act of 1970. The 26-year-old graduate student from Texas was one of the witnesses present when Rep. Ronald V. Dellums, D-Calif., spoke to the panel on behalf of his Athletic Safety Bill. Dellums' amendments to the original legislation would include protection for high school and college football players.

Of all the things Shaw found wrong with college football as practiced at Texas, he says the deepest scar was left by the manner in which the coaching staff used fear as a weapon against the player himself. Shaw is not so much interested in trying to expose conditions at Texas, as he is in "showing kids on football scholarships that it's not all a pipe dream. It's a business.

"We have to do away with that 'Super Stud' myth, romanticizing the college football player. You can't imagine what it does to you psychologically, trying to live up to it, trying to prove that you're a man.

"At first I used to think that this feeling was just applicable to sports," Shaw said. "But it gets into every phase of your life. You spend your life going from one victory to another, or trying to, anyway. Winning becomes the only thing that matters. No tenderness or warmth, just playing a game and trying to prove you're a man."

Between 1961 and 1964 Texas issued 207 full scholarships to football players. At that time, Southwest Conference rules would not allow more than 100 men on full scholarships at any one time, and the conference rules governing the cancellation of scholarships or other aid were strict. The problem then was convincing more than 100 youngsters to "voluntarily render himself ineligible for intercollegiate competition."

Shaw said Darrell, the head coach, and his assistant came up with a special set of drills for the marginal players they wished to get

rid of so their scholarship money could be used for other recruits.

The physical abuse in these drills was great and damage to the psyche even greater. Shaw began to wonder why anyone would continue to put up with such treatment.

"I used to ask myself why the hell these guys didn't quit. What's wrong with them? But I came to realize that they were trying to be men. And the first rule is that you don't quit. That masculine myth again.

"What worse is that everybody knew what the coaches were trying to do and why. And you also knew that nobody was supposed to talk with or associate with the losers who had to do these drills. Sometimes it might be a friend and, even though you knew it was wrong, you began falling into that pattern."

One of the participants in the infamous drills was a good friend of Shaw's. He was Charles Owens, who despite having one badly separated shoulder and that was severely bruised, was one of 15 survivors.

So the coaches came up with an all-against-one or sideline drill which Shaw describes in the book.

"One ball carrier stood 10 yards away from all the rest. To make sure everyone got up enough momentum, they were to run 25 yards before turning upfield. All were to meet (at the same time) between the two dummies which were five yards apart. Fifteen en masse on one side a lone ball carrier on the other. Charlie Owens told me what happened to him the first time he was this lone ball carrier.

"Five guys got there first and tackled me, the other 10 ran over me. Someone's cleats ripped my calf open. I didn't get up fast and Culpepper (assistant coach) came screaming for me to get up. He took one look at my open leg and gagged, then called the trainers, who slowly walked over. The doctor and I walked a block and a half to his truck, and he drove me to the health center. There it took about a hundred stitches to close my calf."

For Owens, getting hurt saved his career, perhaps his life, because he told Shaw he didn't think he could have taken four more weeks of drills. Yet, he too refused to quit.

There is a statement in the book by Charley Taylor of the Washington Redskins which best sums up Shaw's feeling:

"In spring training my sophomore year (at Arizona State), I broke my neck—four vertebrae. 'Hey coach,' I said, 'my neck don't feel good.' 'There's nothing wrong with your neck, you jackass,' he said. So the numbness went away a little and I made a tackle. When I went to get up, my body got up but my head just stayed there, right on the ground. The coach says, 'Hey, get this jackass off the field.' So the trainer put some ice on my neck and after practice they took me up to the infirmary for an X-ray. The doctor said, 'Son, your neck is broken. If you had been 10 minutes later, you'd be dead.' Dead! Man, that scared me. I mean those colleges let you lie right out there on the field and die. That's something to think about."

Finally, I insert an article from the September 19 Washington Post, which in four paragraphs makes evident the pressing importance of such legislation:

THREE SOUTHERN YOUTHS DIE AFTER FOOTBALL

Three high school football players in the South and Southwest died over the weekend after becoming ill during or shortly after their week's games. At least two of the deaths apparently were caused by excessive heat.

The deaths occurred in Eatonton, Ga., Newton, N.C. and Harleton, Tex. The victims were Tony Carter, 16, a tackle at Eatonton's Monticello High; Gary Gene Butler, 14, of Newton's Bandy High; and Terry Ray Muse, 16, the starting quarterback for Harleton High. Carter, a 5-foot-11, 200-pounder, collapsed because of heat during the third quarter of a game Thursday night. Butler collapsed in a dressing room following a Thursday game. Muse fell face down during a game Friday.

An autopsy on Carter was inconclusive, doctors said. Butler's death was attributed to heat exhaustion, and Muse's to unknown factors. Muse had complained of headaches for the past week and had been taking sinus medicine, his coach said, but had not been injured in the game.

This is important legislation. Already, professional sports are covered by the Occupational Safety Act. A recent survey of my constituents found that nearly two-thirds of those responding to my questionnaire support this legislation, and I am sure that similar results would be found nationwide. I urge consideration of this critical proposal.

THADDEUS KOSCIUSZKO HOME NATIONAL HISTORIC SITE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. PUCINSKI. Mr. Speaker, I am most grateful that both Houses of Congress have now favorably acted upon legislation establishing a memorial to the great Polish patriot, Thaddeus Kosciuszko.

The legislation which creates this fitting tribute to the Revolutionary War hero was cosponsored by some 40 Members.

Kosciuszko came to our country in order to help us gain our independence. He was a leader at the Battle of Saratoga in 1777. His ability as a military engineer was instrumental in helping to fortify our positions along the Hudson River.

After the war Kosciuszko maintained a residence, for a time, in a Philadelphia boarding house. This building at 301 Pine Street still stands and the legislation which Congress has passed will make it a national historic site. The property is to be donated to the United States.

Much credit for the enactment of this fitting memorial to Thaddeus Kosciuszko belongs to Mr. Edward J. Piszek of Philadelphia. Mr. Piszek is an outstanding American businessman who has quietly engaged in many acts of philanthropy. In addition to Mr. Piszek's great efforts to honor Gen. Thaddeus Kosciuszko, he is the man behind "Project: Pole."

Through Mr. Piszek's work, Polish Americans, as well as all Americans, are becoming aware of the many and great contributions made by the Polish people throughout history. We have come to discard the melting pot theory. Rather, we now realize America is a majestic mosaic made up of citizens with different ethnic backgrounds, each contributing something important and unique to our culture.

Mr. Speaker, I am pleased we were successful in our efforts to make the Kosciuszko home a national historic site and wish to commend Mr. Piszek for his great works.

POWERFUL STANDARDS INSTITUTE LEVELS NEW BLOW AT INDUSTRY DEMOCRACY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DINGELL. Mr. Speaker, a recent development in the internal affairs of a private corporation, the American National Standards Institute, should gravely concern the House.

I have used the term private corporation, although ANSI as it is called plays a prominent role in writing many public regulations of various Federal agencies. Therefore, no Member of this House can be indifferent to the procedures under which that body develops and approves private industrial standards. This is more particularly the case because it was only 2 years ago that Congress enacted the Occupational Safety and Health Act. During these 2 years, scores of industrial safety standards developed under the procedures of ANSI have become the law of the land with little or no amendment by Federal administrators. Under OSHA and many other public laws as well, ANSI is destined to play a continuing prominent role which can only be described as quasi-legislative.

The latest change of which I speak is an amendment to the constitution and bylaws of ANSI calling for the elimination of the Member Body Council of that corporation and the transference of the control over the development of standards to a small, handpicked group appointed by the president of the corporation.

During the 90th Congress, the Small Business Subcommittee on Activities of Regulatory Agencies, of which I was and am chairman, took a close look at the internal operations of that body, mainly with reference to the revision of the so-called national plumbing code. The code of which I speak was a nongovernmental document, a model code or set of plumbing regulations suitable for adoption by a State or local government.

The conclusions of our investigation may be best summarized by saying that ANSI procedures provided many of the forms of democracy, but little of the substance. Nevertheless, it was possible for a trade or professional association, by paying annual dues of $750, to obtain voice and vote in the standards development and the standards approval process at all levels. There was also an extensive right of appeal, up to and including the body known as the member body council.

It was disconcerting to see ANSI late in 1969 remove the standards-approval function from its member body council and vest control over approval of standards in a small appointive committee known as the board of standards review. The development of standards, as distinguished from their approval, remained with the member body council and its subordinate boards and committees.

Now, in its latest constitutional change, ANSI leadership has acted to remove even the development of its

standards from the supervision of its dues-paying members. The member body council becomes a relic of the past. Direction and control of standards development will be vested in a new 21-member group to be known as the executive standards council. All 21 members will be appointed by the president of ANSI.

For those Members of this House and the general public who believe that industrial standards are best left to private organizations such as ANSI, I say that this latest development is a sad event indeed. For my own part, I find considerable difficulty vesting any public function in a private organization such as ANSI, particularly when that private organization remains unregulated, not subject to any kind of public oversight. It was in the hope of correcting this situation that during the course of the 91st Congress, I introduced the bill, H.R. 10123. With the same end in view, I have repeatedly called upon the Federal Trade Commission to undertake the most thorough and searching investigation of organizations such as the American National Standards Institute, the American Society for Testing & Materials, the Building Officials & Code Administrators International, Southern Building Code Congress and such like organizations which engage in the publication of industrial standards, whether product specifications, safety standards, model plumbing codes, sets of definitions, or other types of standards.

Now that ANSI has acted to do away even with the forms of democracy, I suggest that the time is ripe for a new investigation by the appropriate committee of this House. As if to add support to this suggestion, I have just been informed that ANSI has undertaken anew the revision and updating of the old national plumbing code.

THE HONORABLE EMANUEL CELLER—A GREAT AND COMPASSIONATE LEADER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. EDWARDS of California. Mr. Speaker, it has been my high privilege for a decade to serve under the chairmanship of EMANUEL CELLER on the Committee on the Judiciary of the U.S. House of Representatives. There is little I can tell you about him which is not a matter of record—his defense of civil liberties, his work on judicial reform, the four constitutional amendments to his credit, the 350 public laws which bear his name. These are facts which will be found in the history books. But I want to talk about the man himself—the man of humor, the man of innate gentleness, the man who sought as well as gave advice, the man of inner dignity whose humility shown through the years of his service.

Under his leadership, a situation which was tense could be dissipated by the soft voice of reason. Differences were reconciled. Many are of the impression that he rode herd. I can assure you he did not. We met, we talked, and we respected areas of disagreement. But there is one strain that runs through all of our dean's accomplishments, one philosophy that explains so much of his commitments. And so I sum this up in one word; Compassion. Compassion for the hurt, the deprived, the lame, the hurt whether in mind or in body. He understood pain. He understood loneliness. He understood alienation. I think his compassion, more than anything else, explains this legislative giant.

His strength is not easily understood. It is a remarkable fact that at 84 he retains the vigor and the commitment which many of us envy.

Men are strong so long as they represent strong ideas. And what is stronger than the dedication to the civilizing forces of the world—justice and equality of opportunity for all? It is his commitment to these ideas that makes EMANUEL CELLER one of the great men of our time.

MISSION INVISIBLE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. SCHMITZ. Mr. Speaker, last spring three members of a United Nations committee claimed to have visited "liberated areas" in the Portuguese overseas province of Guinea. This report has now been exposed as a fraud and a hoax. But since this alleged visit is being used as a pretext to push for recognition of a foreign revolutionary regime instead of Portugal as sovereign in this area, it is important to set the record straight. Following are excerpts from a paper entitled "Mission Invisible," prepared by the Ministry of Foreign Affairs in Lisbon, which clearly shows that the visit of the committee to alleged "liberated areas" actually never took place:

[Excerpts from "Mission Invisible"]

II.—UNDER THE SIGN OF CLANDESTINITY

On March 2, 1972, the Special Committee on Decolonisation, commonly known as the Committee of 24, took the decision to send a Special Mission constituted by 3 of its members to visit so-called "liberated areas" in Angola, Mozambique and Portuguese Guinea. The 3 members in question were the representatives of Ecuador (Horacio Sevilla-Borja), of Sweden (Folke Lofgren) and Tunisia (Kamel Belkhiria).

On April 4, 1972, the United Nations Office of Public Information issued a press release announcing the departure, *on the same day*, of the Special Committee of 24 for Africa via Paris. The Committee—the press release added—would meet in Conakry from April 7 to 12, in Lusaka from April 17 to 22 and in Addis Ababa from April 25 to 28.

No information was, however, disclosed, *on that day or earlier or indeed for some days after*, about the departure of the three members of the Special Mission, who had already left New York, even as no details were revealed of their eventual movements in Africa. Which parts of Angola, Mozambique and Portuguese Guinea did they intend to visit? By which entry points? On what dates? *All such details were kept a closely guarded secret.*

If the areas to be visited were indeed "liberated", as claimed, the Special Mission should have been interested in carrying out its programme openly, if only to prove that in those areas they had only friendly hosts around and nothing to fear from anyone else.

Instead, the Special Mission *chose to go into clandestinity* right from New York.

It left New York without notice. Its objective was *to join terrorists* who recognize no law and who are recognized by no law. Its declared intention was *to violate at undisclosed dates* the national territory of a Sovereign State, Member of the United Nations. Its method would be to operate *in the dark*, not unlike law-breakers who are afraid of detection and of the consequences thereof.

This is hardly a proper, dignified conduct for a Mission acting in the name of the United Nations. Furthermore, the conduct of the Special Mission signified an attempt to defy the universally accepted principles of international law as well as the principles enshrined in the Charter of the United Nations in respect of the inviolable rights of Sovereign States.

Portugal's sovereignty in Angola, Mozambique and Portuguese Guinea is beyond question, *whatever the view taken of the status of those territories.* Moreover, the Portuguese Government has consistently and categorically declared that there are no "liberated areas" or areas outside the control of the Portuguese authorities, whether in Angola, Mozambique or Portuguese Guinea.

For several days nothing was heard about the Special Mission, except that its members had disappeared from New York. On April 8, 1972, it was suddenly announced in Conakry and in New York that the Special Mission had accomplished its task, that is, it had visited "liberated areas" in Portuguese Guinea.

In marked contrast with its previous attitude of secrecy, the Special Mission, appearing in the Republic of Guinea, now showed a keen sense of publicity.

Its information officer sent a story to the United Nations Office of Public Information, which made it the subject of a press release (GA/COL/1276, of April 10, 1972). The following is taken from that press release:

The mission returned to Guinea with the Commander of the Revolutionary Forces of the African Party for the Independence of Guinea (Bissau) and the Cape Verde Islands (P.A.I.G.C.), Constantino dos Santos Teixeira, and the Party's Political Commissioner of the South Forces, José Araújo.

The three-member mission had left New York on 28 March had arrived in Guinea (Bissau) on 2 April.

The Chairman of the Mission, Mr. Sevilla-Borja, said that the group had travelled mostly on foot, day and night, during the seven-day journey; it had been able to establish direct contacts with the people of Guinea (Bissau) and had observed various reconstruction programmes being undertaken by the national liberation movement, as well as witnessing, at first-hand, the social, economic, educational and other conditions in the liberated areas.

Members of the mission, he said, were extremely impressed by the heroic efforts of the people of Guinea (Bissau) in their determination to achieve the total liberation of their fatherland from the oppressive colonialist rule.

He said that, on their return trip, the members of the mission had walked all night, from 8 p.m. on 7 April till they arrived in the Republic of Guinea at 7.25 a.m. on 8 April. (They all had seven-day beards, wore military camauflage fatigues, caps and boots, and carried knapsacks supplied by the P.A.I.G.C.

They also wore United Nations insignia and armbands and carried a United Nations flag.)

IV. MAKE-BELIEVE THAT FAILED

Rejoining its parent body, the Committee of 24, at Conakry, the Special Mission undertook to make propaganda of its "visit" to Portuguese Guinea. But its efforts met with scant success. Significant indeed was the reaction of the Secretary General of O.A.U., Mr. Diallo Telli, who stated that *"he hoped that the Special Committee would be able to produce factual proof that it had in fact visited Guinea* (Bissau)."

Thus we have it from no less a source than the Secretary General of O.A.U. that, at least up to April 28, the Special Mission had furnished *no factual proof that it had in fact visited Portuguese Guinea.*

Meanwhile, on April 27 the Permanent Mission of Portugal to the United Nations had commented as follows on the statements made by the Special Mission:

Concerning the recent activities of the Committee of 24, presently touring African countries, and the alleged visit by its "Special Mission Group" to so-called "liberated areas" in Portuguese Guinea, the Permanent Mission of Portugal to the United Nations wishes to offer the following comments:

1. The "Special Mission" has issued, somewhat strangely, until now, only an "oral report", that is full of spurious material which can be added to or altered, to suit the demagogic stance of the moment, at the will and pleasure of the Committee of 24.

This suspicious circumstance alone should provide sufficient grounds for consideration.

2. Until the Committee arrived in Luzaka, Zambia, the Special Mission Group did not care to name any localities they claim to have visited. Only then, seeing that the Portuguese Government had issued a formal denial of their claim on 11 April, its leader stated to the press that the group had marched "more than 100 kilometers into the interior of the sector of Balana-Ketafine and Cucubaro, on the south of Guinea (Bissau)" according to a telegram of France Press published in *Bulletin d'Afrique*, n. ° 7774.

3. If the Special Mission Group did indeed penetrate over 100 kilometers from the region of Balana and Ketafine—both of which localities are within 10 kilometers of the border with the Republic of Guinea—then they must have reached the capital city of Bissau or even by-passed it, reaching the proximity of the northern frontier with the Republic of Senegal. It is to be remembered that the entire length from north to south of the territory is around 120 kilometers (vid. Map annexed to U. N. Document A/AC. 190/L. 768 of 27 March 1972).

All of which renders the claim of the Special Mission Group absurd and ridiculous, unless its members now choose to improve upon their earlier statements by asserting that they traversed in their terrorist uniforms the entire length of Portuguese Guinea!

4. As stated in the Press-Release n.° 3 of the Permanent Mission, the Governor of Portuguese Guinea himself was in the area throughout the period in question and the frontier was kept under close surveillance.

5. And yet, it is on the basis of such dubious and fraudulent claims that the Committee of 24 proceeded, in its usual irresponsible manner, to approve a resolution condemning Portugal, appearing in Document A/AC. 109/400, of 20 April 1972.

6. In approving that resolution, and recording a finding that the P.A.I.G.C. is the "only authentic representative of the territory" which, in its opinion, "some States are prepared to recognize", the Committee of 24 clearly acted beyond the competence conferred by its mandate, which, Portugal, as a matter of fact, has never accepted.

7. The Portuguese Mission once again reiterates for all useful purposes that:

(i) No such visit as is alleged by the Special Mission Group ever took place to any place or places in Portuguese Guinea;

(ii) There are no "liberated areas" that are under the control of the P.A.I.G.C.;

(iii) The territory of Portuguese Guinea is, as always, open to all people who in good faith want to visit it, and

(iv) The resolution circulated in document A/AC. 109/400 is contrary to the principles of national sovereignty enshrined in the United Nations Charter, and constitutes a clear violation of all norms of friendly relations between nations and States, basic to the Purposes and Principles enunciated in that Document.

V. TANGLED WEB

Let us now look a little more closely at the description of the alleged trek as found in the Report of the Special Mission.

The maximum claimed by the Special Mission is that its members entered Portuguese Guinea *clandestinely and at close to midnight* and that they followed a particular route *on foot, most of it gone round in a circle and through the jungle,* covering a distance of 160 km, leaving the territory after a whole night's march to the frontier.

This cannot mean that the Mission may claim to have penetrated that distance or even half of it into the interior of Portuguese Guinea. It is worth stressing that, on its own showing, the small area the Mission claims to have gone round in a circle is situated at a distance of not more than 30 km from the frontier, at the outside limit. This then is the maximum penetration that could be conceded to the Mission on its own terms. But Portuguese Guinea is *at least* 300 km by 120 km.

Furthermore, it is easy to see, from the map exhibited by the Special Mission and from other parts of its Report, that it cannot claim to have traversed a route of more than 80 km, of which some 20 km were trekked twice and the remaining *in a circle.* Therefore, the Mission cannot claim to have seen places except along a route of some 60 km at the utmost, most of it circular and in a forest.

But, again on its own showing, the Special Mission did *all* its trekking *by night.* According to Annex I of its Report, the Mission halted only at two points—at one, from 7.29 (this precision is indeed impressive!) to 21.30 on April 3; at another, from 10.30 of April 4 to 17.30 on April 6. Hence, in daylight, it could have seen places only around and close to those points. Thus, after making the utmost allowance to the Special Mission's story, it becomes evident that the Mission cannot claim to have seen, in daylight, more than some 20 km of the territory, most of it in a jungle. *And Portuguese Guinea has an area of 36 125 km.*

Yet it is on the basis of such "knowledge" that the Special Mission concludes that more than two thirds of Portuguese Guinea is in the hands of P.A.I.G.C.

Yet it is on the basis of such "knowledge" that the Special Mission talks about "shocking experience of Portuguese repression."

Yet it is on the basis of such "knowledge" that the Special Mission feels able to report enthusiastically on conditions in "liberated areas."

We thus come back full circle to the gratuitous and invariably malevolent allegations which the Committee of 24 has been habitually accepting as true—without the slightest evidence or demonstration and indeed in the teeth of the reality attested by independent observers.

The Committee of 24 was obviously conscious of this weak point in its anti-Portuguese campaign. Accordingly, it detailed a Special Mission *to fill the gap by any means it could.*

But what evidence does the Special Mission provide?

Nothing more than some photographs taken in a jungle where the surroundings cannot be identified. We are *merely told* of marvels of administration and development said to exist in "liberated areas," including schools, hospitals, people's stores and what not. But the Special Mission offers no more evidence of these marvels than the Committee of 24 has done during all the time it has been accepting them as the quintessence of truth.

Even what is described as a flourishing "boarding school" is found to be (according to the photographs exhibited by the Special Mission) no more than a clearing in some forest (in which country?) where boys are seen sitting at a meal in the open air around an improvised (for the benefit of the Special Mission?) table made of sticks. And we are *merely told* of classes in Mathematics, Geography, Natural Science, etc., but the single photograph exhibited shows the Special Mission sitting with two boys reading a book in a bush (where?).

The story was subsequently put out that this famous "boarding school" was strafed by the Portuguese from the air. This was found to be a facile way not only to *dispose of a school that never existed in Portuguese Guinea* but also *to obtain high dividends* in terms of another anti-Portuguese resolution sponsored by the ever obliging Committee of 24. There is, however, a curious point which seems to have escaped the attention of the imaginative authors of the story: in spite of the alleged strafing, no victims have been "reported", among the 65 inmates of the "boarding school", where boys and girls are said to have been living together—one hopes on proper terms, if only not to spoil the idyllic picture. A simple comment would not, however, be out of place: apparently the inmates of the "boarding school" were more self-reliant in escaping imaginary air raids than the sophisticated diplomats from the United Nations who took with them a *ground* escort for protection against aerial surprises!

If the Special Mission wished to practise on the credulity of the world, it has put up a regular performance. But it is not surprising. The statements made by the members of the Special Mission and by their colleagues in the Committee of 24 in the preparatory phase of the "visit" indicate that the "visit" was conceived only as a *mise-en-scene* for a conclusion pre-arranged in combination with P. A. I. G .C. and with O. A. U.

The Portuguese Government reacted with an invitation to the Secretary General of the United Nations to send a team of his own staff members to Portuguese Guinea on an informative mission. This invitation was declined on the plea that "in the circumstances it would not be appropriate for me to act without a decision of a competent deliberative organ".

The Portuguese Government held that the Secretariat required no mandate to send a team merely to gather information, if only to elucidate one of its organs—the Office of Public Information—which has been giving publicity to false and one-sided reports about Portuguese Guinea. On the other hand, the Portuguese Government could not seek a mandate in contradiction with its coherently held position that Portuguese Guinea is a part of its national territory falling, in terms of the Charter, outside the competence of the deliberative organs of the United Nations.

The Portuguese Government thus went as far as it could, without prejudice to its judicial position, to enable at least one organ of the United Nations—the Secretariat—to know the truth.

But the Committee of 24 has developed a special technique to manufacture its own "truth". And it is on the basis of such prefabricated "truth" that its conclusions are arrived at and its resolutions are voted.

In the case of Portuguese Guinea, the Committee of 24 found it convenient, for its own political purposes, to qualify P.A.I.G.C. as "the only and authentic representative of the people of the territory."

The basis for this conclusion is a mysterious "visit" to the territory, of which a very small portion is claimed to have been seen, and that too, except at two points, in the darkness of night. No evidence is, however, provided even of such obscure contacts, in themselves extremely unlikely, as demonstrated above. One is expected to take for granted the world of three persons who had taken a position *in advance*, never having made a secret of their political bias against Portugal and in favour of P.A.I.G.C., and who, naturally, were only too willing to oblige their terrorist hosts.

Accordingly, they were shown places, which cannot be identified; they were told of bombardments, which did not take place; they were led to a "boarding-school," which never existed in Portuguese Guinea. In short, they were told fables which they were only too eager to believe or pretend to believe. But, in the process, they proclaimed their intention to enter the territory of a Member-State illegally and in defiance of its legitimate Government—an inadmissible attitude on the part of a Mission operating in the name of the United Nations. They and the Committee of 24 as a whole have thus made themselves responsible for an avowed attempt against the sovereignty of a Member-State—a lamentable attitude which, it is hoped, will, as it must, evoke unqualified condemnation from the law-abiding Members of the United Nations.

For the Committee of 24 has involved the United Nations itself in an attempted violation of an indisputable norm of international law and of the Charter of the Organization. Failure to condemn this attempt would expose the United Nations to the charge of indifference to international law and to the sovereignty of Member-States no less than to its own reputation as a law-abiding organization.

Finally, what about the "liberated areas"? *Nothing can alter the fact that there are no "liberated areas" whether in Portuguese Guinea or in Angola or in Mozambique.*

There are some frontier areas—relatively small portions of each territory—which are rendered more or less unsafe by terrorists *infiltrating clandestinely from the neighboring countries giving* them sanctuary. *But the terrorists do not control any part of the territory or, to put it another way, no area has been cut off from the Portuguese authorities.*

The Portuguese Government has proved this fact and *is ready to prove it again, if need be, at any time to any one who wishes to be informed,* not in the darkness of night but in broad daylight, not in clandestinity nor in a haze of mysterious treks through unidentifiable jungles but openly as befits men who care for truth and prize their own personal self-respect.

A BETTER WAY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. GUDE. Mr. Speaker, to celebrate Montgomery County's 195th birthday last month County Executive James P. Gleason invited the former president of the Maryland Constitutional Convention, H. Vernon Eney of Baltimore to address 800 outstanding community leaders. Mr. Eney's message challenged his listeners to apply their talents to an improved method of amending the Maryland constitution. As the county plans its bicentennial it was an appropriate topic. I am submitting here the comments on this thoughtful address as they appeared in the Gaithersburg Gazette, of October 12, 1972:

A BETTER WAY

When those 600 Montgomery County leaders tured out to celebrate the County's 195th birthday last month their luncheon speaker was H. Vernon Eney, prominent Baltimore attorney and the president of Maryland's Constitutional Convention.

Mr. Eney's speech turned out to be a scholarly paper on the State Constitution and the preferred way to amend it. It will be recalled that when the proposed new state constitution was rejected by the voters four years ago there were so many sections that caused controversy that approval of the total package became impossible.

But if the total package approach was impossible, Eney points out, so is the present method which has resulted in 17 proposed amendments that will be voted on at the November election. Obviously the Legislative Council proposes to update the Constitution by following a piecemeal approach.

To many people it has become a gross mystery to determine how a sensible change of the Constitution can come about under such a procedure. It is beyond the capability of the Legislative Council they say to come anywhere near accomplishing by legislative action that which can best be determined by thoughtful studious understanding of the document and the careful weighing of proposed changes from something other than a political viewpoint.

At the County Birthday luncheon Mr. Eney offered the citizens of Montgomery County a flattering challenge. Considering the astuteness of his audience the president of the Constitutional Convention urged its members to take the leadership in the establishment of a commission that would evaluate and endorse proposed amendments before they found their way to the election ballots. Indeed this would be a decided improvement over the present method. We are hopeful that the leadership Mr. Eney expected the County to generate will soon be forthcoming.

CENTRAL NEW YORK MOURNS DEATH OF STATE SENATOR JOHN H. HUGHES

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. TERRY. Mr. Speaker, this calendar year has seen the passing of many giants in American government. Today, the central New York area was stunned with the news of the sudden death of another giant in government. New York State Senator John H. Hughes died of a heart attack while conferring with the counsel of the joint legislative committee on crime.

Senator Hughes has been a force in New York State politics since he was first elected to the New York State Senate in 1946. This year he was the dean of the Republicans in the Senate and served as chairman of the prestigious and important senate committee on the judiciary.

In recent years, John Hughes has emerged as a major spokesman for our Nation's all-out fight against organized crime. Chairing the New York State joint legislative committee on crime, Senator Hughes put together an investigatory staff which was making major inroads in destroying the cancer of organized crime in New York. His accomplishments through this committee were gaining recognition throughout the country for effectiveness and uniqueness in dealing with this most serious domestic American problem.

Senator Hughes has served in a variety of positions in the central New York area in addition to his political offices. A tireless Republican county chairman in Onondaga for a number of years, Senator Hughes also served in civic capacities. A member of the New York State, American, and Onondaga County bar associations, Senator Hughes also served as president of the county bar association and the Federation of Bar Association of the Fifth Judicial District.

It is impossible to list the accomplishments of this man. They range over such a broad number of topics that it is difficult to comprehend that one individual could make such a large impact on a community.

But that is exactly what John Hughes did for central New York and the entire State. He was a strong advocate of responsibility in government. He fought doggedly for what he felt was the best interests of his community.

I served for 8 years in the New York State Assembly while John Hughes was in the senate. His leadership, dedication, and integrity always provided a center for concerned legislators to support.

The legacy of most men is memory of the past. John Hughes' memorials are yet to come. Future generations of New Yorkers will remember his name and his leadership as they view the progress and achievements which will continue to bear fruit for many years to come.

FOXCROFT SCHOOL-WASHINGTON WORKSHOPS—A PARTNERSHIP IN LEARNING

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DU PONT. Mr. Speaker, recently I had the pleasure of speaking once again to the Washington Workshops Congressional Seminar. I am sure many of my colleagues are already quite familiar with the fine work of this organization, as it annually enrolls many hundreds of our finest young people from across the country who come here to Washington to glean some firsthand and effective knowledge of their National Government.

In attendance at this recent seminar session, were a sizable group of young ladies from the Foxcroft School in nearby Middleburg, Va. This splendid school has a long tradition of excellence in secondary education, and it was gratifying to me to see such a large group of their students in attendance at an extended study session on Capitol Hill.

Appearing in a recent edition of the Foxcroft Alumni Association's magazine, "Gone Away," were three articles per-

taining to their student's participation in the Washington Workshops Congressional Seminar. These articles were written by Foxcroft's assistant headmaster, Robert Leipheimer, social studies department chairman, Vernon Frost, and a student who attended the study session, Miss Kelly Louise Bowles. I think their comments are quite illustrative of the effective work and study concepts of the Washington Workshops Foundation, and I append these articles at this time:

FOXCROFT'S WASHINGTON WORKSHOP IN AMERICAN GOVERNMENT

(By Robert Leipheimer, assistant headmaster)

Underneath the cries for "relevance" and contact with the "real world" in education today, there is often a sincere and healthy eagerness to find ways of relating academic learning and human experience—not by rejecting the books and the classroom, but by bringing the topics they deal with to life. Can you imagine a better way to make the study of American government and politics come alive than to spend a whole week in the nation's Capital watching Congress at work and talking face-to-face with Senators, Congressmen, political journalists and executives from various agencies and departments? Add to that an evening session with an ambassador and another with a CBS White House correspondent, plus informal "rap sessions" on campus on other evenings, two visits to the Kennedy Center, a special program at the White House, a model-Congress session in which students debate proposed legislation which they have drafted themselves, a reception at the Georgetown Club, and many heated discussions which rage on into the night, and you will have some *idea* of what Foxcroft's first Washington Workshop was like—and, perhaps, of why we were all totally exhausted when it was over!

The idea of using Washington for an off-campus study program in government has been under study for a couple of years.

When Eleanor Todd and Alex Uhle asked me to organize and implement the venture, my first thought was, "Great! Now how in the world do we make it happen?" As it turned out, our ability to launch the program this year was due in large part not only to the willing assistance provided by a number of trustees and alumnae, but also to the very successful partnership formed between Foxcroft and Washington Workshops, an independent organization with five years' experience in arranging similar programs for selected secondary school students from all over the nation. We pooled our ideas and contacts and shared the lining-up of speakers, and the Workshops' staff handled the scheduling and logistics.

Our special Workshop session ran from April 30 to May 6. During that time all of the participants lived in a new dormitory on the campus of Mount Vernon College, where the informal evening sessions, debates and discussions also took place. The Foxcroft contingent included a pilot group of the 20 students enrolled in the American government course, although we intend to expand the program in the future and make it available to all Foxcroft students. To add variety in terms of perspectives and backgrounds, a group of 40 boys and girls from other schools throughout the country were admitted to the session, and as both Mr. Frost and Kelly Bowles point out later, the added ferment turned out to be one of the most exciting features of the program.

The format of the Workshop permitted not only group contact with officials in the form of briefings, discussions, question-and-answer periods—and, in several cases, lively arguments!—but also individual contact when students were given time to visit Congressmen and Senators in their offices or over lunch. At other times students went to committee hearings or to the galleries to watch the House or Senate in action. Representative James Symington held his briefing session with us right on the floor of the House and seated the entire group in the Congressmen's chairs.

The following two articles provide further description of the program and reactions to it from the point of view of teacher and student. You will notice among the names mentioned here and in Kelly's article a number of people who are "related" to Foxcroft in one way or another. That list also includes Charles A. Meyer, Assistant Secretary of State and husband of Suzanne Seyburn '37, and Clement Conger, White House Curator and a Foxcroft father. Altogether, we met as a group with three Senators, four Congressmen, four top officials of executive departments, an assistant to the President, two reporters, an ambassador, the Co-Chairman and Deputy Chairman of the Republican and Democratic Parties respectively, officials for the Environmental Protection Agency and the Secret Service, the House Majority Floor Officer, and several administrative assistants to Congressmen and Senators. The week came to a close with a special buffet dinner followed by a performance of *Richard II* at the Kennedy Center.

Foxcroft stands alone in its ability to offer this kind of program to all of its students. Selected students from many other schools do come to Washington for educational tours and special internships, but Foxcroft is the only girls' school we know of that offers everyone an opportunity which includes breadth and depth, direct contact with a wide range of political leaders, and a series of sequential, well-planned seminars and briefings. The Washington Workshop is significant in all of the ways mentioned in these three articles; it also suggests that boarding schools such as Foxcroft can seek to maintain the special strengths of the on-campus residential experience and at the same time provide exposure to the problems and joys of the larger world with which students are increasingly concerned.

A TEACHER'S VIEWPOINT

(By Vernon Frost, chairman, social studies department)

The Washington Workshop was one of the most significant additions to the Foxcroft curriculum this year. Although the number of students in this first-year pilot program was relatively small, it was obvious when evaluating our initial experience that the program should be expanded so many more students can have the opportunity to share in the program.

As an American government teacher, I was originally attracted to Foxcroft because of its close proximity to Washington and the opportunity to teach government and public affairs, not just from a textbook, but also from firsthand observation. In the years I have taught here, I have taken my students on field trips into the city, but I was never completely happy with the results. A one-day visit, with a long bus ride to and from Washington proved to be merely superficial observation, not in-depth study.

The strength of the Washington Workshop program is that the participants spend an entire week in Washington, totally immersed in governmental affairs. They have the opportunity not only to observe how the government works, but also to talk to and question public figures and to discuss issues among themselves. It is this many-faceted dialogue which makes the program a unique learning experience. Living and learning as a group without outside distractions, the students get a genuine sense of how the issues confronting our policymakers are resolved.

I spent the entire week with the group. Many things impressed me. I was impressed with the willingness of so many high ranking officials to take the time to speak to the Workshop group. Many commented that they consider the program a fine educational enterprise which they endorse through their willingness to participate. I was impressed with the broad spectrum of opinions and points of view represented by the speakers. It led to sharp questioning and brisk exchanges between the students and the speaker, and among the students themselves.

I was impressed with the format of the program and its lack of regimentation. The meetings were relaxed and informal, and, interspersed between group sessions, free time was given to allow the students to visit congressional committee meetings, sessions of the House and Senate, and to seek out individual Congressmen and Senators on a one-to-one basis. There was a strong sense of group cohesiveness without the herded regimentation characteristic of so many school group visits to Washington, D.C.

Without a doubt, the greatest value of the Workshop for our Foxcroft girls was the opportunity to participate in the program as a part of a large group of students selected from all over the United States. There were 60 students in the group, with 30 Foxcroft students among them. One half of the students were boys. Six were black students. Most were from public schools. Many were from rural areas or small towns. Every geographical area of the U.S. was represented. In point of view, they ranged from very conservative to the militantly skeptical. All were bright and eager to learn. As a result of this diversity, there was an almost ideal climate for spirited discussion of public issues within the group. It was these informal discussions in the dormitory, at mealtime, on the bus, and in the snackbar which seemed to mean the most to the Foxcroft girls.

I believe that through the Washington Workshop program, Foxcroft has found the vehicle for adding an important new dimension to its program. Preparing our students for informed and involved citizenship is one of our most important tasks. The Washington Workshop program can help us with that task.

A STUDENT'S VIEWPOINT

(By Kelly Louise Bowles, 1972)

When I first heard about the government field trip I was not at all interested. In fact, I did all I could to get out of going. Yet I found that reading about government and actually seeing it operate and talking to its leaders are two entirely different things. The Washington Workshop program gave us the chance to go beyond the printed words of our textbook and feel the frustration, prejudices and satisfactions that exist on Capitol Hill.

Each day we met with four or five speakers from all over the Hill's complex network. Three speakers came out to Mt. Vernon College for evening sessions. A few of these speakers were Mel Johnson, Washington correspondent, Senator Adlai Stevenson III, and Robert Pierpoint, CBS White House Correspondent, who gave us a great, humorous review of our last few Presidents. We also met with the Austrian Ambassador, Congressman Pierre duPont, Mrs. Anne Armstrong (Anne Legendre '45), National Republican committee Co-Chairman, and Mr. James Burke, a Secret Service man who quite generously gave me $700 worth of counterfeit bills. Other speakers were Mrs. Patricia Hitt, Assistant Secretary of Health, Education, and Welfare, Mr. Peter Flanigan, Assistant to the President and Mr. Stanley Greigg, Deputy Chairman of the Democratic Party.

During the week of the program we were given time to see our congressmen, make appointments with them, and get gallery passes to see them at work in their respective houses.

The program ended with a "Sense of the Seminar Resolution" in which the participants in the Workshop played Congress and experienced the frustrations and satisfactions

a congressman must feel with the rejecting or passing of a bill that interests him. Don Anderson, House Majority Floor Officer, headed our session of Congress with his gavel, a timer and a great sense of humor.

Yet more meaningful than the lectures and sessions was the chance to talk with people our age from all over the United States, both male and female. With them they brought different views, opinions and backgrounds. It was as if we were a microcosm of American youth, brought together to share ideas and opinions on our government and its policies.

A CITIZEN'S VIEW OF PHASE II

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. ALEXANDER. Mr. Speaker, we have heard the views of many leaders in the administration, in the Congress and in special interest groups on the effects of phase II.

Today I thought it might be of interest to my colleagues to have an opportunity to review the reactions of one of my constituents who operates a small, independent business. His comments were inspired by an editorial which appeared in the Forrest City, Ark., newspaper—The Daily Times-Herald. This citizen's view of phase II was contained in a letter which he wrote to me. His letter said:

FORREST CITY, ARK.

I quote herewith from the Times Herald Editorial, of yesterday's paper, "Price commission authorities sometime ago acknowledged that Phase II price controls might force smaller inefficient supermarkets out of the business and might also compel large concerns to close some stores."

My comment on this is—the people who thought up this price commission, etc., were smart enough and are smart enough to know what its results will be. On the one hand they are distributing money from the national treasury for welfare and on the other hand we are closing businesses so eventually those people so displaced in the economy will help feed the welfare rolls. Also, there is no rhyme, nor reason to encourage people to enter businesses by loans from SBA on the one hand, and then try to put them out of business on the other hand by using the Price Commission, ad infinitum.

Further the editorial says, "An official of the Price Commission claims that Phase II program encourages retailers to make up the cost increases through more efficient methods, higher volume and securing stepped up productivity."

My comment. The smaller businesses are now starved by the bigger ones to the extent that they don't have the money to fight the advertising campaigns of the big businesses. If the smaller businesses cannot have volume they cannot install "more efficient methods", and the people who are behind this Price Commission, which is nothing more than a commission to help the big businesses gobble up the small ones, know this.

Again quoting from the editorial. "This is precisely what the free market has encouraged. That is why many large retailing firms today operate on a profit margin of less than 1 percent per dollar sales. The free market has always penalized inefficiency. Dissatisfied customers can take their business to another establishment. Retail stores have accommodated themselves to the stern—but fair—realities of our competitive system—a system that has not only brought an abundance of goods to consumers at minimal prices but also has left the way open for an efficient, imaginative merchant to build a successful business. There is little leeway in this system for abuse of the public interest or for arbitrary price control authorities to compel merchants to absorb the rising cost of inflation. Official decrees that 'encourage' retailers to absorb these costs through still greater efficiency are merely attempts to distort the workings of the free market, in order to throw on the back of retail distribution. Just how forcing the closure of stores and narrowing the freedom of choice of consumers is in the public interest is difficult to figure out."

My further comment is—Mr. Nixon's high interest is killing business. Of course he points to the upturn this year—but, let me point out that this upturn is his forty billions of deficit spending. Next year it will be worse than ever.

High interest does this. Instead of families buying clothes, higher priced foods and more food. Instead of buying a new auto, they take their surplus and soak it into the building and loan where they get six percent interest. Six percent interest will double in ten years and people consider this when the decision of whether to, or whether not to spend has to be decided. Also, with a reduced demand (because of delayed spending), more manufacturers, and retailers go out of biz, and those that remain cut down. No one in their right mind will buy a retail business now, except at a give away price. The retailers can't stay in, and can't get out and our government continues to think up ways that make it more and more difficult to stay in.

One of the new ways the Republicans are advancing is the Value-added Tax, which will increase sharply as time goes on, and the government spenders find that it will work—but, starting out it will be a $250.00 drain on every citizen's pocketbook, and the buying public will blame the merchant, because this VAT is added in the purchase price.

The merchant does not have too much time to figure out more efficient ways of running his business. He is kept busy making tax deductions for the city, state, and federal governments, and making reports, which you people have passed laws stating that if the reports are not made, and made on time, then the merchant gets "fined". There is an amendment to the Constitution that says USA citizens will not be compelled to perform involuntary servitude, but it means nothing where the merchant is concerned. He does not agree to the involuntary servitude of collecting taxes for the government but he must do it, or have the government come in and take his property away from him.

This Republican administration is the worst ever—they are determined that only a few conglomerates will run all the businesses. If the labor supply gets low, they will run in a bunch of foreigners, then cut down on the business and place them on the welfare rolls for the merchants and other citizens to support.

If anything can be found that is right in this country, you have to look hard. Perhaps for the rich—as Mr. Nixon, is the rich man's boy.

ROY W. HARZEL, Sr.

HON. EMANUEL CELLER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. KOCH. Mr. Speaker, others will dwell on the major contributions that the dean of the New York delegation, EMANUEL CELLER, has given to this House and to the Nation. Some of the greatest legislation enacted by Congress was the product of his brilliant mind and tireless efforts.

To me, "MANNY" has been almost a father. When I came to this Congress in January 1969 he took me under his wing and enabled me to adjust very quickly to a strange and exciting milieu. When there were problems and doubts, he could be relied upon to unravel these complexities and dispel the anxieties. He made it possible for me to see legislation I had introduced passed by providing hearings on several of my bills which he and I both felt deeply about.

He is never without a perceptive comment or a kindly joke when tempers are frayed, as occasionally happens here in the House. He is a dear friend and I will miss him sorely.

KANELLOPOULOS: A STIRRING SUMMONS TO DEMOCRACY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. EDWARDS of California. Mr. Speaker, the 1967 military coup in Greece and the subsequent dictatorship, looked upon so tolerantly by a vase-conscious U.S. policy, has done long-term damage to our interests.

The Greek right, center, and left have a feeling that America has agreed to the suppression of political freedom, and many assign the United States an even darker role. Moreover, the far right, represented by the junta, has come to believe that the United States can be easily duped, as evidenced by our habit of accepting as true one deceptive junta promise after another. In other words, a large segment of the Greek world views us as partners to suppression; another part views us as fools.

And what do we gain? The bases previously granted by democratically elected governments were never really in jeopardy.

An alliance based on consent of peoples is fundamentally stronger, it seems to me, than one where decisions of one government are made by decree.

One of the bitter ironies of the Greek political tragedy is that American conservatives have been virtually silent about the dictatorship. It will be a sad day in America when our liberals are silent about left-wing dictatorships and our conservatives are silent about right-wing dictatorships.

In Greece, on the other hand, the "responsible right," the conservatives, have regularly and daringly taken the lead in stating the case for freedom and democracy.

Foremost among them has been Panayotis Kanellopoulos, a conservative and former prime minister, a distinguished scholar who has experienced the dust of battle.

Kanellopoulos, now nearing 70, deserves to be recognized as an interna-

tional figure of the stature of Dag Hammarskjold, Pandit Nehru, and Adlai Stevenson.

His record is indeed formidable: professor of sociology at the University of Athens, 1929–35; arrested and exiled during the dictatorial regime, 1936–40; served as a volunteer on the Albanian front, 1940–41; escaping from occupied Greece in 1942, he became Deputy Prime Minister and Minister of the Greek Government-in-exile in the Middle East. Following World War II, he had a brilliant parliamentary career and was Prime Minister at the time of the coup of April 1967. He was one of the first to be seized, remaining under house arrest for many months. He is the author of over 20 books on history, sociology, and philosophy.

Recently, Mr. Kanellopoulos wrote a probing and stirring essay on democracy in a preface to a book by a colleague. His words have meaning for Greece and for everyone.

Under leave to extend, the essay, translated for me by an American scholar, follows:

There is no greater sin than that committed by a government which, regardless of its long-range objectives, tortures human bodies and debases (or attempts to debase) the will and conscience of human beings.

The killer—the common criminal—is not a government. He, too, turns to some extent against the whole society—not only against those whom he has harmed. But the common criminal hurts society only indirectly and never with overwhelming success. The government—i.e. the state—protects society from danger by prosecuting and punishing common criminals. When, however, the State itself tortures human beings, no one can protect them (they resemble lonely and weak reeds exposed to the wind) since they are under the exclusive jurisdiction of the State. And when the State (using its monopoly of psychological means of violence) tries to smash the wills and usurp the consciences of those who disagree with it, then the State turns directly against society and indirectly against the whole humanity.

Once I wrote: "The greatest producer of pain and unhappiness in history is ideology. No ideology is guilt-free in this respect; no one, even the loftiest. We kill and persecute and torture humans, body and soul, for ideology's or faith's sake; in other words, we brutalize because others don't want and don't believe as we do. Of course, we have the right to want to believe. But we don't have the right to reject others' wishes merely because they are contrary to ours. Despite this, we take this right for granted. If we don't act against others, we fear they will act against us. So countries fight against each other and societies or movements clash. And so, history is written. How many billions of people have been killed, maimed, tortured and hurt by causes other than disease, accident or individual acts of commission or omission?

The history of humanity resembles a vicious circle. From a certain angle, perhaps it is. Let us limit ourselves to the ethical aspects of life. There are acts which break through this vicious circle and which lead Man toward the vindication of "humanness" or at least crack the armor of "brutishness". The voice of Antigone, when she resisted Creon was such an act. Creon's victory was only an illusion. Creon died. Antigone lives. The Christian catacombs are also blows against brutishness. Nero did not win. Neither did Galerius. They have been enveloped in darkness. But the catacombs have risen to the brilliance of the surface. Christianity, when assuming the role of state authority, has been often implicated in the vicious circle of history. But Gregory from Nazianzus, Francis of Assissi, Maximus (the Greek) and so many (known and unknown) Christians through their own ethos and their "deeds" have managed to safeguard within the bosom of Christianity the holy words of Jesus: "Blessed be the peacemakers, for they shall be called the children of God. Blessed be those persecuted in the name of justice, for theirs will be the kingdom of heaven."

No one who has exercised power and authority is totally free of brutishness. All of us—owe it to include myself—have been at some time or instant, directly or indirectly, consciously or unconsciously guilty of it. And while acting as the authorities, we have been guilty not only in time of civil and international wars but also in "peacetime". During war, the vicious circle becomes an impenetrable vise—where if you don't kill the enemy he will kill you, and if you are not victorious the enemy will crush you with his barbarous might of arms. During "peacetime" we brand any man as an "enemy" who offends our authority and who questions the "ideological" base of our "power"—which we equate consciously with "legitimacy". But, there are certain types of political authority which make brutishness inevitable and which render it essential to the rules of the game, rather than tolerating it as a mere exception or an occasional deviation. Brutishness, then, appears to be the rule rather than the exception in all political systems but one. The only type of political authority which does not elevate brutishness to systematic usage is that authority which is implemented within the limits of democracy, in the classical and the Greek sense of the word.

Democracy, in this sense, regardless of internal variations in different countries, is that polity where power is exercized by a "representative" government. This government may not always be genuinely and perfectly representative, but—at least—it establishes firmly the freedom of public debate and institutionalizes the public accountability of the authorities. In such a type of government, not even Pericles, while in power, could avert the prosecution and trial of his most dear friends Damon, Anaxagoras, Phoedias and Aspasia.

Democracy, in the classical sense, has never worked and will never work in a perfect manner. We must, in fact, accept that it operates everywhere and always less efficiently than tyranny. Vice can be perfect. But virtue—on earth—never.

All the enemies of Democracy, who for some reason or other do not admit that they are its enemies, but whose interests are apparently served by denying freedom of opinion and the ballot box to their fellow-countrymen, have devised a grandiose and self-justifying theory as follows: Since Democracy is the best, if not the ideal, political system, it must work perfectly or not at all. But, for Democracy to work perfectly, or even with relative perfection, a people must be educated in advance so as to become mature prior to being given their political freedoms. This theory is based on the illogical assumption that the authoritarian leaders are considerably more mature than their fellow-countrymen—in fact, so very mature as to usurp the right to administer their country without any checks and balances. While, under similar circumstances a representative government would have operated under the continuous and critical evaluation of both its supporters and opponents. And even if we were to admit that the authoritarian rulers are more mature—either by the grace of God or because—like Hercules—they were born of Zeus in an adulterous relationship with Alkmini—their "theory" falls flat in the face of a single argument. In one of my books I wrote: "As one cannot learn about life without living, thus one cannot learn about freedom without freedom."

But let us return to the great subject. The history of the world has moved incessantly between the poles on humanness and brutishness. Man is not self-evidently "man". He tends toward "brutishness." Yet, even Attila had moments of "humanness." The Great Constantine, who has been proclaimed a Saint, had on the contrary moments of brutishness—especially in his parental capacity.

In our time, the time of breath-taking achievements in management and the practical sciences, one notes the tremendous "progress" made by governments in suppressing and neutralizing individual consciences. This "progress" has been facilitated by the modern methods of science and technology, but it is also a function of "ideologies." I call "ideologies", in the specialized sense of the term, only those systems of sociopolitical ideas whose basic trait is the displacement of the center of political gravity from the "present" to the "future." Thus, these systems hope to justify historically the employment of authoritarian techniques by promising a future which when it comes (if it ever comes) will not find alive all those who are tortured today and who undergo the ordeal of psychological and material violence for the sake of this elusive future.

Democracy is not an "ideology", in the above sense. Democracy, like "ideology", establishes goals which go beyond the immediate present. But Democracy's basic goals, indistinguishable from its very essence, involve the freedom of consciences, free speech, the choice of leaders by the led, the accountability of those in power, and the continuous public dialogue. These democratic goals are equatable and equated with the means employed every day—every moment—by the State. "Ideology" is messianism. Democracy is not. Even Democracy, however, has had its messianic elements. At a time when authoritarian regimes predominated in Europe, Democracy was only a "movement", a "revolution". But once it predominated, Democracy expelled its messianic elements. I am speaking especially about the modern era. In ancient times—in Athens—Democracy never possessed anything "messianic". It was, besides, born as "experience" and not as "idea". The "citizen" and the "polis", which are primarily Greek inventions, took substance first and then they were conceived as abstract constructs. But even in the modern times, Democracy abandoned every "messianic" element when it broke the hold—either through violent revolution or peaceful and gradual reform—of systems of traditional or patrimonial authority and privilege. "Ideologies", acting as modern auxiliary religions, keep prodding men living today to make great sacrifices to an ultimate goal whose fulfillment is progressively postponed, sometimes beyond the life span of the living. Democracy, on the contrary, as a political system, fulfills its goals today and in *this life*.

Political authority in democratic polities often succumbs to the temptation of brutishness. This happens when Democracy transforms itself to an "anti-ideology". Naturally, there is an explanation for this phenomenon. The "ideological" movements of our era tend toward ecumenism or universalism. These are also elements of "ideology" in its specialized sense. Such elements, which were fundamental traits of early religions, despite the lack then of effective means of mass communication, are so strong and violent that they often tempt Democracy—which is continuously threatened—to take actions and set policies which exceed the bounds of self-defense of freedom against its enemies. But in Democracy, these excesses form a partial rather than totalitarian phenomenon. And, besides, Democracy as a regime, always supplies the opportunity for the opposition party to come peacefully to power and to curb such excesses.

The worst kind of "anti-ideology" is not the governmental authority which, within the bounds of a democratic polity, emulates

some of the tactics which are systematically employed by messianic regimes. The worst kind of "anti-ideology" is the government which—using the excuse of protecting freedom or the "Fatherland" from the dangers of messianic ideologies—cancels itself Democracy and applies generously the methodology of violence used by messianic regimes. This is indeed the most vicious bend in the vicious circle of history.

The history of the human species is—or becomes—a vicious circle when men detach absolutely their "means" from their "ends". The means are the present. The ends are the future. When we sever completely the ends from the means, then the choice of means, i.e. our present behavior, moves outside the boundaries of mortality. We must then emphasize the quality of means. The means are our deeds. The ends are beyond the range of action. If we want to be "human" (and not brutish) then our means, at this time and every time, must serve to ameliorate evil conditions, to avert injustice, to wipe away tears, to assist those who are unlucky or oppressed. Albert Camus, in resisting the temptation of every "ideology", said epigramatically: "The true magnanimity toward the future lies in the giving of everything to the present."

In other words, no purpose—regardless of its loftiness—sanctifies brutish actions. If this is true, if the criterion of behavior for each individual is his relationship with his neighbor, then—for a thousand added reasons—the same criterion must be used as a guideline for the behavior of political authority. In the case of a political authority, the "neighbor" is every man within its jurisdiction. Only democracy enjoys, by definition, the benefits of this humanistic guide to action. Whether it is followed faithfully and effectively—in every instance—is in itself a big question. Democracy is, at least, the only type of polity which to a historically feasible degree allows us to state that it does not consciously and systematically violate the humanistic guidelines of behavior.

FELIPE GUTIERREZ, JR., A CARNEGIE HERO

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. PICKLE. Mr. Speaker, at its recent awards meeting, the Carnegie Hero Fund Commission awarded a bronze medal to Mr. Felipe Gutierrez, Jr., of Round Mountain, Tex., for his heroism in saving two people from certain death in a fiery auto crash.

According to the Carnegie Commission, Stephen Connaster and his wife, both aged 24, were involved in a highway accident and trapped inside their automobile, which had turned over onto its right side.

Flames broke out, and there was an explosion in the fuel tank. But undaunted, Mr. Gutierrez ran to the car, as did a college student and a member of the U.S. Air Force.

They pulled Connaster from the vehicle. Then the four of them righted the car and pulled out the unconscious Mrs. Connaster.

Moments later flames engulfed the vehicle—but the Connasters have recovered from their injuries and burns.

Felipe Gutierrez, only 23 himself, put thoughts of his own life aside and saved two other people from an untimely death.

His is the type of concern and courage that is the best mankind has to offer.

The praises of the Carnegie Commission are well deserved and I am sure all the Members of this great legislative body join me in sending our own tributes and commendations to Felipe Gutierrez, Jr.

APPOINTMENT OF ANTONIN SCALIA TO BE CHAIRMAN OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. GUBSER. Mr. Speaker, I first became aware of Antonin Scalia because of his work as general counsel of the Office of Telecommunications Policy. His outstanding efforts during the early months of OTP, particularly in the public broadcasting area, enabled the Office to move quickly into the communications area with authority and competence.

Now I am happy to report that Nino Scalia, at the age of 36, has been selected by the President and confirmed by the other body to be chairman of the Administrative Conference of the United States. There Mr. Scalia will direct efforts to develop improvements in the legal procedures of Federal agencies in administering regulatory benefit, and other Government programs in addition to fixing the rights and obligations of private persons and business interests through agency adjudication, rulemaking and investigative proceedings.

As the members will recall, OTP was created in 1970. Of course, it was confronted with the difficult position of annonymity and like all new agencies I was concerned that without dynamic leadership OTP would become just another agency around town. However, with the leadership that Clay T. Whitehead had demonstrated from the outset, it became clear to me that any general counsel of OTP would have to be a person of the same mold. Antonin Scalia clearly fit the mold. An alumnus of Georgetown University, Nino Scalia went on to graduate magna cum laude from Harvard Law School where he was Note Editor of the Law Review. He practiced law in Cleveland for several years before going to the University of Virginia where he was a professor at its law school. In addition, Mr. Scalia's experience as a consultant to various State and Federal agencies gave him a familiarity with the operations of the Federal Government. With this invaluable experience, Nino Scalia provided innovative direction to OTP in the vast areas in communications. For example, he helped to end the freeze on cable television by bringing together all interested parties to formulate a compromise which truly has served to enhance the prospects of cable TV in this country. Perhaps more than any other issue to which Mr. Scalia gave direction was public broadcasting. In a speech before Telecommunications in San Francisco earlier this year, he said:

I do not believe we agree on the goals which the permanent structure for public broadcasting should seek to achieve . . . but to suggest that the matter should not be vigorously discussed—by private individuals and public officials, by educators, station managers, producers . . . is to avoid not only controversy but responsibility.

Mr. Speaker, herein lies the qualities of leadership; a man who possesses courage and determination to address the difficult issues. As OTP's first General Counsel, he helped to give OTP the leadership it needed. Now as the new chairman of the U.S. Administative Conference he will provide the same innovative and leadership direction which has marked his career in both private and public life. I applaud his appointment and wish him every success.

CALVARY PRESBYTERIAN CELEBRATES 100TH ANNIVERSARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. CONYERS. Mr. Speaker, this year the Calvary Presbyterian Church of Detroit is celebrating 100 years of Christian service, as well as the fourth anniversary of its pastor, Rev. Sven E. Anderson.

At a time when man's inhumanity toward man pervades national and international life, it is reassuring to find real working examples of eternal Christian principles. That is what makes the Calvary Presbyterian Church special to the people of Detroit.

I had the pleasure of briefly participating in the 100th anniversary celebration of Calvary Presbyterian, thanks to the invitation of a distinguished civic leader and friend, Mr. Reginald McGee. While there I asked myself what was so unusual about this church? The answer was a simple one. Here black and white citizens were worshipping together. They did not consider it unusual in the least, something which spoke more eloquently of what the Christian religion is all about than anything I had recently heard or read.

Calvary's good vibrations spread throughout the city in a number of other ways. To facilitate its participation in worthwhile community projects, New Calvary of Detroit, Inc., was formed. A nonprofit corporation begun in 1970, it operates with broad objectives and purposes, and draws funds from a variety of sources, including governmental agencies and corporations. New Calvary of Detroit, Inc., is presently helping to create a senior citizens residence next to the church with the financial assistance of the city, State, and Federal Governments. It is my hope that Calvary Presbyterian will continue its good work and enjoy another 100 years of prosperity. And, perhaps, if others can learn from Calvary's fine example, we will all be a little closer together when we celebrate its 200th anniversary.

CONGRESSMAN HENRY HELSTOSKI REPORTS TO COUNTY AND MUNICIPAL OFFICIALS IN THE NINTH CONGRESSIONAL DISTRICT OF NEW JERSEY ON ESTIMATED REVENUE-SHARING ALLOCATIONS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. HELSTOSKI. Mr. Speaker, the following information is a distribution of funds to be made available to Bergen and Hudson Counties, as well as the municipalities in those counties, under the 1972 Revenue Sharing Act, as agreed to by the House and Senate conferees.

It is to be borne in mind that all of these figures are estimates and subject to revision. These figures will be updated by the Department of the Treasury as data becomes available.

The Treasury Department has been using 1967 adjusted tax data to calculate the allocation of funds under the Revenue Sharing Act. This means that when the 1971 adjusted tax figures become available, Treasury will recompute the figures to better reflect the allocation in Bergen and Hudson Counties.

The Treasury Department is also using data based on the 1970 census which, in many instances, is being updated.

Treasury will continue to recompute the revenue-sharing figures until the revised tax data and census data are available. This is to insure that the Treasury Department distributes funds in the most equitable manner possible.

Treasury plans to mail out the first checks the end of this month. These checks will cover the period of January 1 to June 30, 1972. The second check will be mailed out at the beginning of the new year, which will cover July 1 to December 31, 1972. Thereafter, checks will be mailed out on a quarterly basis, at the end of each quarter.

Treasury will mail out separately the checks and a general explanation of revenue sharing, some background information for administering revenue sharing, and some initial regulations.

Following is a list of the allocation of funds under revenue sharing. It is to be noted that township money comes out of the county government funds. Because of the fact that these units of government were defined as townships, the Treasury computer did not provide for a comprehensive basis on a computer readout for the townships and their totals. However, for allocation purposes, these will read out of the computer when Treasury mails the checks.

County:	*Total grant*
Bergen County area	$8,353,532
Bergen County government	3,177,499
Total to all cities over 2,500	5,149,801
Total to all cities under 2,500	26,233
Total to all townships	859,515
Allendale	18,990
Bergenfield	187,368
Bogota	77,583
Carlstadt	92,377
Cliffside Park	144,483
Closter	44,349
Cresskill	40,714
Demarest	15,621
Dumont	$131,550
East Paterson	155,101
East Rutherford	132,825
Edgewater	108,183
Emerson	135,433
Englewood City	213,094
Englewood Cliffs	18,070
Fair Lawn	186,611
Fairview	52,653
Fort Lee	93,216
Franklin Lakes	22,976
Garfield City	341,711
Glen Rock	50,899
Hackensack City	411,274
Harrington Park	14,732
Hasbrouck Heights	73,774
Haworth	12,315
Hillsdale	55,325
Hohokus	13,232
Leonia	52,675
Little Ferry	59,739
Lodi	186,595
Maywood	64,366
Midland Park	37,354
Montvale	26,318
Moonachie	65,108
New Milford	104,321
North Arlington	115,446
Northvale	31,909
Norwood	13,384
Oakland	80,893
Old Tappan	14,701
Oradell	38,584
Palisades Park	96,055
Paramus	236,767
Park Ridge	42,152
Ramsey	85,292
Ridgefield	130,178
Ridgefield Park (figures available even though a township)	100,839
Ridgewood (figures available even though a township)	108,127
River Edge	71,527
Rutherford	139,312
Tenafly	54,134
Upper Saddle River	24,190
Waldwick	73,929
Wallington	55,390
Westwood	71,943
Woodcliff Lake	16,756
Wood Ridge	107,359
Hudson County area	13,442,333
Hudson County government	4,720,427
Total to all cities over 2,500	8,695,748
Total to all cities under 2,500	26,159
Total to all townships	834,616
Bayonne	737,602
Guttenberg	33,641
Harrison	260,588
Hoboken	1,001,226
Jersey City	4,860,207
Kearny	385,872
Secaucus	158,836
Union City	723,679
West New York	534,098

The following towns are not listed:

BERGEN COUNTY

Alpine Boro.
Lyndhurst Twp.
Mahwah Twp.
River Vale Twp.
Rochelle Park Twp.
Rockleigh Boro.
Saddle Brook Twp.
Saddle River Boro.
South Hackensack Twp.
Teanneck Twp.
Teterboro Boro.
Washington Twp.
Wyckoff Twp.

HUDSON COUNTY

East Newark Boro.
North Bergen Twp.
Weehawken Twp.

According to an official in the Revenue Sharing Office of the Treasury Department, the above listed towns and cities were not allocated funds because they are not incorporated or did not have a tax effort in 1967. That supposedly means that no set amount of funds were set aside to take care of the towns and cities which do not meet the formula of population, per capita income, and tax effort.

Those officials who do not receive checks at the end of this month should write to the following individual providing the necessary information on incorporation and tax effort: Mr. Dennis Kernahan, Office of Revenue Sharing, Washington, D.C. 20220.

Copies of letters to Mr. Kernahan should be sent to my Washington office to facilitate matters.

THE CONTINUING SLAUGHTER OF THE UNBORN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. SCHMITZ. Mr. Speaker, the following passage appears in the book, "Respectable Killing: The New Abortion Imperative" by K. D. Whitehead:

An Egyptian plague of abortions has descended upon America. The slogan is abortion-on-demand, and events are proving that the demand is all too real . . . There are those in our society—in the organized pro-abortion movement—who are determined that no legal, medical, moral or practical considerations shall any longer stand in the way of widespread, permissive, deliberate destruction of existing unborn human beings.

The national debate about abortion continues to be carried on in curiously unreal terms—like discussing war without mentioning casualties, or medicine without mentioning illness. The actual humanity of the unborn child is dodged or simply ignored, and the sheer volume of abortions remains unknown to most Americans. One New York clinic performed 7,000 abortions in just 5 months. The total death toll of unborn babies in New York State during the first 18 months after its abortion-on-demand law took effect July 1, 1970, was 278,122—far exceeding the total of all American casualties in the Vietnam war. In my own State of California, in the first year after the "liberalized" abortion law of 1967 took effect, there were 5,030 abortions, which jumped to 15,539 in 1969 and then to an appalling 62,000 in 1970. About 25,000 of the 1970 abortions in California were paid for by the taxpayers—including many who regard abortion as, in every sense of the word, murder.

The only realistic legislative hope for ending this slaughter now lies in a constitutional amendment explicitly guaranteeing the unborn child's right to life, such as I have introduced as House Joint Resolution 1186. Those who still look hopefully to the courts for relief have not yet grasped the fact that the issue before the courts today is no longer whether the unborn child has any inalienable rights, but whether any State

will be allowed to protect the lives of its unborn children. This is the only real question now pending before the U.S. Supreme Court in its forthcoming major abortion decision which, under the direction of President Nixon's handpicked Chief Justice, will almost certainly not be announced until after the election so as not to spoil the President's antiabortion image.

The truth about the administration's position on abortion, as distinguished from the image, begins to emerge from the push now being made to promote and publicize the recommendations of the President's Committee on Population Growth, which called for abortion on demand in no uncertain terms. A 1-hour filmed presentation of the committee's recommendations is now being prepared and is scheduled for airing on television late in November by the Public Broadcasting Service, which is funded 60 percent by tax dollars and 40 percent by the Ford Foundation.

WGBH, the "experimental television" station which will be broadcasting this film, is heavily financed by the Rockefeller Foundation, from which it received a single grant of $149,000 3 years ago. It is hardly coincidental that the chairman of the President's Committee on Population Growth is John D. Rockefeller III and that when a grassroots movement to stop the abortion carnage in New York succeeded in getting a bill through the New York Legislature restoring the old law prohibiting abortion except to save the life of the mother, it was vetoed by Gov. Nelson Rockefeller.

It would be interesting to know just what the Rockefeller family really has against babies.

The film on the Population Committee's report is expected to be distributed nationwide in the public schools by Population Education, Inc., which in June received $50,000 in tax money from the U.S. Office of Education. The use of the Public Broadcasting Service as a vehicle for this film is an example of just the kind of abuse which I expected when I wrote a minority report on this year's bill keeping it in operation.

LEGISLATION COMMITS NATION TO RESTORE AND PRESERVE WATER RESOURCES

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BLATNIK. Mr. Speaker, today, members of the House-Senate Conference Committee who labored long, hard, and successfully to produce a monumental piece of legislation that commits this Nation to the restoration and preservation of our water resources paid tribute to the man who chaired that conference and contributed immeasurably to its success—the Honorable ROBERT E. JONES of Alabama.

I call the attention of the House to another much-deserved tribute paid to BOB JONES by a member of the Fourth Estate, Joseph McCaffrey, of WMAL–TV, who has long observed our friend and colleague in action in the House of Representatives with the impartial eye of a veteran Washington newsman. In his newscast commentary on October 10, Mr. McCaffrey said in part:

The people who keep Congress ticking are men like Bob Jones, the man who, more than anyone else in Congress, is responsible for the clean water bill which the President views with such disfavor.

Here was a bill that many thought would never get through both chambers, and when it passed the House and the Senate, there was talk that it would never survive a Conference.

But it did—thanks to Bob Jones!

That Conference took almost four months, there were 39 meetings, and more than 500 votes were taken by the Conference Committee.

The Conference was a success because Alabama's Bob Jones was the Chairman, and during the more than 500 votes Bob Jones was upheld on every one.

He could do this because Jones is a legislative craftsman, a man who knows his subject.

Yet, yet when I read the news stories about the success of the Conference, against great odds, I found no mention, no mention at all, of Bob Jones.

Congress is kept moving by men like Bob Jones, and a lot of others like him who never get the front-page treatment, but who do the real hard, heavy work!

FORT HUACHUCA: THE FUTURE IS BRIGHT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. UDALL. Mr. Speaker, before we get to the end of this session, I wanted to clear up what I think is a major misunderstanding concerning the relocation of the U.S. Army Intelligence School to Fort Huachuca, Ariz.

I do not believe that certain allegations regarding this move can be justified on the basis of the facts.

For example, it has been alleged that available water in Fort Huachuca is forcing or will force a curtailment of intelligence activities there.

If there is one best authority on water availability there, it is the Arizona Water Commission. On August 31, 1972, the commission asserted:

The argument that the Intelligence School should not be moved to Fort Huachuca because of water supply limitations is without foundation. There is no rational basis for concluding that available water supplies cannot support many times the present population of the Fort and the arbitrary ceiling that someone seeks to enforce.

The alleged lack of water must come as somewhat of a surprise, too, to Tenneco, Inc., the Nation's 16th largest corporation in total assets. After 2 years of detailed study of all aspects, Tenneco has just launched its Pueblo del Sol development on 6,000 acres immediately adjacent to Fort Huachuca. When complete, Tenneco will have invested at least $25 million in fixed facility costs alone to accommodate 40,000 people.

Selection of Fort Huachuca as the new home for the Army Intelligence School and related activities was done on the basis of long and careful study. It was a wise decision and the relocation has been executed in a highly efficient manner.

Fort Huachuca possesses special characteristics unmatched anywhere. These are recognized by the Army and I am confident that the future holds only growth for this unique facility.

PROBLEMS OF SMALL BUSINESSMEN UNDER OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DUNCAN. Mr. Speaker, I am enclosing a statement by Mr. Tom Ray of the National Federation of Independent Business. Mr. Ray's pointed statement makes clear some of the problems small businessmen are encountering as a result of the 1970 Occupational Health and Safety Act. Mr. Ray's insight into this subject is most astute and worthy of consideration by each member of the House.

STATEMENT OF TOM RAY

The Federation represents the small enterprises of this Nation, with two-thirds of our 318,000 members employing fewer than nine workers, and 60 percent of them having gross annual receipts of under $200,000. Because of the deep concern these small firms have shown in their vote on our Mandate ballot, and in the high volume of mail they have sent in to us, we are particularly grateful for this opportunity to testify before you today on the Williams-Steiger Occupational Safety and Health Act (OSHA).

May I begin, Mr. Chairman, by emphasizing that the independent business community is greatly concerned about industrial safety. Frankly, a safe working place is desirable to the small businessman from an economic as well as from a humanitarian point of view.

Despite this attitude, however, the Williams-Steiger Act and the Occupational Safety and Health Administration have become the most controversial issues to hit the business community in recent years.

A poll by Mandate ballot indicates that 79 percent of NFIB members favor H.R. 12068, a bill that would reduce the coverage of OSHA to manufacturing businesses having more than 25 employees. Thus, the Federation supported the recently-passed amendments to the Labor-HEW appropriation to temporarily exempt small businesses from inspection by OSHA. Although small businesses do not seek to shun their responsibilities to provide a safe working environment, such action was necessary to provide relief from the whims of the Occupational Safety and Health Administration.

THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

The prevailing bitterness in the business community stems, more than any other factor, from this agency. OSHA even threatens to undermine the faith in the American system of the small businessmen, the very backbone of that system. "Gestapo" is a word being used constantly, and our members are asking, "Is this still America?"

Publication of the rules

The Occupational Safety and Health Administration's primary failure has been in communication. The most elementary OSHA publication available is "A Handy Reference Guide to the Williams-Steiger Occupational Safety and Health Act of 1970." This booklet outlines the Act in the most general terms. Of the thousands of standards which the employer must meet, the "Guide" lists two.

Slightly more helpful is "Recordkeeping Requirements under the Williams-Steiger Occupational Safety and Health Act of 1970." Most of the text is taken from the "Handy Reference Guide," but the forms required are included and explained. Again, however, nothing tells a manager specifically how to make his shop safe.

The same is true of the "Compliance Operations Manual." In fairness, the "Manual" was originally published as an internal organ for use by the inspectors, not as an aid to the public. Unlike the other publications, it is not provided free, when available, by OSHA, but it does provide the most substantive information available on procedural matters.

The final information source available is at the opposite extreme from vagueness and utter simplicity, being instead microscopically detailed and excruciatingly technical. It is the Federal Register, beginning with Vol. 36, No. 105, Part II. The reliance of OSHA on the Federal Register as the only means of disseminating the standards illustrates its lack of awareness of the realities of the business world.

Although publication in the Federal Register meets the legal requirements for disseminating a law, realistically speaking it does not inform the public, since few independent businessmen have ever seen a copy of the Federal Register. While the Occupational Safety and Health Administration is correct technically, it is not really helping the workers of America by hiding the rules in a book that employers never read.

Sending a copy of the Register to every small businessman in the country would not remedy the situation, either. The original regulation consisted of 248 pages of fine print, charts, and technical diagrams. The Federal Register recently published a codification of the regulation, Title 29 of the United States Code, complete with amendments and applicable documents. The material is in three volumes totaling over 900 pages. The language is difficult reading for anyone but a lawyer or an engineer. This is no major problem for the largest firms, of course, but the firms this Federation represents frequently have a staff of one bookkeeper, if they have a staff at all.

One barrier to understanding is the format of the regulations. For example, the most common type of query received by the NFIB is, "What are the requirements for a retailer?" or "a small manufacturer?" or other industrial classification. But no breakdown of the regulations by industries exists.

Format is not the only problem. Standards were adopted wholesale, with little apparent thought as to need, applicability or practicality. Assistant Secretary of Labor Guenther, for example, has tentatively admitted that portions of section 1910.106 do not apply to occupational safety and health at all. (See Appendix B, letter of May 12, 1971, from Secretary Guenther to the National Oil Jobbers Council.) Most Members of Congress must by now be familiar with the problems created by the failure to distinguish between light and heavy construction. And of course, Mr. Guenther has now admitted that the notorious subsection entitled Toilet Facilities had "little direct relationship to occupational safety and health."

A more distressing subsection is 1910.25, "Portable Wood Ladders." This is obviously an extremely important regulation, pertaining to a very common, and potentially very dangerous, implement. But for a small businessman, the requirement might as well be in Latin. (Indeed, there is some Latin terminology in this subsection.) Table D–5 lists the 55 types of wood permissible for the construction of ladders, and classifies them according to the stress to which they may be subjected. A formula is provided for determining stress, as follows:

$$S=3LD(P + W/16)/2B\ (D^3 - d^3) = 15LD(25 + W/16)/B\ (D^3 - 0.67)$$

Perhaps General Motors can buy its ladders based on such decision parameters. The corner grocery store cannot.

OSHA's inscrutable rules are creating a new industry in America. "OSHA can make your head hurt," begins an advertisement by an insurance company. The ad goes on to explain how the company will aid a business in the "formidable, even frightening task" of "coping" with the Williams-Steiger Act.

Keeping up with the voluminous changes in the standards is such a challenge, even for large businesses, that there are now at least three regular periodicals devoted to the Act. Along with the initial six months subscription (which costs $84), "Frontiers in OSHA," one of the periodicals, includes an index of the regulations and a list of most common violations under the Walsh-Healey Act. (See Appendix C) This information is, of course, known by the Department of Labor, but is not made readily available.

OSHA's attempts in providing helpful, meaningful guidance on safety and health are most disappointing. Mr. Guenther indicated in testimony before the House Small Business Committee that he expects trade associations to take the responsibility of extracting appropriate rules and providing them to their members.

We do not believe that "passing the buck" in this manner will accomplish the purpose of OSHA. Although various trade associations have made excellent efforts in this area, this is not a job for them. We understand that the Department of Labor has hired a staff of highly competent, professional and experienced safety and health authorities. These people are the experts, if they cannot write a book that can be read and used by the layman, who can? We do not suggest a "Dick and Jane" primer for every SIC classification, but there is room for a great deal of simplification.

An additional aspect of Mr. Guenther's reliance on private organizations is his implicit assumption that all of the five million firms under his jurisdiction are members of a trade association. We believe that many of them, primarily the smallest businesses, are not so affiliated, and that they should be able to receive meaningful advice from their government in dealing with the high-priority problem of safety and health. This illustrates OSHA's orientation toward middle- and large-size firms, ignoring the realities of the small firm.

Personal contact

The inadequacy of OSHA publications is paralleled by the unsatisfactory program of "training seminars." While none of the NFIB's Washington staff has had the opportunity to attend one of these meetings, we gather that, as in the "Handy Reference Guide," the information is general in nature. In addition to being of little help, however, the presentation of the seminars can actually create a backlash and may be responsible for some of the bitterness surrounding OSHA.

Mr. Lee Scott, of Carol Lee Products, Lawrence, Kansas, for example, gives his impression of a compliance officer at an OSHA "seminar" as follows: "His arrogant, belligerent attitude made me wonder if it is the government's intent to intimidate all business into total submission to the government. Some of his statements in regard to one's attitude toward the inspector tend to verify his feeling, because he indicated if one wasn't *nice* to the inspector, the fines could be higher. Also, his implication that, like a mule that had to be hit in the head with a 2x4 to get his attention, he was going to get ours." Mr. Scott added that when he left the meeting he looked up at the building to see if the American Flag was still flying.

We believe that this outlook is not an official one. The staff people in Washington want to be fair to everyone involved, reflecting Secretary Guenther's attitude in his interview in *Dunn's Review*, of February, 1972.

Unfortunately, Washington seems unable to create this same attitude among all of the field personnel. An appeal procedure exists, for example, but many of the letters we receive complain that the appeal procedure as "explained" by compliance officers is too complicated to undertake.

It is impossible for us to determine at present the extent of this abrasive, domineering, brow-beating attitude. It could be a few inspectors (and we do get some comments on courteous inspectors), or a majority. But a problem exists, and there is more here than "rumor."

THE WILLIAMS-STEIGER ACT

Even if the Occupational Safety and Health Administration were to adopt a reasonable, responsible attitude, however, there would still be problems remaining due to the nature of the Act itself. The weakness of the Williams-Steiger Act is that, in some respects, it is punitive rather than corrective.

On-site counseling

Specifically, it is difficult to understand why an employer cannot ask OSHA for a "dry run" inspection or some other form of on-site counseling without the threat of fines. Again, this is particularly significant for small businessmen who do not have a "safety director" on their staffs. OSHA could provide the technical knowledge needed for compliance. By giving the compliance officer the opportunity to enter the business as advisor rather than as enforcer, this would also help establish the rapport between business and government that has been absent from this program.

A related problem is explained by Mr. Kenneth B. Shartzer, President, Kenley Company, Inc., of Janesville, Wisconsin. A number of his customers have begun including a clause in their purchase orders requiring that equipment purchased be warranted as complying with OSHA. Mr. Shartzer's company, with annual sales of about $100,000, did not really know if their products met the standards. Guidance was therefore requested from OSHA.

As the Department of Labor understands the law, however, the design of a product cannot be checked for safety before it is sold.

Why, we ask, are government experts prohibited from ruling on the safety of equipment before it is in use and possibly endangering workers?

Penalties

Penalties are another area of the law where change is needed. While a fine may be a valid tool in enforcement, we feel it should be used only against those who willfully evade or refuse to obey the law. In many cases a businessman honestly does not know a hazard exists, and will move to correct it when it is pointed out. Like the consumer who purchased an unsafe model of automobile, he often simply assumes that equipment purchased from a large, reputable manufacturer is safe. For example, how can the owner of a small paint and body shop know that a given paint mask really protects his workers' respiratory systems? In these circumstances, why should an employer be fined if he corrects his violation within the abatement period? As we understand Section 9 of the Act, he could even be fined for violations corrected within six months before the inspection.

In 1971, 14,452 firms, or less than one-third of one percent of those covered, were

inspected by OSHA. For the businessman to have one chance in a hundred of being inspected, 50,000 firms would have to be inspected in a given year, assuming the sector of the economy covered does not increase in size. Given these odds, and the difficulty of getting information on safety and health regulations, and the severe staff limitations of small business, the independent businessman would probably choose to take his chances, if his only incentive to act were a fine.

CONCLUSION

Fortunately, most independent business people earnestly desire a safe working environment. It is to this desire that our national safety program must be keyed. Show the independent what must be done, and he will do it voluntarily. Save the punishment for those who willfully evade their responsibility.

OSHA is a small business problem. It is the independent who lacks the expertise to interpret the complex and obscure rules; who lacks the staff to apply those rules to his plant; and who lacks the finances to make the drastic changes in capital investment often required to comply.

It is these limitations that have caused independents to write their Congressmen, and that have brought us here today seeking relief. The small businessman still wants to be a friend to safety, but he needs education and assistance from the government, not mere punishment. The Department of Labor must be reminded that OSHA was intended as a safety program, not a fundraising project.

If this Committee will deal with the problems we have discussed, we believe it will have performed a signal service to the workers of this country, as well as to the independent businesses of America.

Thank you, Mr. Chairman.

PULASKI DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. RODINO. Mr. Speaker, at this time of year, I am again pleased to join with my many friends of Polish descent who honor the memory of Gen. Casmir Pulaski. In an era of increased awareness of the importance of ethnic traditions, Casmir Pulaski is remembered as a forerunner to the American way of bringing about meaningful and diverse change in this Nation. He typifies the combination of an intense devotion to an ancestral heritage and an overpowering commitment to democratic ideals which are the feelings which propelled the countless immigrants who colonized our shores to fight for their dreams of opportunity, progress, and freedom from oppression.

As we all recall, Casmir Pulaski left his homeland to fight to preserve the independence of this Nation. He voluntarily served in Washington's army, participating with distinction in the Battle of Brandywine and organizing the first independent corps of cavalry and light infantry. His constant response to the needs of our country is why those of all descents remember October 11 with a mixture of sadness and pride at the sacrifice of this great hero of the American Revolution.

Now, more than ever, our Nation must keep in mind that its strength and its beauty lie in the diversity of its citizens. When one, such as Casmir Pulaski, joins the attributes of his ethnic heritage with the concepts of independence, freedom, and liberty, there evolves an individual of monumental dignity and ultimate fortitude. It was men and women like these that built America; it is men and women who accept this reality that will always keep America strong.

YOU CAN MAKE MONEY BY RECYCLING YOUR PAPER WASTE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. FINDLEY. Mr. Speaker, everyone is talking about improving the environment today, the need to recycle products and preserve our precious natural resources. One company in my district is doing something to meet its responsibility. In fact, it has been doing so for years.

Alton Box Board Co., with headquarters in Alton, Ill., is a national leader in the collection and use of wastepaper and paperboard in the manufacture of paperboard. This position of leadership has been reached by Alton after more than 50 years of experience in recycling wastepaper.

A network of 10 paper reclamation plants has been established in urban areas in the Midwest to collect and process wastepaper and paperboard fibers which can be reused in the manufacture of paperboard. These plants are located at Springfield and Decatur, Ill.; St. Louis, Springfield, and Maplewood, Mo.; Evansville, Ind.; Bowling Green and Louisville, Ky.; Memphis, Tenn.; and Kansas City, Kans.

Last year Alton's paper reclamation plants collected and processed approximately 400,000 tons of wastepaper. Most of this was utilized by Alton's four paperboard mills in the manufacture of paperboard, which in turn was converted by over 30 of its converting plants into shipping containers, folding cartons and tubes, cores and cones.

In consonance with the nationwide efforts to reduce the volume of usable wastepaper going into the solid waste stream, and to utilize the fibers being wasted, Alton is continuously seeking new processing innovations and products to be made from recycled paper. One new line of products which has been developed is furniture components, such as chair seats and backs, bookcases, tables, and merchandising displays.

This new line of products utilizing recycled fibers is an example of the potential value of wastepaper as a source of material for new products which heretofore have been made from other materials.

The expanded use of wastepaper and paperboard, however, depends upon adequate sources of supply. While the need for these fibers continues to increase, millions of tons of usable wastepaper continue to enter the solid waste stream.

Alton Box Board has just published a brief list of questions and answers which outline the problem, and the opportunity, in recycling paper products. I think that many will benefit from reading it and ask that it be included at this point in my remarks:

YOU CAN MAKE MONEY BY RECYCLING YOUR PAPER WASTE

With accelerating business conditions, demands for paper packaging are increasing, particularly in corrugated shipping containers. At the same time, our Nation faces an ecological challenge. Experts claim we all must find ways to recycle fibre to conserve natural resources and fight problems of solid waste disposal.

Used corrugated is in short supply and is needed by paper mills to produce additional paperboard which will make new corrugated shipping containers. Other fibrous materials like old newspapers, tab cards, envelopes and ledger stocks are also needed by paper mills.

Unfortunately, at a time when used papers of many kinds are needed, some manufacturers, wholesalers and retailers pay trash haulers to dispose of this valuable commodity. If you are now paying scavengers or commercial haulers to haul away trash that contains paper, you might be able to eliminate part of this expense. Furthermore, if properly segregated, your waste corrugated or other paper can be sold to Alton Box Board Company.

Many towns and cities are experiencing difficult problems of solid waste disposal. With sanitary landfill sites becoming increasingly scarce, communities continue to fill disposal sites with many forms of paper that are useful to paper mills.

According to government statistics, solid waste collection in urban areas of the United States has grown from 2.75 pounds per person in 1920 to 5 pounds per person in 1970. This rate is expected to increase to about 8 pounds per person daily in 1980. In addition, with the rapid expansion of our cities, the scarcity of sites for sanitary landfill is compounded by the phase out of incineration due to air pollution regulations. These all combine to multiply the scope of our solid waste problems.

Becoming acutely aware of the problem, the General Services Administration, at the direction of President Nixon, has undertaken a role of national leadership to encourage recycling. It is hoped that recycling will greatly relieve the pressures on sanitary landfills since about 50% of urban waste consists of paper and paper products. Paper waste when recycled contributes to the economy and can be looked on as a resource rather than a liability.

If up to half urban waste could be recycled, great progress could be made in diverting the bulk from incinerators and landfills. In order to use post-consumer waste in its recycled paper products whenever feasible, many common use paper products purchased for Federal Agencies by GSA are now require to contain recycled fibres. Specifications for percentages of recycled fibres in government purchases now range from 3 to 100 percent.

Everyone can participate in solving this national problem of waste disposal by diverting waste paper of all kinds to companies like Alton Box Board Company that collects and recycles fibres into new products. Furthermore, many companies are now specifying that recycled paperboard be used in new corrugated shipping containers and folding cartons. You should establish a program of recycling your waste paper and buying recycled packaging now. The following questions and answers may be helpful to you to start your own program of recycling:

Question: Who should we contact to discuss a program of recycling waste papers?

Answer: You will find it worthwhile to contact a company like Alton Box Board Company which is a single outlet for papers of all types, grades—mixed or unmixed. Alton Box Board Company is a packer, broker and consumer of waste paper. We will work out a program which is satisfactory to you by removing your paper and possibly all waste materials.

Question: What kinds of papers are wanted?

Answer: Many grades and types of papers are desirable for recycling.

(1) Old corrugated—corrugated containers free of wax or poly.

(2) Newspapers — sorted newspapers, unused overrun newspapers, and normal amount of rotogravure of colored sections.

(3) Tab cards—colored and manila tabulating cards used in data processing machines.

(4) Brown kraft—consisting of brown kraft paper, kraft bags free from objectional plastic liners or coatings, brown kraft paperboard, and similar brown papers.

(5) White bleached—including clean, white paperboard food containers, white envelopes, white ledger sheets, white manifold forms, continuous forms and similar office forms.

(6) Mixed paper—consists of a mixture of various grades of paper not limited as to type packing or fibre content.

Question: In what form does Alton want paper?

Answer: Paper is most valuable to packers and brokers when it is clean and sorted. There should be no other materials mixed in with the papers such as metal, wire, plastic sheets, rags, or other refuse. When these materials are included with the paper, they must be hand sorted and removed which diminishes its value.

In addition, paper should be sorted by type. All corrugated should be segregated. All newspapers should be separated. Mixed paper is acceptable but its value is greatly diminished. Therefore, when a system is set up to sort and keep paper clean, it will become more valuable to you.

In addition, paper is most valuable when it is baled. Paper of all kinds is normally shipped to the paper and board mill in one-thousand pound bales. This is economical for best freight rates and handling at the mill. Many large generators of waste paper purchase a baler or bulk compactor for easy handling and adding greater value to waste paper. If you have large supplies of paper available for recycling, it might be to your advantage to purchase a baler or compactor. For additional information on the use of a baler, or compactor, contact your Alton Box Board Company representative. He can offer helpful suggestions.

Question: Does Alton pick up papers?

Answer: Alton Box Board Company picks up papers at some plants. Some papers are also delivered to our plants. Trash haulers, scavengers, and groups like the Boy Scouts and schools who collect newspapers, deliver to our plants regularly. We also receive shipments in baled form. However, we are versatile and flexible. We'll assist you in working out problems that best suit your situation about delivery and pick up of recycled paper at your plant.

Question: How much can I save by offering paper to Alton?

Answer: This can only be determined after studying your waste paper volume. The value of paper to you depends on the type of paper that you are available. It depends on whether you are paying a trash hauler to dispose of the paper for you. It also depends on the volume of paper that you have available. The best method of arriving at a conclusive answer on this question is to call in a representative of Alton Box Board Company to survey your situation.

Question: Since waste paper is valuable, will Alton pay for this material?

Answer: Yes, in many instances we will pay for the paper. The payment for paper depends on the form of paper and the type of stock you have available. The price of waste paper varies constantly. This is a commodity item that increases and decreases with market demands. Other factors also determine the potential price which we would pay for the paper. These include pickup at your plant and distance from our plant. Value to us depends on volume and whether it is clean, sorted and baled. It's purely a matter of simple economics. Again, the only way we could answer this question would be to survey your situation and discuss the alternatives with you.

There is a growing desire on the part of almost everyone to participate in National environmental problems. Therefore, if you should want to dispose of your waste paper and remove it from the solid waste system with the possibility of saving some costs which you may now be incurring, we would highly recommend that you consider a program of recycling of paper. Alton Box Board Company would like to participate with you in this decision which could be highly satisfactory to you and our shared National interests.

THE OUTLOOK FOR CHILD DEVELOPMENT LEGISLATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD an article I have written which has been published in the October 1972 issue of the journal, National Business Woman.

The article, "The Outlook for Child Development Legislation" follows:

THE OUTLOOK FOR CHILD DEVELOPMENT LEGISLATION

(By JOHN BRADEMAS, U.S. House of Representatives)

In February, 1969, President Nixon told Congress:

"So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

In December, 1971, the President vetoed a measure passed by Congress—the Comprehensive Child Development Bill—aimed at achieving precisely this goal.

Between the President's eloquent statement of 1969, and his veto message of 1971, the Select Education Subcommittee, which I have the honor to chair, of the House Committee on Education and Labor, and a Senate Subcommittee headed by Senator Walter F. Mondale (D.-Minn.), conducted the most extensive hearings Congress has ever held on early childhood programs.

On June 20, 1972, the Senate passed a modified version of the vetoed bill, and even as I write, members of both the House and Senate are continuing the bipartisan effort to write legislation to provide opportunities for health, nutrition, education, and other services for pre-school children, not only from families of the poor, but for children of all income groups.

This bipartisan initiative on the part of Congress suddenly received significant impetus from the two major political parties when, last summer, both the Democratic and Republican National Conventions included in their Platforms specific endorsements of legislation to provide America's children, on a voluntary basis, exactly the kind of quality services authorized both in the Comprehensive Child Development Bill President Nixon vetoed and the bills passed in June by the Senate and later considered in the House.

I recite this background in order to make clear that both Democrats and Republicans are on record in support of legislation that would provide "all American children an opportunity for healthful and stimulating development during the first five years of life." Indeed, the overwhelming bipartisan support which such programs enjoy is indicated by the 79–12 vote by which the Senate passed the modified bill.

THE CRISIS IN CHILD CARE (CAB)

In spite of the endorsement by both Democratic and Republican leaders, many people sincerely question the need for a child care measure. Here, however, are two of the fundamental reasons that explain why President Nixon, Senator McGovern, both party platforms, and Members on both sides of the aisle in Congress have called for such a "national commitment"—again to quote the President's words.

First, there is increasing research evidence of the significance for the rest of human life of what happens in the earliest years. We now know that these years are critical to the future development of the child. Good food and health care, emotional security, and a stimulating environment contribute immensely to the growth of a child's intelligence and ability.

For example, Benjamin Bloom, a distinguished authority on young children, has said that:

"In terms of intelligence measured at age 17, about 50% of development takes place between conception and age 4."

A second reason for the rise in support for such a measure is that there are today some six million preschool American children, below the age of six, whose mothers work. Yet day care services are available to less than 700,000 of these children. One might well ask who is taking care of the other children. Frequently the answer is, "No one." The Women's Bureau ofthe Department of Labor has identified at least 18,000 "latch-key" children—children left to care for themselves while their parents work.

Working mothers discussing day care services almost always mention the frustration involved in the makeshift and temporary arrangements they can obtain for their children. The need for quality, dependable services for these children is self-evident to women who work.

Some persons contend that making child care services available will encourage mothers to enter the job market. The reality, however, is not that mothers might go to work, but that millions of mothers with pre-school children are already working. And Department of Labor statistics indicate that by 1980, whether there is a child development program or not, a total of 7.6 million mothers will be working—a 43% increase over the 1970 total.

COMPONENTS OF QUALITY CARE

There can be, of course, reasonable differences about how best to meet the needs of children. But there is, happily, remarkable consensus on the components of quality child care programs.

First, the care should be comprehensive, that is to say not merely custodial, and should include educational, nutritional, medical, and social services.

I cite but one example: Dr. Herbert G. Birch of Yeshiva University, who recently

surveyed studies of malnutrition around the world, concluded that in the earliest months of life, when the human brain achieves 70 percent of its adult size, "the data leave no doubt that the coincidence of malnutrition with rapid brain growth results in decreased brain size and in altered brain composition."

Surely, in this wealthy country we can insist that a child's intellectual development not be impaired because his diet is deficient.

Second, child care programs should be voluntary. Indeed, the legislation we in Congress have written expressly declares that children would participate only on the specific request of the parents.

There is wide agreement as well on the need for direct involvement of parents in the planning and operation of the programs—an agreement also reflected in the legislation before Congress—for parents must have the right to choose, or reject, the services available to their children. And if parents are to choose these services, they must also be guaranteed the opportunity to participate, through membership on local and regional policy councils in decisions on the content of the programs.

Third, there must be a significant role for the state and local agencies, including schools and churches, which have traditionally participated in the education and development of young children.

There is yet another component which Democrats and Republicans in Congress who support child development legislation feel is important. It is that child care programs be open to children on all socio-economic levels. The Coleman Report demonstrated that poor children develop much more rapidly, at least in cognitive terms, when they participate in programs with children of middle income backgrounds than when segregated by family income. A child development measure must thus encourage the mixture of children from different economic groups.

To conclude this discussion of the components of quality child care, I think most people will agree that the overriding consideration is that child care programs benefit the child.

One would assume this statement to be self-evident, yet Federal child day care programs have not always been established chiefly for the benefit of children.

For example, the principal motivation for Head Start was to help attack poverty. President Nixon urges day care centers in his welfare reform proposal not so much for the children's welfare as to make it easier for women to work; the Lanham Act of World War II had a similar goal, to increase defense production by providing day care centers for mothers in the plants.

But the most compelling reason for providing opportunities for "healthful and stimulating development during the first five years of life," is as the President noted in 1969, that "the matter of early growth" is "critical to the lives of children.

THE NEXT STEP

So where are we now on child development legislation?

As I write in mid-September, the outcome is in doubt. Those of us in Congress, both Democrats and Republicans, who initiated this effort are still hopeful of constructive action on a bill that can win broad support on Capitol Hill and approval by the White House.

We are, to reiterate, particularly encouraged by the strong endorsements of our position by both the Democratic and Republican National Conventions this year.

The Democratic Platform, noting that, "child care is a supplement, not a substitute for the family," calls for:

"The Federal government to fund comprehensive developmental child care programs that will be family centered, locally controlled, and universally available."

In like fashion, the Republican Platform urges:

". . . the development of publicly or privately run, voluntary, comprehensive, quality day care services, locally controlled, but Federally assisted . . ."

With such unequivocal statements of support, from both major parties, it now seems likely that the next time Congress presents a President—whether President Nixon or President McGovern—a child care measure, he will sign it into law. It will mean a better life for America's children, and a better life for America's families.

REVENUE SHARING AND THE CITY OF DAYTON

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. WHALEN. Mr. Speaker, today marks a historic shift in intergovernmental relationships in the United States. This morning the Senate repeated yesterday's House action by approving the Fiscal Assistance Act of 1972 conference report. This measure, if signed by the President, will return to State and local governments a share of revenues collected by the Federal income tax.

I, of course, am pleased that the political subdivisions within my congressional district will benefit financially from this new revenue sharing concept. A word of caution is in order, however. This program should not be viewed as the answer to State and local fiscal problems. Indeed, the fund allocation formula contained in the Federal Assistance Act of 1972 makes this clear. Incorporated in this bill is a bonus provision which encourages State and local jurisdictions to raise revenues to meet their respective needs.

The city of Dayton, the largest municipality in my district, is undertaking, in fact, just such a tax effort. During the past several years Dayton officials have been confronted with a dual fiscal problem. Inflation, with the attendant rise in salaries and pension contributions, has generated a substantial increase in Dayton's operating budget. Concurrently, the city's revenues have declined due to rising unemployment. As a result, an austerity program, involving significant cutbacks in community services, was inaugurated.

The Federal grants authorized by the Fiscal Assistance Act of 1972 will help restore some of the facie cuts However, these funds will not be sufficient to return to Dayton citizens the quality level of services which they enjoyed a few years ago. Police and fire protections still will be inadequate. Nor will the Federal revenue sharing program provide the moneys necessary for needed capital improvement and job development efforts.

The Dayton City Commission, fully cognizant of this fact, has placed on the November 7 ballot a proposed one-half percent increase in the municipal income tax. Approval of this issue will give to Dayton residents, and those who use the city's facilities, the law enforcement, public safety, job development, and capital improvement funds which Federal revenue sharing alone cannot provide.

Thus, the action of Congress today, assuming the concurrence of the President, will provide only a part of the solution. The remainder is up to the citizens of Dayton when they go to the ballot box on November 7 and, hopefully, vote to approve the proposed increase in the city income tax.

OSHA AMENDMENT VICTORY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. FINDLEY. Mr. Speaker, four million small businessmen will be protected from Government harassment by OSHA as a result of action by the House of Representatives today in adopting the conference report on the HEW-Labor Appropriations bill.

As the author of the original OSHA amendment, I feel the final congressional action is a singular victory for small businessmen everywhere. Although finally altered the OSHA amendment stood the Labor Department on its ears and forced it to listen to the pleas of small businessmen for reasonable and fair regulations.

The conference report on the HEW-Labor Appropriations bill contains my modified amendment to exempt certain small businesses from enforcement of the onerous regulations promulgated under the Occupational Safety and Health Act of 1972. Although the number of employees in a firm qualifying for the exemption was dropped by the Senate from 15 to 3 or fewer, the impact of this amendment is being felt on a far wider basis.

First, about 4 million small businessmen will directly benefit from the amendment. These are employers with three or fewer employees who would otherwise be confronted with a mountain of disorganized, confounding, and unreasonable Government regulations. Under the terms of my amendment, the Department of Labor has until July of 1973 to simplify the OSHA requirements and make them more reasonable for these 4 million small businessmen.

Second, the threat that Congress might pass an even broader exemption has stimulated the Department of Labor to comb out many unnecessary and undesirable regulations in recent weeks. No longer does OSHA try to prescribe the type of toilet seats for employees' restrooms. Originally, toilet seats with a split in front were prohibited. Protests from small businessmen, and the threat of congressional intervention, forced revision of this regulation. In addition, the Department of Labor has moved swiftly to simplify recordkeeping and modify other nuisance regulations.

Third, passage of the OSHA amendment has assured the success of legislation providing for onsite consultation

for small businessmen with OSHA inspectors, without threatening liability for violations found. One of the great complaints of small businessmen has been that they have no way to determine whether they are in compliance with OSHA regulations or what they need to do to come up to standards. Legislation to correct this inequity, largely prompted by adoption of the OSHA amendment is now assured of passage.

A VIEW OF THE 92D CONGRESS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, I am planning to send the following "end of Congress" report to my constituents in the Eighth Congressional District. I would like to insert it in the RECORD at this point for my colleagues' attention:

THE WAY I SEE IT—A VIEW OF THE 92D CONGRESS

(By Congressman DAN ROSTENKOWSKI)

DEAR FRIEND AND NEIGHBOR: The close of the 92d Congress will mark the 14th year that I have had the privilege of representing you in the United States House of Representatives. These fourteen years have been very exciting ones for me. I have had the opportunity to serve our country in "both the best of times and the worst of times." For in these years we have evolved into a paradoxical society that has been able to have its citizens walk safely on the moon, but unable to have them walk safely on their own streets.

I do believe though that the Congress has made significant progress in many areas over the last two years. Revenue Sharing, effective water pollution legislation, expansion of many educational programs and the eighteen year old vote are just some of the areas on which this Congress has left its mark. However, there is much work left to be done in the areas of crime control, welfare reform and the continuing war in Southeast Asia.

In the next few pages, I shall try to outline some of the significant highlights of my last two years in Congress.

MUSEUM HEARINGS HELD IN CHICAGO

On September 23, 1972, I had the opportunity to welcome to Chicago members of the House Education and Labor Committee. They had come to our city to hold hearings at the Field Museum of Natural History on a bill that I authored, the Museum Services Act. It was especially fitting that these early hearings were held at the Field Museum, for it was the particular needs of this museum which first prompted me to draft this legislation.

Although my museum bill did not come to a vote in the 92nd Congress, the interest that the Education and Labor Committee displayed in holding these hearings in Chicago, leads me to believe that this measure will be one of the first items to be taken up in the 93rd Congress.

FEDERAL INCOME TAX 1959–1972

The ever-increasing burden of taxes, both federal and local is a fact which troubles all Americans, especially in this time of continuing inflation. But since I have been a member of the Committee on Ways and Means, the Congress has enacted several major proposals designed to lower the federal tax burden on our individual citizens. The illustration in the accompanying box shows the effect of those federal tax reductions on the average American family.

Unfortunately, each of these laws resulted in only initial savings to the taxpayer. These reductions were quickly forgotten as the consumer faced skyrocketing state and local taxes together with ever-increasing prices. Our efforts to combat these high local taxes, the ones on property in particular, have resulted in the enactment of the "revenue sharing" bill of 1972, which is presently awaiting the President's signature.

FEDERAL INCOME TAX REDUCTIONS 1959–1972

In 1959, John Martin and his wife had a total income of $8,000. Because they had two children and computed their income tax by the standard deduction method, they paid $976 in *federal* income tax that year. During that year, they also paid *federal excise* tax on admissions to movie theaters, baseball games and other entertainment activities.

It is now 1972. If the Martin family's income had remained the same, $8,000, they would now only be paying a *federal* income tax of $569—a reduction of 41% over 1959. Also, they no longer have to pay *federal excise* tax on most items, such as the ones they paid in 1959.

Today, the Martins' two teenage youngsters help the family and save for college by working after high school. Each child can earn up to $2,050 free from federal income tax. A young person working in 1959 would have had to pay income tax on all his earnings over $675. If each of the youngsters earns the maximum tax-free amount, the Martin family will receive an additional $4,100 without additional federal tax. For the family, this represents $2,750 more tax-free dollars than was possible in 1959.

These statistics represent an average taxpayer, i.e., a man with an $8,000 income, a wife and two children, assuming he computes his income tax by using the standard deduction method.

Federal tax liability

1959–63	$976
1964	840
1965–1967	772
1968 (includes tax surcharge of 7.5%)	830
1969 (includes tax surcharge of 10%)	849
1970 (includes tax surcharge of 2.5%)	772
1971	669
1972	569

REVENUE SHARING CLOSE TO REALITY

The financial soundness of our state and local governments is essential to the preservation of our federal system. But in recent years it has been these local governmental units that have had to bear the brunt of our more difficult domestic problems. Our local communities have had to pay the higher costs of education, police and fire protection, and sewage treatment. Unfortunately, in order to pay for these additional services the only recourse open to many of these governments has been to increase local property taxes.

The State and Local Fiscal Assistance Act of 1972, of which I am one of the original sponsors, was the result of much deliberation on the part of the Ways and Means Committee. The final version of this legislation recently was reported out of a Conference Committee between the House and Senate and now must only go to the President for his signature. Under this bill, Chicago will now receive $69,477,000 during the first year and slightly more for the remaining four years of the program. This money can be used to defray the cost of public safety, environmental protection, health, recreation, and social services. I sincerely hope that these funds will help prevent further increases in Chicago's already inflated property taxes.

THE 92D CONGRESS AND EDUCATION

Education is truly the cornerstone of our future. However, due to rising costs and lagging revenues, school systems have had to cut-back on their commitment to provide quality educational for all. The problem is not an isolated one. Recently, in our nation's capital, teachers went on strike in an effort to achieve cost of living increases. While in Chicago, early closing of our schools is forecast as a result of an acute shortage of funds.

Congressional efforts to fill the void in this area have been stymied by Presidential veto. The administration is of the opinion that too much of the budget is being spent on education and related services. In light of the growing financial crisis in America's urban areas, I think that this is one area that cannot be slighted when determining federal priorities.

Although our efforts to relieve the educational burden from hard-pressed local governments have met with strong opposition, I am pleased to say that the Committee on Ways and Means has been making great strides on my legislation to provide a tax credit for tuition paid to non-public elementary and secondary schools.

RECREATION AWARD RECEIVED

For some time now, it has been my opinion that our national park and recreation philosophy has not been properly geared to meet the needs of our nation's urban population. In both 1971 and 1972, I led the fight in the House of Representatives in the successful efforts to obtain additional funds for both the Neighborhood Youth Corps and the Recreation Support Programs. I am happy to say that these extra funds have enabled thousands more of Chicago's children to have a more productive recreational experience.

On October 5, it was my honor to receive the 1972 National Recreation and Park Association's Congressional Award. The award which cited my "many years of significant support for improving park and recreation services nationwide", was presented to me at the Association's annual convention.

In the past few years, the sessions in Congress have grown progressively longer. As a result, the time that I am able to spend in the Eighth Congressional District is confined to weekends and the occasional recesses that Congress takes.

I use these opportunities to meet with as many of my constituents as I am able. Although these meetings are usually highly informative for me, there is never enough time to accomplish everything desired. So, I would like to again take this time to invite you to write me in Washington or stop by my Chicago office if you have a problem with which I may be of assistance.

GOVERNMENT IS AWASH IN RED INK

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BRINKLEY. Mr. Speaker, in conjunction with my earlier remarks on revenue sharing, I wanted to call to the attention of our colleagues the following editorial from the October 10, 1972, Columbus Ledger:

GOVERNMENT IS AWASH IN RED INK

The irony of it all.

Sharing of federal tax revenue with state and local government is an idea that has been kicking around for a dozen years and is on the verge of becoming reality. A House-Senate conference committee recently reached agreement on revenue-sharing legislation, and approval by both houses of Congress is virtually certain.

The irony of it all, however, is that the federal government has a greater need at this time for additional funds than do the states and localities.

Andresen and Co., a New York investment house, calculates that the fiscal 1973 federal budget deficit will reach $33 billion. On the other hand, the firm says, state and local governments will record in the aggregate, a $7 billion budget surplus in calendar 1972 and $4 billion in 1973.

The primary reason why state and local governments are in such good shape, on the whole, is that they already receive a large amount of federal aid—and revenue sharing will swell the total. State and local receipts from taxes and other sources have mounted steeply over the past decade, but federal grants-in-aid have more than kept pace. Between 1962 and 1972, these grants grew from $8 billion to $41 billion.

Modern interest in revenue sharing dates from a June 6, 1960, speech by economist Walter W. Heller. He argued that an agreed share of federal income-tax receipts should be diverted to the states, with no strings attached, to ward off recurrent federal budget surpluses. Using surplus revenue solely to reduce the national debt, he contended, would produce "fiscal drag," or economic stagnation.

So now the federal government is preparing to share its revenue when it is awash in red ink.

The irony of it all. It just doesn't make sense. Somewhere something has to give.

SPAIN AND THE NEW WORLD

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DE LA GARZA. Mr. Speaker, Thursday, October 12, was a day of special significance to all of the nations of the Western Hemisphere, to the whole world—more particularly to Spain, the Spanish people and to all Americans of Spanish descent. On that date, 480 years ago, a group of Spaniards, outfitted and financed by King Ferdinand II at the request of the great and gracious Queen of Spain, Queen Isabella, landed on an island in the Western Hemisphere—an event known in history as the discovery of America.

This Spanish expedition overcame almost unbelievable obstacles to launch, with the help of the Queen of Spain, this historical voyage into the then uncharted regions of the western Atlantic. The expedition was led by a sailor named Christopher Columbus who believed that he would find a new route to the East Indies. This Spanish group with their small sailing vessels, the *Nina*, the *Pinta*, and the *Santa Maria*, set sail on August 3, 1492, with the blessings and at the direction of the Queen of Spain, from Palos, Spain.

Finally on October 12, this group of Spaniards came in sight of land and the opening of the New World for the other Spaniards which were to follow and colonize in the 1550's and 1600's. I am proud and happy to inform my colleagues that not too long after these dates the members of my family came to the New World.

It is worthwhile to remember that the Spaniards returned again and again to the New World with more ships and more men and landed on what are now Puerto Rico, Santo Domingo, and the Virgin Islands. Later on they returned into the area which is now South America, Central America, and North America. I am happy to pay tribute to King Ferdinand and Queen Isabella, to the Spanish people—to that courageous group of sailors for their outstanding example of courage and determination and to the dedication which has marked the Spanish people in their great history. We should further pay tribute to them for the exploration of what is now Florida, Louisiana, the States of the Southwest and the Far West, and for bringing to the New World all of the people who were to begin the making of America.

Yes, we have much for which to be thankful to Spain and to all those courageous Spaniards who launched the New World and if we are today the greatest nation in the world we should never forget that it is so because a gracious Queen of Spain so willed it, and her subjects so made it. So to all Spaniards, and the descendants, we offer a special tribute, and our everlasting gratitude.

OLDER AMERICANS ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WALDIE. Mr. Speaker, the House will act today on an important piece of legislation—important not only to the immediate beneficiaries, but also important as an indication that the Congress is not disregarding its responsibilities to a large segment of its population. This group to which I refer, is America's older citizens.

These people have made countless contributions to America. They have already paid their share of the support of many, many Federal and State programs through payment of Federal and State taxes in the years in which they were active in the American labor force. Now it is time for the American people to show their support for these people.

All too often, our older Americans find themselves forgotten and neglected in their later years. Older Americans are beset by a number of hardships—the financial hardships of retirement, made even more difficult in these days of inflation and high prices; the physical hardships of declining health and decreasing mobility and the psychological hardships of the loneliness and isolation that often besets the older person. We, of a slightly younger generation must exhibit a deep commitment to those who have already given so much of themselves.

The conference report that the Members will have an opportunity to vote on today strengthens and improves the Older Americans Act of 1965. The bill would make available comprehensive programs for health, education, and social services to our older citizens. I am especially pleased that a bill which I sponsored, to provide facilities for the development and delivery of social services and nutritional services, has been incorporated into this more comprehensive measure. This particular section would also provide staffing for the initial operation of the new community centers for senior citizens. However, as much as possible, the bill intends for the centers to be staffed by volunteers and part-time employees from the ranks of senior citizens. This, I feel, is a most important item—for who knows better than those for whom the services are provided what activities they would prefer to engage in.

JIM OAKLEY, SR.—IN MEMORIAM

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. FLOWERS. Mr. Speaker, in the death of Jim Oakley, Sr., of Centreville, on October 1, Alabama lost one of her foremost sons, and newspaper publishing lost one of its truly great ones. As editor and publisher of the Centreville Press, he was not content with the hard work and responsibilities of one of the Nation's widely read weeklies, but he also involved himself intimately in the affairs of his community and his State.

Along with many others in public life, I often sought his wise counsel and have been proud of the friendship of all of his family. The Jim Oakleys of this world are few and far between and we will sorely miss him.

Mr. Speaker, the newspaper that Jim Oakley, Sr., breathed life into for so many years is an institution in Alabama, and its fine traditions will be ably carried on now by Jim, Jr., Mrs. Okley and others on the staff. The editorial by Jim, Jr., on the death of his father, which I would offer for inclusion in the RECORD, gives a rare insight into the life of this unique man:

[From the Centreville Press, Oct. 5, 1972]

MY FATHER

(By Jim Oakley, Jr.)

My Father and my Friend is gone. He passed away Sunday, October 1, 1972, in Druid City Hospital in Tuscaloosa, Alabama, at the age of 61. To say that I will miss him would be a gross understatement, but what I say here I say with mixed thoughts because as my Father I certainly loved him as anyone should their own and as a man I deeply respected him and admired him for his ability to get things done. For me to start out writing about his accomplishments during his short life is truly more than I am capable of doing. And even though he was my Father, I can still boast of his works here on this earth. He began as Editor and Publisher of this newspaper at the age of 16. He kidded about sending me through college and told people he got his education at the school of hard knocks. To say he learned his lessons well would also be an understatement. He was a perfectionist and a strong believer in doing the right thing. It made no difference to him if the majority of the people believed otherwise. He used to tell me if you were right, you could sleep good at night and with a clear conscience. He exercised this throughout his entire life. He was a friend of all people, big, little, rich or poor. He communicated easily and often with people high up in government both on the state and national level. He

possessed the ability that few have in that he could walk right into the office of the Governor or some other official and bend his ear. He could do this because these people knew him and respected him for what he was. Though he maintained this respect he never once used it for his personal gain.

He did use it many times for the personal gain of hundreds of our people and for the betterment of Bibb County. Helping people were his greatest joy in life and undertaking projects were the only recreation he had. There are roads, factories, bridges, schools, our hospital and other buildings that will forever bear witness that he had a hand in it. His footprints are deeply imprinted in the sands of time all over Bibb County and we are all better off for his efforts. He was a modest man in terms of claiming credit for things. He had no interest, during his lifetime, in having his name tagged to something he worked hard for. His relaxation, after completing a project, was seeing his people benefit from his labors. Those who knew my Father knew that he was tireless. He knew not when to stop and rest for he thought rest was for the weak and told me on numerous occasions that he would have plenty of time for rest when he passed away. He said man was only here for a short time and he lived and believed it. He was not a clock watcher and many times saw the sun rise over the courthouse in Centreville, while the rest of us were getting up from a good nights rest. My Father was ready to die. He was a Christian and had made his testimony of faith many times. Though he was not well for several years prior to his death, he told his family he was ready any time the Lord needed him. And only in the last few months that his illness got him down, did he ever slack in his work. Even then he was on the telephone carrying on the best way he could. He loved his work, he loved his family and he loved people. His life should be an example for us all to follow. His shoes will be hard to fill and to say that he will be missed is understood. For what he meant to me as a Father and a Friend and to those employed in this newspaper as a friend and boss, we are dedicating this issue to his memory. He would most likely not approve of this were he here to direct, but as for me and for the rich heritage and for the challenge in my life that he left for me it is the least I could do for him. Brag on my Dad in this newspaper, certainly. Be proud of him, of course. Follow the course he laid out for me in life, I can only try in my feeble way. But love him I will forever. Respect him I will forever. Admire him I will forever. To be what he wanted me to be I will try, God being my helper. It was one of his requests that the production of this newspaper not be hindered in any way should his passing come at a time like it did. The crew, at his request, reported to work early Monday morning and began with this issue. They worked right up to the time of his funeral as he requested and closed this newspaper office until all services were completed. They returned to work Tuesday night and completed their work. It has not been pleasant this week, but without saying a word to each other about it, each one knew that this was the way he wanted it and they dedicated themselves to carrying out his wishes.

HON. WATT ABBITT RETIRING

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. BURLESON of Texas. Mr. Speaker, I take great pleasure in joining today in praise of my friend and colleague, WATT ABBITT, who will soon be retiring from this body. Over the years we have worked closely together on many important problems pertaining to our respective States, particularly farm programs and farm legislation. He has left a deep imprint on this kind of legislation and his knowledge and dedicated service to the betterment of our rural areas will certainly be missed by those of us who relied on the advice of this effective legislator.

WATT ABBITTS' leaving the House of Representatives will be a special loss to me not only because we worked closely together on many matters but also because of a very special closeness in our friendship.

I wish for him health and happiness in his retirement and hope he will find a perfect contentment in the knowledge that he has rendered his Nation, his beloved State of Virginia, and his district the impeccable service one strives for in this position.

WELCOME TO OUR WORLD

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Saturday, October 14, 1972

Mr. SCOTT. Mr. President, recently I had the pleasure of reading an address by Mr. Joseph Friedman of St. Louis, Mo., the distinguished Chairman of the Board of the Chromalloy American Corp., a corporate family of some 75 highly diversified companies. The occasion for the address, given in St. Louis, was the ninth annual seminar for key officials of the many businesses now encompassed by Chromalloy throughout the Nation.

Recognizing that American big business is under increasing attack from a great many segments of our own society, Mr. Friedman urged his audience of corporate officers to respond to this challenge with a program dedicated to a "vigilant defense of our system, our world."

I believe Members of Congress from both sides of the aisle will find a useful and timely perspective in Mr. Friedman's thoughtful presentation. Therefore, I ask unanimous consent that excerpts from his address, entitled "Welcome to Our World," be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

WELCOME TO OUR WORLD

I have tried over the years, in these seminar talks, to keep abreast of the times in more ways than one. Each year I've tried to "cover the water-front", so to speak, of the subjects which I thought were cogent to our corporate posture at those points in time.

But each year I have also tried to emphasize most strongly—to "zero in" on the one theme that appeared to be most important. You have all listened to me—and the depth of my gratitude for this is only exceeded by the fact that you have also reacted!

Today—while we retain, and I hope will always retain—all the lovely, warm and natural characteristics of a small business in our relationships with each other—we must come to the realization that, in our communications and relations with the outside world—actually we are a big business. I don't make this observation because of pride—quite the contrary! It make it with total gratitude and deep humility—and from this comes a sense of duty. Duty to the community—the community of humanity—not just that of business and industry.

I'd like you all to have somewhere in the back of your minds all the time—, that each of you is an important part of a big business not for the purpose of inflating your ego either, but to bring about a recognition of our ever-increasing obligations to the rest of the world. I don't think I need to list those duties and obligations for you tonight—because I'm sure each of you knows what they are. But there's one duty I do want to highlight—that's a duty to ourselves.

All of you are aware that over the past 30 years there have been repeated attempts on the part of individuals, organizations, Government agencies and "cranks" to blame all the problems of our society on "big business". Attempts to change or repeal the basic fundamentals of a capitalistic society and, by some mysterious chemistry, to establish a system of increasing benefit to mankind on the one hand—while eliminating the financial growth and profits which make such benefits possible on the other. To encourage and foster an ever-broadening freedom in our society on the one hand—while imposing increasingly restrictive precepts on the other. To gain so-called rights for one group by denying rights to others.

In a word—gentlemen, to "mix oil and water"—without the chemical catalysts that such an attempt at homogenization would require.

Why do I open such a controversial and unhappy subject here? This should be no surprise—I want you to help us do something about all this muck. How do we go about this procedure? We've got to go on a continuous "round-the-clock" program of vigilant—(not militant)—defense of our system, our world! We—the business and industry of America have got to cope (mind you I don't say defend) with these attacks—at every opportunity we may have—and at every level at our command.

Our society and our system are for a fact threatened from within as never before. The attackers are not aliens or foreigners to our land and way of life. They are, in most cases, cross-section Americans, often the very people who have benefited most from the social, political and economic institutions they seek to abuse. The most venomous of these self-ordained critics make no secret of their determination to slander free enterprise, to erode public confidence in business, and ultimately to tear down our economic system . . .

Who better than business can respond with authority to the idiotic and non-economic nonsense put forth by our Nation's self-appointed saviors? They presume on the authority of their professions. Though they are lawyers, they discourse on automotive engineering. Though they are sociology professors, they speak about chemical engineering. But, sad to tell, the public spreads their ersatz expertise and thus dignifies their babble, no matter the subject!

We must be just as profuse in presenting opposing arguments. To counter the fictitious, illusory assertions, we have facts. In 1970, the profit margin on sales of manufacturing corporations was at the lowest level in the past quarter century. Out of the long-term average five percent margin must come dividends to shareholders, capital for necessary growth and expansion, and the funds needed to seek out solutions to the Nation's social problems. In the past ten years, national income climbed 92 percent, compensation of employees increased 105 percent, yet corporate profits went up only

42 percent. There is no such thing as excess profits, and there is no justification to limiting profits by any means other than the free-market mechanism. . . .

We need to stop talking to ourselves and face our critics on whatever level we find them . . . if they make a speech, we must make another. If they write a letter to the editor, we must respond in kind. If they query us direct, we must be just as direct in our reply. . . .

Business alone has the nearest thing to the right combination of facilities, techniques and talents needed to rebuild our cities, to raise the quality of our natural environment, to create jobs and abolish poverty, to extend the benefits of the American system to all our people, and to restore the sense of balance and direction we seem to have lost.

The one irredeemable mistake we dare not make is to stand silently and let oncoming change sweep away all that is good in America, all that men of courage and vision, across two centuries, have built up in this blessed land.

If we remain silent now, at this hour in history, it can only be that we have lost faith in America. And that I shall never believe.

We, each of us in the room, must become aware of the responsibilities I refer to, and—more importantly, must share in those responsibilities. Why? Because you are not an ordinary audience. You are men who have shown superior intelligence, executive and leadership abilities and, (as successes in the business field) have shown that you can move and influence people. Having joined chromalloy, the larger, more powerful expression of that which each of you have been able to build—you must always be aware, that you are not under some huge, comfortable umbrella which protects you from responsibility. On the contrary, now that you are an integral part of the larger picture, you should grow individually and personally—into that larger picture and join and add to the forceful scene which it represents.

In the old testament—and in the new—you will find the admonition—"Love thy neighbor as thyself." At first glance, that seems a simple thing to do. Most folks oversimplify it—then if they try to practice the principle of "Love thy neighbor",—all they are aiming for is a "mutual admiration society"—whose first admission requirement is—"I love me". I think those words meant—that you should first inquire into you—that you should set up minimal requirements and impose them upon yourself—then, depending on how well you qualify—should be the first determination of whether you could love yourself in the proper meaning of the word.

If only a small bit of that analysis were used by the "disturbers"—the critics—we probably wouldn't have the problems I refer to because they would see their own weaknesses—would find how little they could love themselves before embarking on their destructive courses.

But more than that, if we only would do the same—we could find the heart and courage to pick up the cudgels on our own behalf—the ability to do it right with the assurance that all—or most all—of the "disturbers" would stop trying to destroy it, but would hear us say "welcome to our world" and would respond in a way that even Kipling saw when he wrote:

If you can keep your head when all about
you are losing theirs and blaming it on you:
If you can trust yourself when all men doubt
you, but make allowance for their doubting too:
If you can wait and not be tired by waiting,
or, being lied about, don't deal in lies,
Or being hated, don't give way to hating,
And yet don't look too good, nor talk too wise:
If you talk with crowds and keep your virtue, or walk with kings—nor lose the common touch,
If neither foes nor loving friends can hurt you, if all men count with you, but none too much:
If you can fill the unforgiving minute with sixty seconds worth of distance run,
Yours is the earth and everything that's in it,
And—which is more—you'll be a man, my son!"

That's about it, fellows—"welcome to our world!"

HIGHWAY DINOSAURS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. WALDIE. Mr. Speaker, today many people are concerned with automobile pollution. To combat this problem many people are suggesting various methods of mass transit to cut down the number of people that drive on our Nation's highways. Another concern to many people is the rising costs of automobile insurance. There are many States that have already inaugurated no fault insurance laws to help solve some of the insurance cases that bog down our court systems and end up in increasingly high automobile insurance rates for the average driver. Another problem that faces our Nation is a highway accident rate that is soaring. In the article that follows Mr. Hart deals with a partial solution to all of these problems. Mr. Hart is a civil and structural engineer who is now involved in planning an engineering study of the relationship between frequency of accidents and size of vehicles. I think it would be in the best interests of all my colleagues, especially those of us that drive "highway dinosaurs," to read the following article.

The article follows:

SIZE IS THE KEY—DINOSAURS ON U.S. ROADS

(By Stanley I. Hart)

Does the large size of American automobiles cause accidents?

One of my friends recently lost his mother-in-law. She suffered a heart attack at the wheel of her Cadillac and the car plunged through a freeway divider fence at 70 m.p.h. In the collision that followed, five people were killed.

One of the significant factors which contributed to those unnecessary deaths was her choice of a large prestige automobile.

If she had been driving a lighter and smaller car, it might have plowed through the fence because, as Newton's Second Law of Motion states, force is the product of the mass of an object and its acceleration. Thus, the heavier the car, the greater the force it will exert in a collision.

Moreover, even if the lighter car had broken through the fence, its remaining energy would have been far less, greatly reducing the chance of serious injury or death. Being smaller, it might have missed the other car entirely.

While I was driving on the freeway not long ago, my Ford was struck on the left rear fender by a Lincoln that had wandered into my lane. The dent was half an inch deep and 12 inches in diameter. It cost $71 to repair.

If one of our two cars had been one inch narrower, everything else having been precisely equal, there would have been no collision, no dent; I would have been on time for my appointment; all of the insured drivers as a group would have been richer by $71; and the owner of the Lincoln would not have had an embarrassing explanation to make to his insurance company.

The present design of the automobile (particularly its size) has an enormous and unfortunate impact on the public interest. This impact is shown in the increasing death and injury toll on the highways, in the increasingly rapid depletion of our resources of petroleum, in the pollution of our environment, in urban sprawl and in the congestion and inconvenience of our cities.

We could save tens of thousands of lives and hundreds of thousands of maimed and injured each year on American highways. We could save ourselves more than $50 billion in wasteful expenditures annually; we could free American highways ad parking spaces of unnecessary congestion and we could reduce air pollution.

We could accomplish these things by creating and enforcing standards for the automobile industry that would establish optimum vehicle size, weight and power. These standards would also regulate the engine system; the suspension, the braking system, the body and chassis. The goal of these standards would be to prevent further abuse of the public interest and to obtain for it the greatest possible benefits.

Utopian? Perhaps. But let's examine the idea carefully.

Why do large cars have more accidents?

Your next accident, like almost all accidents, will be a random happening. Your automobile, out of control, will hurtle toward another car or toward a tree or a bridge abutment. The hurtling automobile is like a projectile, the bridge abutment its target.

The probability that your automobile will hit its target depends very much on the dimensions of your automobile and on the dimensions of its target. Smaller cars, narrower and shorter, are smaller projectiles, smaller targets. When a projectile is smaller, it is less likely to strike its target. When the target is also smaller, the probability of a "successful" hit is even less.

It is possible to show this "projectile-target" effect mathematically. Within limitations, we can calculate the probability of occurrence of a collision. For certain given and equal conditions, for instance, the probability of collision is reduced 27% when Volkswagen-sized automobiles are substituted for standard-size automobiles.

Secondly, standard cars are not only larger, they are also much heavier. Their suspensions are notably less firm. The huge mass and the "Detroit mattress" suspensions have become part of our automobiles in response to our marketplace criteria. The American public, in its innocence, identifies the soft rides with "elegance," "prestige" and "comfort."

These elephantine automobiles on their tender springs are capable of high speeds. And because many drivers are not aware of the limitations of their cars in an emergency, they may find themselves trying to maneuver one of these monsters through a tight spot—with predictably unhappy results.

Another factor which contributes to the accident rate of large cars is, simply, scale. There is an upper limit to the size of machines which man can control with ease. Human beings also have dimension. Men can handle huge trucks, enormous ships and great airplanes if their crews are qualified by proper training and experience. But our automobile drivers are not properly trained.

The fourth factor may be the marked early depreciation of the larger automobiles. There is little prestige in a 10-year-old veteran of highways. A 10-year-old Cadillac, provided it is in excellent condition, might be worth just as much as a 10-year-old Volks-

wagen. However, it is far less expensive to buy new tires and parts for a smaller car than for a larger car. It is likely, therefore, that old large automobiles will be in a poorer state of repair than old small ones.

The New Jersey Highway Authority, in late 1969, conducted a study of accidents on its Garden State Parkway. And that small cars won the safety test.

Among the results of the study was the observation that, although the small cars were 36% of the total mix of small and large cars using the parkway, the small cars were involved in only 24% of the accidents. The large cars, 64% of the mix, were involved in 76% of the accidents.

The Garden State Parkway study shows that the large automobile is almost twice as likely to be involved in an accident as is the small car.

The California Highway Patrol says exactly the same thing. It studied statewide accidents (almost 100,000) for the year 1961. This is how it stated the results:

"The small cars in the California vehicle population show a lower rate of accident involvement than do conventional passenger cars."

The California report is similar to the New Jersey report in its proportionate breakdown of accident involvement by automobile size class. The smaller cars, 16.5% of the total mix of cars in California in 1961, had an accident involvement of only 11.5%. The larger cars, 83.4% of the mix, were involved to an extent of 88.6%.

This immunity to accident involvement on the part of small cars was unfortunately overlooked in the main thrust of these reports. The reports emphasized that the small cars, when they *were* involved in an accident, more frequently suffered serious injury to their occupants and damage to the machine.

Considering both the New Jersey and the California mixes of automobiles, which were one-third or less small cars, it is clear that the small car usually had its collision with a large car. The deceleration of the smaller car in such a collision will certainly be several times that of the larger car. It is equally clear that the occupants of the smaller car, subjected to a comparatively rapid deceleration, will be more seriously injured than the occupants of the larger car.

But the principal cause of the more serious threat to the occupants of the smaller car is the *difference* in the sizes of the two cars—not the *smallness* of the small car.

There are three other pieces of evidence: First, Allstate Insurance Co. gives a preferred premium rate to small cars—which seems to be witness to the fact that small cars have a better claim record.

Second, it was recently announced that the national accident rate for the first nine months of 1971 had inexplicably leveled out. This had occurred once or twice before in the past 25 years but had apparently been explained on one basis or another. In this case there appears to be no convenient explanation. It is suggested that the great increase in 1971 of smaller automobiles on the streets and highways of America is responsible for the decrease in accidents.

Third, the California Highway Patrol has announced that the traffic death toll on Los Angeles freeways for 1971 has declined, inexplicably, by 25%. During the years 1962 to 1969 our domestic cars increased their dimensions 10%. In 1969 their dimensions stabilized. The accident statistics did the same.

Since 1968 the sale of imported subcompacts has skyrocketed. After 1969 the domestic subcompacts entered the market with some success. The proportion of subcompacts on Southern California highways is now approaching 50%. Result: the accident rate is declining!

Is it utopian to hope that the automobile industry can be required by law to use reasonable criteria in the engineering and in the design of its products?

Some safety and air pollution standards are being slowly adopted by the federal agencies, but these are vigorously opposed by the industry on the ground that its freedom to manufacture and sell dangerous, wasteful and frivolous vehicles is somehow akin to those civil freedoms protected by the Constitution.

Advances are slow and the measures which have been adopted, such as the collapsible steering column and improved braking, are important, but they seem almost superficial compared to those measures which are technically possible. Vehicle size is not even in the question stage at the present time—presumably because it is sacred to the marketplace.

There is nothing new or unusual about such standards. The building industry has long operated under building codes which, despite some inefficiencies and occasional stupidities, have long protected the public interest from the abuses of the marketplace.

The aircraft industry is protected from marketplace pressures by FAA regulation. The American aircraft industry owes its success to the fact that its design standards are not allowed to deteriorate. The FAA airworthiness certificate has established and protected safety and efficiency in air travel throughout the free world.

The automobile industry has taken the firm position in the past that nothing can be done about traffic accidents—that the automobile accident toll is caused by foolish drivers. There is a half-truth in this. Certainly the foolish driver (and who among us has not been foolish on occasion) is often responsible for beginning the chain of events which leads to an accident. However, far too often the oversized and poorly designed automobile contributes critically to the unfortunate end of the chain.

Foolishness is not recognized as a capital offense in our law. Why then should we allow our fools (and the innocents they meet on our highways) to be sentenced to death or disfigurement by an automobile stylist?

At the present rate, one person in 50 will die in traffic accidents; one in five will be seriously injured. Half of these casualties will be unnecessary.

We must insist that the automobile be purged of marketplace gimmicks—the excess size and power, the fake, the frivolous and the waste—and that it be remade into an honest and efficient mode of transportation once again.

UCLA INTERNSHIP PROGRAM

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. MONAGAN. Mr. Speaker, last summer I had an opportunity to observe the activities of an intern who was participating in the UCLA Government internship program. This young man performed very competently and his work reflected favorably on his school and the internship program.

The UCLA Washington internship program was conceived during the summer of 1966 as a joint venture of the associated students and the university.

All students at UCLA who are in good academic standing are eligible to participate in the internship programs. The program strives to achieve a diversified group of students, in terms of age, sex, cultural background, major or graduate versus undergraduate status. Campus selection procedures are rigorous and competition for positions has been intense.

Financial support for the programs has come from the following sources: University administration, the Undergraduate Students Association, the Graduate Students Association, the UCLA Alumni Association. Unsalaried interns are provided with a round trip air transportation and a small stipend, while each intern must support the cost of his room and board. The UCLA student fund provides a limited number of $500 grants to students who otherwise could not participate in the program.

I commend UCLA for initiating this fine program which provides an opportunity for students to "learn by doing" and at the same time provides the Congress and other Government agencies with the assistance of talented young men and women who can make a real contribution to the office in which they work.

COOPER IS HONORED AT WASHINGTON

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. CARTER. Mr. Speaker, it is with great pleasure that I insert in the RECORD an article concerning the recent Kentucky Society of Washington reception in honor of one of the most distinguished U.S. Senators in the history of the Commonwealth of Kentucky, the Honorable JOHN SHERMAN COOPER.

The article follows:

[From the Lexington Herald-Leader, Oct. 1, 1972]

COOPER IS HONORED IN WASHINGTON

(By Drew Von Bergen)

WASHINGTON.—Kentucky's retiring senior U.S. Senator, John Sherman Cooper, was honored by his fellow Kentuckians and Congressional officials Friday night on Capitol Hill at a reception mixed with nostalgia and humor.

Cooper, 71, will leave office at the end of this term after more than 20 years of service, broken twice by election defeats.

The affair, sponsored by the Kentucky Society of Washington, attracted more than 100 well-wishers, including several senators and congressmen.

Among them were Reps. Dr. Tim Lee Carter and Frank A. Stubblefield of Kentucky.

Cooper, with his wife, Lorrain, at his side, broke into tears as a U.S. Navy chorus sang "My Old Kentucky Home," and was visibly choked up while addressing the gathering briefly.

"Tonight, it seems I've come full circle," he said. Reminiscing about the day he first came to Congress and later that evening attended a welcoming reception by the same Kentucky society.

"I remember that evening very well," Cooper said, noting that Supreme Court Justice Stanley F. Reed, a Kentuckian, was present. Reed also was present Friday night.

MET WITH BARKLEY

He chatted about experiences with former Sen. and Vice President Alben W. Barkley, former Sen. Earle C. Clements and Carter.

He mentioned a meeting with Barkley in the fall of 1948 as the latter was the running mate of President Harry S. Truman.

"Well, John," he quoted Barkley as saying, "I was thinking of voting for you, but since they've nominated me for vice president, I guess I better stick with my party."

As Cooper finished, his voice breaking with emotion, he reminded the group what it meant to be a Kentuckian "because it is the root, the land from which we spring."

"A Kentuckian will never become nothing," he said.

Society President L. Ray Smart presented Cooper with a plaque of appreciation, and Carter, who served as master of ceremonies, praised Cooper as "one of the greatest senators our state or any state has ever had."

Numerous telegrams flowed into the gathering from those unable to attend, including one from Gov. Wendell H. Ford of Kentucky, congratulating Cooper on his distinguished career.

THE QUESTION OF PENSION REFORM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. HORTON. Mr. Speaker, in recent months, I have heard from a number of my constituents who, because the company for which they work was sold and the new management decided to discontinue the established pension plan, will either be denied a pension or suffer a reduction in their pension. This is not the first time that this situation has arisen in my district; I have worked on a number of such cases on a company-by-company basis over the past several years. Because of increased industrial mobility, this is not a problem which is localized in my congressional district, but is widespread throughout the Nation. Thousands of workers who have been with companies for most of their lives suddenly find themselves with virtually no financial security at the time of retirement. What are they to do? The handling of this situation on an individual basis is not the answer. The Congress has dragged its feet too long on the question of pension reform, and because of this lack of action too many people have been placed in the frightening position of having nothing in their later years. The entire question of pension reform must receive the highest priority in the Congress.

Because of the seriousness of this problem, I am pleased to include in the proceedings a release by my good friend and colleague, Senator JACOB K. JAVITS, which fully outlines his findings on the plight of these people:

PENSION REFORM—WHERE DO WE STAND?

(By Senator JACOB K. JAVITS)

The following is a statement prepared for delivery on the Senate floor today by Senator JACOB K. JAVITS, ranking Republican on the Senate Committee on Labor and Public Welfare:

Mr. President, in the last few days, there have been pleas to the leadership from Senators from both sides of the aisle to bring to the floor for a vote. S. 3598, the Retirement Income Security for Employees Act.

Lest any Member of this body think that those of us who are urging the leadership to bring this bill up are "tilting at windmills" this late in the session, I would like to report to my colleagus the facts of yet another recent plan termination involving Hickok Manufacturing Company, Inc., of Rochester, New York.

As of October 1, 1972, the Hickok Manufacturing Co. informed its employees that the company had discontinued the Hickok pension plan. According to information gathered by my staff, the result is that there are 350 retired employees who will be compelled to take a 12% cut in their pensions; there are approximately 400 vested employees not yet retired, i.e. employees who have rights to a pension but who will receive absolutely nothing, and there are 96 active employees who have not earned vested pensions and they also will receive nothing. A substantial number of the 400 vested employees who will be entitled to nothing have worked for Hickok over 15 years, many over 25 years, and they are in the higher age brackets.

The history of this particular plan termination is highly illuminating. The Tandy Corporation of Fort Worth, Texas purchased Hickok in July of 1971. Tandy began phasing out belt manufacturing and distribution during the period January to June of 1972. Tandy then moved the belt production to Texas and layed-off 500 employees in the process. None of these 500 employees was offered a job transfer to Texas. Now according to the notice of plan termination sent to the employees, it is claimed that "when the Tandy Corp. purchased Hickok Manufacturing Co., Inc. a little over a year ago, Hickok had a long history of operational losses and the company was not far from having to close down."

The notice then goes on to state: "we have regretfully concluded that this action on the pension plan is a necessary part of our effort to make Hickok into a secure company." Yet in the 6 months ending December 31, 1971, it appears that Tandy's net income increased by more than one-third. Income rose from $7.23 million to $9.85 million. Sales rose from $13.89 million to $17.93 million. And it is interesting to note that in July of 1971 when Tandy purchased Hickok, Tandy's stock split 2 for 1.

Despite this increasing record of profit for the Tandy Corp., they are choosing to terminate the Hickok pension plan, leaving 400 vested employees with absolutely nothing and 350 retired employees with a 12% cut in their pension.

Mr. President, I ask unanimous consent that the letter sent to the beneficiaries of the Hickok pension plan, notifying them of the discontinuance of the plan, be inserted in the RECORD following my remarks.

Mr. President, in light of this example, which is just one among many that have been uncovered by the Senate Labor Subcommittee, is there any justification whatsoever for preventing the Senate from voting on pension reform legislation? Is it really "tilting at windmills" to let 30 million American workers know that the Senate of the United States is committed to protect them against loss of their earned pension benefits? Is it really too late in the session to let the Senate take a stand on this issue and repudiate the action of the Senate Finance Committee which stripped all the key provisions from S. 3598 as it was unanimously reported by the Committee on Labor and Public Welfare?

I am particularly gratified by the remarks made on Wednesday by the Senator from Michigan (Mr. GRIFFIN), the minority whip, who urged the majority leadership to schedule Senate consideration at the earliest possible date. The Senator from Michigan has made a convincing case for bringing this bill to the floor and I commend him for his sustained effort on behalf of pensions earned by American working people.

Yet the majority leadership seems reluctant to bring this matter up. Speeches are made attacking the Administration and press releases are issued by the campaign of the Democratic Presidential candidate excoriating the Administration for its position on pension reform: But when the opportunity to act is presented, the majority seems unwilling or incapable of grasping the initiative.

I believe the public is entitled to know the reason. I believe that 30 million American workers ought to know why this bill cannot be brought up. I would like to hear the explanation myself. As the distinguished Chairman of the Committee on Labor and Public Welfare (Mr. Williams) stated on Wednesday, there is now close to 50% of the Senate cosponsoring S. 3598. This, it seems to me is a rather substantial showing of concern over this subject. I would think the majority would wish to respond to that concern and give the Senate the opportunity on an extensively studied and carefully constructed bill to express its will.

There is some possibility, I have heard, that we may come back into session after the November election. I do not know whether that is true or not, but I do know that it is more important that we bring this bill to a vote than to engage in partisan bickering over who is responsible for frustrating effective pension legislation at the session.

Partisan debate accomplishes no good whatsoever for the 400 employees of the Hickok Co. who lost all their vested pension benefits; and does nothing for 30 million American workers.

Mr. President, I think the majority owes the members of this body, close to half of whom have cosponsored the bill, some kind of indication of their intent on this subject. Let us have an answer now before it is too late to act and the issue disappears into the heat of campaign and the need for acting on it de novo next year.

I hope that the majority will do us the courtesy of giving us an answer.

HICKOK MANUFACTURING CO., INC.,
Arlington, Tex., September 25, 1972.

A TANDY CORPORATION COMPANY

I am writing to tell you that, pursuant to the terms of the plan, the company has discontinued the Hickok Revised Basic Pension Plan under which you are currently receiving a pension. The effect of this discontinuance on you will be to eliminate the possibility of a pension when you reach the eligible age as provided for by the plan.

The change will be made effective with pension payments made on October 1. The decision to discontinue the plan was a very difficult one to make. We have tried for more than a year to find some alternate course that could be taken which would permit the continuance of these pension payments, but we have not been successful. When the Tandy Corporation purchased Hickok Manufacturing Co., Inc., a little over a year ago, Hickok had a long history of operating losses and the company was not far from having to close down. There were many costly programs and practices that had to be discontinued if the company were to be saved. The changes have affected active employees, retired employees, and employees who have terminated. We have done our best to be as fair as we could be to each of these groups and at the same time to the Tandy stockholders whose money was invested in Hickok. There have been terminations, salary reductions, benefit plan changes, etc., that have affected all of us. We believe that our obligation to those who depend on us required these changes. We have regretfully concluded that this action on the pension plan is a necessary part of our efforts to make Hickok into a secure company.

The terms of the pension plan included

specific rules for the manner of distribution of the total assets accumulated in the Pension Fund in the event of discontinuance. Connecticut General Life Insurance Company, who are administrators of the plan, have made the calculations necessary to allocate the money in the manner prescribed by these rules. Total available funds were first applied (as long as they lasted) to provide pensions to persons currently retired and receiving pensions. When this group has been provided for, the rules say that remaining funds are next to be applied to provide for persons not yet retired but having sufficient amount of service to have acquired a vested right to a pension upon retirement. Unfortunately, total funds in the plan at discontinuance were only sufficient to assure about 88% of pensions to persons currently retired. No funds were left for persons with a vested right or for any other participants not currently receiving retirement benefits, and of course, no funds revert back to the company.

I am sorry it is necessary to write you of this change which I assure you was made only after most careful consideration of all possible alternatives.

Sincerely yours,

HICKOK MANUFACTURING CO., INC.,
LAWRENCE H. FLYNN,
Vice President-Treasurer.

THE ISSUE OF WITHDRAWAL FROM VIETNAM

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. LLOYD. Mr. Speaker, calm voices, dispassionately separating fact from emotion and helping to build firmness under stress are sorely needed as we approach the ending of our military operations in Southeast Asia.

My own feeling about the strongest course for the United States, in this election October of 1972, is well expressed this week by Stewart Alsop in Newsweek for October 16, and I commend it to thoughtful Americans everywhere. Mr. Alsop's essay follows:

TAKING THIEU AT HIS WORD

(By Stewart Alsop)

WASHINGTON.—Something is up, although at this writing only President Nixon, Henry Kissinger and maybe one or two others know what the something is. It just might be a settlement of the Vietnamese war that would be, in President Nixon's words, "right for South Vietnam, right for North Vietnam and right for us." But that would take a real miracle, and if the miracle does not come to pass, President Nixon has a simple option, which is to take President Thieu at his word.

A few days ago, while he was himself conferring with a White House emissary, Gen. Alexander Haig, a message from President Thieu was read, not at all coincidentally, to the South Vietnamese National Assembly. The message repeatedly made this point: "The Republic of Vietnam is the sole body that has a right to solve the war."

The immediate purpose of the message was, of course, to serve notice on the White House that the South Vietnamese Government was not about to buy any Communist-front regime in the guise of a "tripartite" coalition. This purpose is understandable, since President Thieu and those around him have no desire to be shot, hanged or otherwise disagreeably disposed of.

REPEATED MISTAKE?

But President Thieu's message also raised some serious questions that ought to be seriously asked. Is Thieu not quite right when he says that the South Vietnamese Government is "the sole body that has a right to solve the war"? And are we Americans not making the same mistake we have made in Vietnam from the very beginning—taking it upon ourselves to do what the Vietnamese ought to be doing?

As these questions suggest, the President's option is to turn over to the South Vietnamese "the right to solve the war." This is not at all what President Nixon is now doing, and it is not at all what Senator McGovern proposes to do. The President is himself trying to "solve the war," using the stick of bombing and blockade, and the carrot of a settlement that would offer the Communists a share of power in a South Vietnamese Government.

President Nixon certainly had good reason to respond with the bombing and the blockade to what Senator McGovern himself called "a clear-cut invasion" by the North Vietnamese. The invasion evoked the awful spectre of a collapse of South Vietnamese resistance and the capture of most of the more than 50,000 Americans then still in Vietnam. No President could flaccidly accept such a risk. But the United States cannot go on forever bombing and blockading North Vietnam.

President Nixon and Henry Kissinger have also good reason to try to negotiate a settlement, since an agreed settlement is the best way to end the war. The obvious fact remains that the North Vietnamese want the whole carrot—not a share of power in South Vietnam, but total control of South Vietnam. There is no visible reason why they should settle permanently for anything less than the whole carrot, and no visible reason why the South Vietnamese should agree to play the role of the carrot.

CONSEQUENCES

Moreover, there is one great danger in a settlement negotiated by Washington with Hanoi. It would be *our* settlement—an American settlement. Its consequences could be very ugly, and we would be responsible for those consequences. This is one good reason for turning over to the South Vietnamese "the right to solve the war." Any "solution" would be theirs, not ours.

Of course there is another way to "solve the war"—by offering the North Vietnamese the whole carrot on a platter. This is what Senator McGovern proposes to do. He would meet the key Communist demand. He would, in his own words, "cut off any further military support to the Thieu regime in Saigon." If he changes this often-repeated position, it will be the biggest switcheroo of his campaign, which is saying a lot. Cutting off support for Saigon would, as the senator himself has acknowledged, insure a Communist takeover in South Vietnam. It could have no other result, as long as the Russians and the Chinese continue to provide the North Vietnamese with generous "military support," including better weapons than we have supplied to the South Vietnamese.

The rationale for insuring a Communist take-over in South Vietnam is that the Saigon regime is "corrupt" and "undemocratic." This is a smarmy cop-out. It is an insult to the intelligence to suppose that a small Asian country, desperately endangered from within and without, is going to be a model of incorruptible democracy. Moreover, to deny to those who have fought on our side the means to defend themselves against a "clear-cut invasion" would be an act of gross immorality that would haunt this country for a long time to come. It would be an act of gross immorality even if it assured the return of our prisoners, which it does not.

But it is not immoral to take President Thieu at his word. Taking Thieu at his word would mean cutting back to the pre-Kennedy level of a few hundred American specialists to insure logistic support for the South Vietnamese. It would mean, sooner or later, ending the bombing and the blockade. It would mean turning over entirely to the South Vietnamese the responsibility for defending their country and making the best deal they can make with their enemies.

It may be that, given the means to defend their country, the South Vietnamese would lack the will to do so. But this is by no means certain. The current national intelligence estimate is that for at least two years the Communist side will lack the military capability to mount again the kind of offensive that could lead to a Communist take-over.

SELF-RESPECT

Given generous logistic support and a really serious effort to build up their air power during those two years, the South Vietnamese ought then to be able to defend themselves on their own. They should also be able to make, on their own, an accommodation with the Communist side, based on the Vietnamese military and political realities.

It may be that the President and Henry Kissinger will produce that miracle, an agreed and stable settlement. If not, we ought to take Thieu at his word. We ought to match or better the Russian and Chinese logistic support for the North Vietnamese, and then let the South Vietnamese do their own negotiating and their own fighting, their own winning or losing. One reason something is up is that President Nixon still has this option, and the Communists know that he has it.

TRIBUTE TO CONGRESSMAN BILL COLMER

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DUNCAN. Mr. Speaker, Hon. BILL COLMER, an outstanding and dedicated Member of Congress will soon end 40 years of distinguished service in this body and return to his native Mississippi. Representative COLMER's departure from Congress comes as a great loss to the American people and to those of us who have had the privilege to serve with him.

BILL COLMER, as chairman of the House Rules Committee, demonstrated time and time again his unique insight into the lawmaking process. Few men can match his legislative skills.

In addition to his legislative expertise, BILL COLMER possesses all of the essential strengths that make a superb human being and a very effective public servant. BILL has always been most articulate and persuasive in his representation of the needs and concerns of his constituents.

In BILL COLMER, Mississippians have sent to the Congress a man of immense wisdom and great integrity. Certainly his guidance and courage has enabled this Nation to survive hard times as well as enjoy the benefits of a better life.

I join with all of my colleagues in wishing great happiness and peace to BILL and his loved ones during his years of retirement.

REPORT TO CONSTITUENTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. BOB WILSON. Mr. Speaker, at the close of each session of Congress, I prepare a report for my constituents on the past year's activities of the Congress and would like to share this report with you and other Members of the House. Below is my report:

REPORT BY CONGRESSMAN BOB WILSON

HEFTY LEFTOVERS

That is what awaits next Congress because of the huge pile of unfinished business left behind by the 92nd Congress. Stranded were important measures such as environmental cleanup, welfare reform, government reorganization and anti-school bussing to name a few. All were high on President Nixon's list of 60 "must-pass" pieces of legislation which he submitted to Capitol Hill to implement his various domestic programs. Unfortunately, the majority leadership of Congress permitted action on only about one third of these bills. The remainder will have to be reconsidered next year.

For my own legislative program, we were able to win congressional approval of a number of bills that are of importance to San Diego area residents. Below is a partial listing of these measures that are or soon will become law.

WILSON LEGISLATIVE BOXSCORE

Ocean dumping—Pollutant discharges into coastal waters will be prohibited under this bill due for President's signature.

Tunaboats—Payments for losses suffered by U.S. tunaboats seized illegally off South America will be expedited under this bill sent to White House.

Veterans—Education benefits under GI bill will be increased 25 percent by compromise measure cleared by Congress and awaiting President's signature.

Cemeteries—The Veterans Administration to take over from Army and Interior Departments control of national cemeteries under this bill now at White House.

Federal buildings—A new lease-purchase plan to finance federal buildings, speeding up start of work on the San Diego project. Signed into law.

POW—Military incomes of Americans while held captive or missing in Vietnam are exempt from federal tax. Signed into law.

MEET THE STAFF

The newest member of my staff in Washington is Jere Tedford, a gracious young lady who helps out our constituents when they visit Washington.

She is the one who arranges tours of the White House and counsels visitors on sights to see while on Capitol Hill. All of this is sandwiched in between her important tasks of taking dictation and pounding the typewriter so that we can get our mail answered each day.

Before joining us, she worked several years in another congressional office and even tried her hand at being a private detective for awhile.

Jere spends all of her free time with her lovely 4-year-old daughter, Christine, who has her mother's charm and blonde hair. Both adore riding horses over the Maryland countryside near their home.

Born in Georgia, Jere hasn't had a chance to go West yet, but she's longing for her first San Diego visit to see why we are so proud of our wonderful city.

COMMITTEE WORK

Mention the House Armed Services Committee and most people think of work on bills to provide new ships, aircraft, tanks and other hardware needed for a strong defense.

However, just as much effort is spent on bills that seldom get headlines but are equally as important to the serviceman and his family. For example, our committee initiated the standing proviso that gives the military a pay raise whenever civilian federal workers get one. As a result, on Jan. 1, San Diego servicemen will recive a 6% pay increase, boosting the Navy's annual payroll in San Diego to more than $625 million.

At the urging of several of us, the committee this month held hearings on bills to recompute retired military pay, basing it on current active duty pay rates. Hopefully, this legislation will be approved in the next Congress.

Another personnel bill initiated by the Committee and signed into law establishes a new survivor benefits program for military retirees similar to the current Civil Service plan.

These are just a few examples to point out that the welfare of our serviceman is just as important as military hardware in maintaining a well-rounded defense.

CONSTITUENTS RESPOND TO WILSON POLL

[In percent]

	Age—				
	18 to 25	26 to 35	36 to 49	Over 50	Total
Would you favor an extensive San Diego area rapid transit system, costing over a billion dollars and requiring major reduction of freeway construction?					
Yes	62	60	48	44	50
No	33	35	46	49	43
Do you feel the Government honestly informs you on the issues confronting the country?					
Yes	11	16	21	30	22
No	85	80	74	64	72
Would you favor the reestablishment of the death penalty by Constitutional Amendment					
Yes	52	62	75	81	71
No	44	34	21	14	23
Would you favor bussing to achieve full equal education and racial balance?					
Yes	22	18	9	7	12
No	73	78	87	89	83
Would you support a Federal program to curb pollution even if it requires higher taxes?					
Yes	78	71	60	59	64
No	18	25	34	34	30
If Mission Bay still were undeveloped sloughs and mudflats, would you vote to develop it as a public recreation area like it is today?					
Yes	71	75	76	75	74
No	23	19	18	18	19

	Age—				
	18 to 25	26 to 35	36 to 49	Over 50	Total
Would you favor a national no-fault insurance plan?					
Yes	67	69	69	66	67
No	23	23	23	23	23
Would you favor the legalization of marijuana if placed under controls similar to those for alcoholic beverages?					
Yes	61	47	24	16	30
No	36	50	71	80	65
Do you favor stricter Federal gun control legislation?					
Yes	61	58	53	58	56
No	35	38	43	37	38

Do you think the current wage-price controls: (A) are fair, (B) favor labor, (C) favor business, (D) no opinion?

	Percent
A	23
B	14
C	38
D	25

For those who left the country rather than fight in Vietnam would you favor: (A) full amnesty, (B) amnesty with 3-year Government service obligation, (C) no amnesty, (D) no opinion?

A	13
B	33
C	48
D	6

POLLUTION CLEANUP

Important environmental improvements are in store for the San Diego area as part of the Navy's military construction program approved by Congress.

Included in the Navy's $70 million building program in San Diego is a $5 million project to eliminate the dumping of shipboard sewage into the Bay. Collection systems will be built to receive the sewage and pump it into the city's metropolitan sewer system.

Also, the Navy has received funds to build a $3 million aircraft power check facility which will reduce and contain aircraft engine noise now reaching out over Coronado and Point Loma residential areas. These funds had been denied by the Senate but with the help of North Island Association officials we were able to have them restored.

YOUR VIEWS

As your Representative, it is important that I know your views on a major issue facing the Congress. For that reason, I welcome your letters and comments.

I was pleased with the huge response to my recent questionnaire. It reflects the great interest the people of San Diego have in national affairs.

BEST WISHES TO REPRESENTATIVE ABBITT

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. SCHNEEBELI. Mr. Speaker, WATKINS M. ABBITT has represented the Fourth District of Virginia since 1948. That is almost one-quarter century of dedicated service that has been rendered,

both for his constituents and the Congress.

His balanced judgment and fine leadership is an inspiration to all his colleagues, and he will be sorely missed. His high ranking position on the Agriculture Committee has earned him respect in Congress and in the minds of the American people.

WATKINS ABBITT has served here with distinction and it is only proper that we honor him here, today. He deserves our thanks and the thanks of all the people of his district who value honesty and high standards in government.

Regardless of party, WATKINS ABBITT is a popular figure in the House of Representatives. He has our best wishes for many happy years ahead in his retirement from exemplary congressional service.

HEALTH AND SAFETY HAZARDS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WALDIE. Mr. Speaker, a recent HEW report estimates that up to 100,000 persons die each year from the hazards of their jobs. The failure of the Federal Government to perform its function of carefully overseeing the administration of the Occupational Safety and Health Act of 1970 is clearly pointed out in an article written by Franklin Wallick, editor of the United Auto Workers' Washington Report. In view of the recent tragedy that has befallen many mine workers and their families, I think it is very timely that Mr. Wallick has enumerated the health and safety hazards that threaten the lives of workers throughout the Nation. It is advisable that we all familiarize ourselves with these health and safety hazards and that we are aware of the need for action, as the article points out, before tragedy forces us to become aware. I include Mr. Wallick's article entitled "Creeping Perils on the Job" at this point in the RECORD:

CREEPING PERILS ON THE JOB

(By Franklin Wallick)

Textile workers are killed by a "brown lung" disease caused by breathing in lint. Workers with significant exposure to asbestos die of lung cancer at five times the rate of the general population. Steelworkers who inhale coke fumes run a higher-than-average risk of contracting lung cancer.

These are a few of those who lose their lives. A recent HEW-Labor Department report to Congress estimates that up to 100,000 persons die each year from the perils of their jobs. Considering the scant attention paid to these victims—and to the many others whose health is seriously impaired in offices and factories across the country—one would think Americans accept this waste of life as a necessary by-product of economic growth, a small offering to the gods of cost-consciousness.

Not that we lack laws to protect workers' health; we are overflowing with them. Since the early 1900s every State has adopted some kind of job safety legislation. Only these laws have not been especially strong or well enforced.

To correct this, we also have a sweeping federal law, the Occupational Safety and Health Act, enacted in 1970. On paper, it proclaims that 57 million persons working in 4.1 million stores, plants, trucks, offices, fields and other locations shall not have their lives shortened or their health injured by what they breathe, touch, hear or taste.

But in practice, as with many of Washington's legislative creations, the law has had relatively little effect, other than to give the incorrect impression that much is being done.

Now, a year after the government geared up to administer the new law, we are faced with the tragicomic prospect that the Nixon Administration, in line with its general decentralizing philosophy, may return the bulk of the responsibility for policing job safety back to the states, whose failures largely created the need for federal action in the first place. It is all like a deadly merry-go-round.

The failure of the federal law to date cannot be traced to one easily blamed culprit. The fault is widely shared by government officials, workers' bosses, quasipublic groups that set job safety standards and by unions and workers themselves.

Perhaps the greatest villains of all are the invisibility and gradualness of many of the perils—the quiet violence of pollution-infested air seeping into an office worker's lungs over a number of years, the slow deafening of an employe exposed for an extended period to excessive noise.

There can be little doubt that excessive noise, for example, is a serious health hazard. Besides causing deafness, persistent loudness has been shown in animal studies to produce nervous breakdowns, high blood pressure, glandular disorders and lowered sexual drives.

Despite all this, the fedreal agency chiefly responsible for carrying out the law—the Labor Department's Occupational Safety and Health Administration—has adopted a permissible noise standard well above what is generally considered safe. In fact, its limit of 90 decibels for continuous noise—roughly a level that forces one to shout to be heard six inches away—condemns about 15% of the nation's workers to some degree of deafness.

The Labor Department unit, of course, does not merely create such inadequate standards out of thin air. It must rely on outside sources dealing with job health and safety.

The noise criteria, for example, were influenced largely by the American Conference of Governmental Industrial Hygienists. It is difficult to say why this group's proposals are often so weak, but one factor, presumably, is that the state job-health officials who make up the membership do not want to anger industries in their areas.

Even with the meager existing standards, however, worker health protection could be improved significantly with anything close to proper staffing and funding of the Labor Department unit. But the fact is that the agency currently has fewer than 50 industrial hygienists trained to do sophisticated measurements of, say, air pollution at a work place.

The reason for the short-staffing obviously is insufficient funding. The first-year expenditure under the act was $55 million—about $1 per worker. The Nixon Administration budget for the fiscal year that began July 1 calls for an increase to $96 million—about $1.80 per worker—and less than a quarter of this would go for enforcement.

At the same time $30 million of the total is earmarked for the states, which supposedly would use the cash to develop acceptable job health and safety plans. This is part of a move promoted by Labor under Secretary Lawrence Silberman to return much of the responsibiltiy for job health and safety to states whose plans are "as effective as"—some would say "as ineffective as"—the federal law.

Perhaps the most ironic point about the federal job-health law is that it has not been given a very high priority by unions themselves. Whatever the calcified sins of the American labor movement, most unions do have qualified people who could train union leaders in the identification and prevention of health and safety hazards. But this has not happened except in the feeblest way. The law remains a mystery, even a secret to most union workers today.

Not that union members are unconcerned. A University of Michigan survey completed last year showed that health and safety hazards, unpleasant working conditions and work-related illness or injury rank higher than inadequate income as problem areas for most workers.

The union members are simply not aware of the remedies available. Workers generally also seem to have a fatalistic attitude toward dirty and disagreeable work.

What all these flaws add up to is the glacier-like pace of the federal law so far. Big employers with multiple hazards have not yet been measurably hurt or goaded into significant reform.

Some occupations, by their natures, may never be reasonably hazard-free. But most can if we are determined to make them so. Perhaps the only thing that will move us is one great visible tragedy where many lives are lost. And even then, how long would the momentum for reform last?

BARBARA W. TUCHMAN: ON A CIVILIAN'S OBLIGATION TO THE MILITARY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. NEDZI. Mr. Speaker, Barbara W. Tuchman is one of America's greatest historians.

A probing and brilliant essay by Mrs. Tuchman, "On a Civilian's Obligation to the Military," appeared in the October 8, 1972, Detroit News magazine. It deserves our most careful attention.

Accordingly, I insert her essay in the RECORD.

The article follows:

ON A CIVILIAN'S OBLIGATION TO THE MILITARY TO BLAME THE MILITARY FOR THE WAR AND RENOUNCE ANY SHARE IN THEIR PROFESSION IS A FORM OF ESCAPISM

(By Barbara W. Tuchman)

The relation of the civilian citizen to the military is a subject usually productive of instant emotion and very little rational thinking.

Peace-minded people seem to disapprove study of the soldier on the theory that if starved of attention he will eventually vanish. That is unlikely.

Militarism is simply the organized form of natural aggression. The same people who march to protest in the afternoon will stand in line that evening to see the latest in sadistic movies and thoroughly enjoy themselves watching blood and pain, murder, torture and rape.

To register dissent from war by expressing disgust for the military and turning one's back on whatever shape the military wears is a natural impulse. But the controversy over the Vietnam war, together with the newly acquired permanence of the military role in our society and the shift to an all-volunteer force, are powerful, urgent reasons

why more enlightened and better-educated citizens should NOT turn their backs and not abdicate their responsibility for controlling military policies.

A fundamental change in the role of the American military has taken place over the last 25 years since the advent of the atomic bomb. Paradoxically, total war has been backed off the stage by the total weapon with its uncritical capacity for overkill. Because there is enough of it around to be mutually devastating to both sides in any conflict, nuclear firepower has become the weapon that cannot be used.

Contrary to the general impression, it has reduced, not enlarged, the scope of war, with the secondary and rather sinister result that while unlimited war is out, limited war is in, not as a last resort in the old-fashioned way, but as the regular, on-going support of policy.

War used to be the extension of policy by military means. Since no political objective can now be secured with benefit by opening a nuclear war, we have narrowed ourselves to wars on the "advisory" or "assistance" level so as to mold the affairs of the client country to suit the adviser's purpose.

Traditionally, the American Army has considered itself the neutral instrument of state policy. It exists to carry out the government's orders and when ordered into action does not ask why or what for. But the more it is used for political ends and the more deeply its influence pervades government, the less it can retain the stance of innocent instrument. The same holds true of the citizen. Our innocence too is flawed.

The fundamental American premise has always been civilian control of the military. The Vietnam war is a product of civilian policy shaped by three successive civilian presidents and their academic and other civilian advisers. The failure to end the war is also in the last resort civilian.

And where does that failure trace back to? To where the vote is. I feel bewildered when I hear that easy empty slogan, "Power to the People!" Is there any country in the world whose people has more power?

To blame the military for the war and renounce with disgust any share in their profession is a form of escapism. It allows the anti-war civilian to feel virtuous and uninvolved in any blame. It allows someone else to do the soldier's job which is essential to an organized state and which in the long run protects the security of the high-minded civilian while he claims it is a job too dirty for him.

Certainly the conduct of this war has led to abominations and inhumanities by the military and for which the West Pointer is as much responsible as the semi-educated Lieutenant Calleys. But as one officer said, "We have the Calleys because those Harvard bastards won't fight"—Harvard being shorthand for all deferred college students.

The liberal's sneer at the military man does himself no honor, nor does it mark him as the better man. Military men are people. There are good ones and bad ones, some thoughtful and intelligent, some dim-wits and dodos, some men of courage and integrity, some slick operators and sharp practisers, some scholars and fighters, some braggarts and synthetic heroes.

The profession contains perhaps an oversupply of routinized thinking, servility to rank and right-wing super patriots, but every group has undesirable qualities that are occupationally induced.

WE WILL HAVE AN ARMY EVEN MORE ISOLATED FROM CIVILIAN SOCIETY

It is not the nature of the military man that accounts for war, but the nature of man. The soldier is merely one shape that nature takes. Aggression is part of us, as innate as eating or copulating. As a student of the human record, I can say with confidence that peace is not the norm. Historians have calculated that up until the Industrial Revolution belligerent action occupied more manhours than any other activity except agriculture.

"Our permanent enemy," said William James in 1904, "is the rooted bellicosity of human nature. A millennium of peace would not breed the fighting instinct out of our bone and marrow." Has anything occurred in our century—the "Terrible Twentieth" Churchill called it—to suggest that James was wrong?

What this suggests is that we should face the military element rather than turn our backs on it, learn about it, even participate in it through ROTC. If the college-educated youths become the reserve officers upon whom the Army depends then they are in a position to exert influence.

Recently a retired Army colonel suggested that all Army career officers, not only reserve officers, "should be obtained through civilian college scholarship programs and direct entry from college ROTC." Now if that could be arranged, the educated civilian would really be at the controls. If the young want to make a revolution, that is the way to do it. Oliver Cromwell did not spend his time trying to close down Oxford. He built the New Model Army.

Our form of democracy—the political system which is the matrix of our liberties—rests upon the citizen's participation, not excluding—indeed especially including—participation in the armed forces.

That was the great principle of the French Revolution: the nation in arms, meaning the people in arms as distinct from a professional standing army. The nation in arms was considered the safeguard of the Republic, the guarantor against tyranny and military coups d'etat.

The same idea underlies the fundamental American principle of the right to bear arms as guaranteed by our Bill of Rights for the specific purpose of maintaining "a well-regulated Militia" to protect "the security of a free state."

To serve the state is what the Constitution meant, not, as the gun lobby pretends, the right to keep a pistol under your pillow and shoot at whomever you want to. To serve under arms in this sense is not only a right but a criterion of citizenship.

To abdicate the right because you feel that the armed forces are being used in a wrong war is natural. Nobody wants to share in or get killed in an operation he thinks is wicked. But we must realize that this rejection abdicates a responsibility of citizenship and contributes to an already dangerous development—the reappearance of the standing Army.

That is what is happening as a consequence of the change-over to an all volunteer force. We will have an Army even more separate, more isolated and possibly alienated from civilian society than ever.

For the United States the draft was the great corrective—or would have been if it had worked properly. The draft has an evil name; yet, it remains the only way, if administered justly, to preserve the principle of the nation in arms. The college deferrals made it a mockery.

The deferral system was an anti-democratic and elitist (to use the favorite word of those who consider themselves equalizers) as anything that has ever happened in the United States. I may be happy that it kept my kin and the sons of some of my friends out of Vietnam, but I am none the less ashamed of it.

We need to re-admit some common sense into conventional liberal thinking—or feeling about the military. It seems to me urgent that we understand our relationship to the soldier's task free of emotion.

I know of no problem so subject as this one to what the late historian, Richard Hofstadter, called "the imbecile catchwords of our era like 'repression' and 'imperialism' which have had all the meaning washed out of them." Those who yell these words, he wrote, "simply have no idea what they are talking about."

The role of the military in our lives has become too serious a matter to be treated to this kind of slogan-thinking, on non-thinking.

THE RYAN POLL

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BURTON. Mr. Speaker, the late Congressman William F. Ryan was dedicated to serving all the citizens of his 20th Congressional District in New York, as well as his country and this Congress.

Each year, in keeping with his dedication to service, he conducted a mail survey of constituents telling each individual, "To best serve you, I need your opinion."

In the days immediately before his death, he was concerned about publication of the questionnaire he had sent out earlier this year. The answers were in, and he wanted the tabulation completed and the survey results inserted in the CONGRESSIONAL RECORD so they would be available.

On request of his office, I am pleased to insert the results of the 1972 Ryan poll of the 20th Congressional District.

According to the poll, citizens of Manhattan's West Side, Washington Heights, Innwood, and other areas of the 20th District, favor an immediate end to American involvement in the Vietnam war.

More than 7,000 citizens and families answered the questionnaire.

They said they also favor some form of amnesty for young men who have refused to serve in the military as a protest to our continued involvement in the Indochina war.

More than 68 percent indicated they would be willing to pay higher prices or taxes to combat air and water pollution. And more than half felt that reducing expenditures for defense would best correct our national priorities.

The following are the complete results of the poll.

QUESTIONNAIRE RESULTS

1. Draft—I favor continuing the draft, 18.6%; an all-volunteer Army, 36.9%; alternate service in non-military ways, 39.4%; no opinion, 8.2%.

2. Vietnam—I approve of the Nixon Administration's policy in Vietnam. Yes, 23.7%; no, 70.9%; no opinion, 5.7%.

3. Vietnam—I favor ending all American involvement in the Vietnam War immediately, 54.3%; only after release of American POW's, 25.3%; only if the Saigon government is strong enough to survive, 8.0%; only after a military victory; 4.3%; none of these, 5.0%; no opinion, 5.3%.

4. Taxes—To increase Federal spending for social programs, I favor increasing individual income taxes, 5.2%; increasing corporate taxes, 51.7%; a national sales tax "value added" tax, 5.3%; no increase in Federal spending, 19.4%; none of these, 16.9%; no opinion, 6.4%.

5. Taxes—I favor Federal tax reform to reduce individual income taxes, 28.3%; reduce corporate taxes, 2.4%; close tax loop-

holes such as the oil depletion allowance, 70.2%; none of these, 4.7%; no opinion, 5.6%.

6. Health Care—Comprehensive health care should be provided by the Federal government through a Social Security type of program, 35.3%; through present private health industry, 8.7%; to cover all medical expenses, 42.9%; to cover only major expenses, 13.6%; no program, 3.9%; no opinion, 6.6%.

7. Inflation—Under the Nixon Administration's New Economic Policy and its wage and price controls, I believe prices are rising at an unacceptable level, 75.5%; rising at about the right level, 8.5%; actually going down, 1.6%; staying just about the same, 7.5%; no opinion, 7.6%.

8. Equal Rights—I favor the Constitutional Amendment which guarantees women equal rights by stating that "equality and rights under the law shall not be denied or abridged on account of sex." Yes, 82.4%; no, 11.1%; no opinion, 6.6%.

9. Narcotics—To help heroin drug addicts, I favor methadone maintenance, 25.6%; making heroin available at clinics, 26.1%; drug free treatment, 27.2%; prosecution and imprisonment of addicts, 9.6%; some other form of treatment, 17.9%; no opinion, 8.0%.

10. *Controls*—I favor changing present wage and price controls so that controls are stronger, 40.9%; include agricultural products, 25.1%; include local rents, 45.1%; none of these, 13.7%; no opinion, 8.7%.

11. *Social Security*—I favor increasing Social Security benefits by 20%, 11.5%, 50%, 12.0%; the Ryan bill minimum of $3375 for a single person and $4500 for a couple, 55.3%; an increase but none of these, 11.6%; no increase, 4.5%; no opinion, 8.4%.

12. *Guaranteed Annual Income*—I favor a Federal guaranteed annual income for a family of four of $2400, 4.2%; $4000, 17.3%; $6500, 34.8%; no guaranteed income, 34.1%; no opinion, 10.0%.

13. *Transit*—I favor the use of Highway Trust Funds for mass transit. Yes, 78.1%; no, 10.6%; no opinion, 11.4%.

14. *Jobs*—I favor the Emergency Employment Act of 1971 to create at least 500,000 new public service jobs. Yes, 66.3%; no, 19.2%; no opinion, 14.6%.

15. *Amnesty*—Men who protested U.S. involvement in the Vietnam War by refusing to serve should be granted total amnesty, 34.1%; amnesty conditional on some national service, 39.8%; no amnesty, 18.3%; no opinion, 8.5%.

16. *Pollution*—All other things being equal, I would be willing to pay higher prices or taxes to end air and water pollution. Yes, 68.4%; no, 20.4%; no opinion, 11.4%.

17. *Priorities*—To correct our priorities, I favor reducing expenditures the *most* in defense, 53.3%; foreign aid, 20.8%; agriculture price supports, 15.2%; welfare, 16.6%; education, 2.7%; no opinion, 8.3%.

18. *China*—I approve of President Nixon's trip to China. Yes, 80.7%; no, 8.9%; no opinion, 10.5%.

19. *China*—The United States should accord full diplomatic recognition to China. Yes, 77.6%; no, 9.9%; no opinion, 12.5%.

20. *Israel*—The United States should provide Israel with greater economic assistance, 30.7%; aid to help resettle Soviet Jews, 26.9%; credit for the purchase of military equipment including Phantom jets, 38.4%; no opinion, 30.5%.

21. *Nixon*—The Nixon Administration has been doing a generally good job in foreign affairs. Yes, 37.1%; no, 52.1%; no opinion, 11.2%.

22. *Nixon*—The Nixon Administration has been doing a generally good job in domestic affairs. Yes, 16.2%; no, 75%; no opinion, 9.1%.

23. *Candidates*—Of the following, which person would you now prefer as the next President: Chisholm, 4.8%; Humphrey, 7.8%; Jackson, 3.0%; Kennedy, 7.1%; McGovern, 50.3%; Muskie, 5.0%; Nixon, 15.6%; Wallace, 4.3%; no opinion, 8.9%.

HILLSDALE COLLEGE COMMENCEMENT ADDRESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. CRANE. Mr. Speaker, at the 120th commencement of Hillsdale College in Hillsdale, Mich., an important address was given by Dr. Leonard E. Read, noted economist and writer, and founder and president of the Foundation for Economic Education.

Dr. Read urged his young listeners to live their lives on the basis of a basic premise and fundamental point of reference. He began by setting forth his own.

He declared that:

My first assumption is founded on an observation, namely that man did not create himself . . . Therefore my first assumption is the primacy and supremacy of Infinite Consciousness . . . My second assumption is also demonstrable, namely the expansibility of the individual human consciousness.

His third assumption, said Dr. Read, cannot be so easily demonstrated:

I merely know it to be true: the immortality of the human spirit or consciousness, this earthly moment not being all there is to it.

Once such assumptions are accepted, the question remains: What is man's purpose in the world? To this, Dr. Read replies:

It is to see how close one can come during his earthly moments to expanding his own consciousness into a harmony with Infinite Consciousness. Or, in lay terms, to see how close one can come during his earthly moments to a realization of those creative potentialities uniquely his own . . ."

Without individual liberty, however, such individual potential cannot develop. In order to maintain liberty it is essential that men consider the role of government—what it should do, and what it should not do.

Writing in 1900 in his volume, The State, Woodrow Wilson declared that:

The essential nature of government is organized force.

Dr. Read stated that:

It can inhibit, restrain, prohibit, penalize. The next logical question is, what in all good conscience should be restrained, penalized, prohibited? . . . The answer is . . .the destructive actions of men such as fraud, violence, predation, misrepresentation, thou shalt not steal. Force can accomplish this, and this alone . . . physical force is definitely not a creative force . . .

Government, he points out, "should be confined to inhibiting the destructive actions of men, and all creative actions . . . should be left to men acting freely."

To his young audience, Dr. Read asked the question, "Who is the world's most important person?" His answer:

That person is you, whoever you are, wherever you may be, or whatever your race, creed, color or occupation. This is not flattery; it is to remark the obvious, for you are the only person in the world—your world, that is.

At the Hillsdale College commencement, Dr. Leonard Read was presented with the Hillsdale College Independence Award by President George Roche, III, following his address.

I wish to share Dr. Read's address with my colleagues, and this address, presented in Hillsdale, Mich., June 3, 1972, follows.

THE WORLD'S MOST IMPORTANT PERSON

(By Dr. Leonard E. Read)

Thank you, Dr. Roche, and a good Hillsdale afternoon to all of you.

I am here not to attend your graduation but to share in your commencement. Bear in mind, please, that I am addressing myself to the world's most important person, a point I shall dwell on later.

But first you should know my ideological and philosophical position. As John Ruskin suggested, it is never fair for a speaker to leave an audience in doubt as to where he stands.

I can give you my position by relating a true story. I had been invited to address 200 clergymen at a Monday luncheon in Kenosha, Wisconsin, and that evening in the same community 400 high school teachers. I left New York on an early morning jet for Chicago. Thirty minutes before touchdown the pilot said over the intercom, "This whole area is socked in; we are landing you at St. Louis." Of course, that was 350 miles from Kenosha, making the luncheon engagement impossible and grave doubt could I keep the dinner date. Anyway, at 12:40 p.m. a DC–3 Ozark took off with scheduled stops at Springfield, Peoria, Moline, Rockford, Clinton, Iowa, and Milwaukee. We landed in Milwaukee at 5:00 p.m. with the fog right down on the deck. A man was waiting and drove me to Kenosha just in time to sit down with the high school teachers. When the emcee stood up to introduce me, he said nothing about me at all but merely berated the weather—"this awful weather our speaker has gone through . . ." Anyway, I began my speech by saying, "Mr. Chairman, ladies and gentlemen, I would like you to know that I love this weather today. As a matter of fact, I love hot, cold, sleet, snow, rain, hail, fog. This is my way of expressing appreciation that God, not the government, is in control of it."

You may wonder why I am here, way out in the future, more than five decades in front of you. To put it briefly, I have traveled a great deal of life's road, the one you are now commencing, and therefore I wish to share with you some of the lessons I have learned along the way.

True, your road will have many zigs and zags different from those I have experienced; nonetheless, there are a few guidelines that are fitting for everyone to observe.

First, do not wait until middle age, as I did, to adopt and live by a basic premise, a fundamental point of reference. Do it right now—at your commencement!

Twenty-five years ago I realized that there was no chance of living the consistent life unless one did his reasoning from a basic premise; and one should not be in my business unless he can be reasonably consistent. Perhaps I did one thing right. I went as deep for my premise as I knew how, because if one does not go deep the premise will serve only shallow and peripheral matters. So I asked myself the hardest question I could think of: what is man's earthly purpose? I could find no answer to that question without bumping head-on into three of my basic assumptions.

My first assumption is founded on an observation, namely, that man did not create

himself, for it is easily demonstrable that man knows practically nothing whatsoever about himself. Therefore, my first assumption is the primacy and supremacy of an Infinite Consciousness.

My second assumption is also demonstrable namely, the expansibility of the individual human consciousness. While difficult, it is possible to expand one's awareness, perception, consciousness.

I cannot demonstrate my third assumption. I merely know it to be true: the immortality of the human spirit or consciousness, this earthly moment not being all there is to it.

I do not ask that you agree with my assumptions, but if you will concede them then the answer to the question, what is man's earthly purpose, is perfectly simple. It is to see how close one can come during his earthly moments to expanding his own consciousness into a harmony with Infinite Consciousness. Or, in lay terms, to see how close one can come during his earthly moments to a realization of those creative potentialities uniquely his own, all of us being greatly varied in this respect.

What, then, is man's purpose as I see it? It is to grow, develop, emerge, evolve, or to use an expressive term, hatch. Heraclitus, the Greek philosopher, observed, "Man is on earth as in an egg." This inspired C. S. Lewis to write, "You cannot go on being a good egg forever. You must either hatch or rot."

If adopted, how does one use such a premise? He merely listens to his own or anyone else's ideas, stands the ideas up against his premise, and if they do injury to it or are antagonistic to it, he is, perforce, against them. Or, if, on the other hand, they are in harmony with it, promotive of it, he is, perforce, in their favor. In a word, one's own position can be quickly established once this idea gets to working.

This has had many benefits for me. For instance, I no longer argue with anyone. If you say to me, "Mr. Read, I do not agree with your premise," my reply is, "I could not care less. That is your business, not mine." And if you say, "You are not reasoning logically and deductively from your premise," and you happen to be right, I shall thank you for I do not like to be caught thinking illogically or not deductively from my premise.

The premise serves me even more than this. I no longer engage in philosophical or ideological discussion with anyone unless he is seeking light from me or I from him. And that eliminates a great deal of talk.

I am suggesting that you get for yourself a premise as soon as possible. Let me give you another premise. A scholarly friend of mine gave me a book and insisted that I read it. The title of the book itself would scare one, *The Foundations of the Metaphysics of Morals* by Immanuel Kant. That philosopher was a pro at being obscure. I read the book and had very little idea of its meaning. Later on I began the writing of a piece entitled "Importance of the Premise," and half way through a line in the book came to mind. I reread it and on the second reading most of the book tumbled into sense.

Immanuel Kant had a premise that he called "good will." By "will" he did not mean what we mean when we say peace on earth good will toward men. It had nothing whatsoever to do with intentions. By "will" he meant an individual's ability rationally to will his own actions. And if the adjective "good" could be used only if one could apply the principle of universality to his maxims. If that line comes through easy to you, I am disappointed in me. I did not know what it meant. But I have learned that if I lean up against a door long enough it will cave in, and I leaned up against that one long enough to clear it of its obscurity.

Let me give you a sample maximum: I have a moral right to my life, my livelihood, my liberty. Is that good? According to Kant, that is good only if you can concede that same right to every other human being—universality. Can I? Yes, I can. Therefore, it is good. Let me reverse the maxim and watch it come through. I have a moral right to take the life, the livelihood, the liberty of another. Is that good? According to Kant, that is good only if you can rationally concede the right of murder, theft, enslavement to every other person on earth. Can I? I cannot. Therefore, it is not good.

Anyway, is it not obvious that with such a premise as Kant's one can be reasonably consistent in his positions, provided he reasons logically and deductively from his premise.

Of course one has to live in the world as it is, but this should not alter one's proclaimed positions. Never approve or condone anything that is not consistent with what you believe to be right: in a word, one's eye should always be on the search for truth which is possible only as one expands his own consciousness.

Admittedly, expanding consciousness is no simple matter. Indeed, no one can prescribe the technique for another.

Our variation—uniqueness—precludes any fixed formula. Among a few rare individuals it appears to come as easily and naturally as physical growth, but for the most of us this growth requires disciplines and exertions so difficult that acceptance and adoption are often thwarted. However, there are three generalities that apply to all of us:

1. Expanding consciousness is a wholly introspective exercise, that is, concentration of an improvement of the self.

2. It requires a passionate wanting-to-know-itness.

3. It demands integrity, an accurate reflection in word and deed of whatever one's highest conscience dictates as right. In a word, go down life's road standing ramrod straight.

The world's most important person is interested in individual liberty, for unless this prevails self-development is restrained. This objective requires a knowledge of what government should and should not do. You have no chance to assist in the advancement of liberty short of knowing where to draw the line between activities appropriate to government and those appropriate to individual choice and decision. In order to know what government should and should not do, you must know what government is and is not.

I have been saying for years that the essential nature of government is organized force. I have been saying it for so long that I had begun to think of the idea as original with me. Several years ago, one of my associates put on my desk a huge tome entitled *The State*. It was written in 1900 and the author was Professor Woodrow Wilson. On page 572 that professor used the same words. He must have been clairvoyant, able to look ahead seventy years and see what I was saying.

It is easy to demonstrate the corrections of Professor Woodrow Wilson's position. The distinction between you as an agent of government and you as a private citizen is as an agent of government you have a constabulary—an organized force—behind you: you issue an edict and I obey or take the consequences. If this organized force be removed from behind you, you are restored to private ctiizenship: you issue an edict and it has the same effect on me as a resolution of the League of Women Voters. I do as I please.

All I am trying to point out is that the essential nature of government is organized force which I can symbolize by the clenched fist. If you will find out for yourself what this fist can and cannot do, you will have a precise idea as to what government should and should not do.

What can this fist do? I think I know. It can inhibit, restrain, prohibit, penalize. The next logical question is, what in all good conscience should be restrained, penalized, prohibited? The answer to that question comes clear and clean in the moral codes over the millennia, long before Christianity, namely, the destructive actions of men such as fraud, violence, predation, misrepresentation, thou shall not steal. Force can accomplish this, and this alone. What we have to recognize is that this physical force is definitely not a creative force. The creative force is in every single instance a spiritual force, in the sense that an idea is spiritual; or discoveries, inventions, intuition, insight. Everything by which we live has its origin in the spiritual before it shows forth in the material. For instance, this microphone is inconceivable had not some cave dweller eons ago discovered how to harness fire; and that jet on which I flew here would have been impossible had not some Hindu centuries ago invented the concept of zero. All modern chemistry, physics, astronomy, and the like, are out of the question without the concept of zero. These are impossible accomplishments with Roman numerals.

These spiritual experiences, inventions, insights, intuitions, doubtless number in the trillions since the dawn of human consciousness. You never use physical force to increase them.

All of this is by way of saying that we should confine government to inhibiting the destructive actions of men, and that all creative actions, without any exception whatsoever, should be left to men acting freely, privately, cooperatively, voluntarily, competitively. That is how I draw the line.

Finally, who precisely is the world's most important person?

It's impossible, runs the first reaction, to single out the world's most important person. But on second thought one has the answer: That person is you, whoever you are, wherever you may be, or whatever your race, creed, color, or occupation. This is not flattery; it is to remark the obvious, for you are the only person in the world—your world, that is!

In the same sense that "beauty is altogether in the eye of the beholder," so is your world altogether in the eye of you, the beholder. Your world is what you perceive it to be—no more, no less.

If you think of the world as earth, what of earth do you see? Trees, grass, or maybe the soil a plowman scratches? Or mountains, valleys, seas? Or do you perceive the mystery of a sprouting seed shafting itself into outer space? Or roots drinking of nature's bounty, topped by leaves which, in turn, use solar energy to take food from the atmosphere? There is nothing else to your world beyond the capacity you bring to your acts of perceiving. The world flows into your ken through your particular bottleneck, which you have the power to expand or contract.

If you think of the world as the universe, do you see only twinkling stars, blue skies, and the like? Or do you behold the process of Creation before your very eyes? Radiation? Galaxies racing into an infinite unknown at the speed of light? A mysterious attractive force at work?

If you think of the world as Old World and New World, what do you behold? Only the celebrities who featured various periods or the wars fought? Or do you perceive the liberating ideas that led from special privilege and the freezing of human energy toward the amazing creativity that flows out of equal opportunity for all? And perhaps the current decadence in ideas and moral scruples that are taking us from the New back toward the Old? Whatever you behold, this alone defines the boundaries of your world. "Knowledge is a mode of being," runs an ancient axiom; what you are defines the limits of what you know.

The idea of my world changed while I was writing the above paragraph as did yours

while listening to it. Your world and mine are never identical from one moment to the next. I alone inhabit my world, and you yours. The thought, the concept, the idea is the thing, now and forever, and this, like everything else, is in constant motion.

Aged and well supported is the idea that all reality is in the eye of the beholder, that is, reality is circumscribed by each individual's awareness, perception, consciousness, however correct or faulty it may be. Yet, rarely is this concept employed in what may well be its most effective use; thinking our way into a better relationship with others.

Merely bear in mind that there are as many different worlds as there are human beings and that being human obliges one to live not only with his own world but with many of the other worlds as well. These other worlds are as much a part of the infinitely real as yours; isolation is not a viable prospect. It is conceded that these worlds have a record of conflict, clashing, bumping into each other. But perhaps a slight shift in thinking can lessen this destructive tendency; there may well be a rational basis for more tolerance than is generally practiced.

For instance, would I esteem you less yesterday than today because your world has smaller then than now? To the contrary, your world of yesterday spawned today's broadened perception. Do I not more esteem the inventor than his invention, more respect the perceiver of a thought than the thought itself? Is this a valid way of looking at our relationships? I think so; at least I bear no intolerance toward the less perceptive person I was fifty years ago. So, how can I logically be intolerant of, or unhappy with, those who do not see exactly what I behold? Not a soul on earth who does!

The greatest danger to your world or mine is error for "all error has poison at its heart" and "so long as truth is absent, error will have free play." (Schopenhauer) Clearly, such personal and societal solutions as lie within our reach are the truths we perceive. And this is precisely where our respective worlds can meet to our mutual advantage—*provided* we seek every means to grow, including tolerance enough to look into every nook and cranny for truth.

Of course, look to one's peers, sages, seers for truth; but stop not there. Not only from the "mouths of babes" does truth proceed, but on occasion truth flows from those we declare insane. However far that other person's world may seem to be from your own—philosophically, ideologically, religiously, or whatever—be on guard, perhaps, but bend an ear. Truth has a way of seeping through crevices entirely unsuspected. But it is far more likely to enter an open and perceptive mind than one that is closed and intolerant. Indeed, the inquiring mind encourages others to give forth the best that is in them.

By way of example, I have cited from the major work of Arthur Schopenhauer, a philosopher whose world, in numerous respects, is sharply at odds with my own. However, in his works I find many gems—truths to me. To disregard or fail to embrace them, because our worlds do not coincide would, indeed, be error; by such intolerance I would short-change myself, limit my own world.

In any event, you are the world's most important person, and everyone else on earth, whether or not he may realize it, is in need of you at your perceptive best. The enlargement of our respective worlds is the sole means we have of moving toward a more harmonious existence, of cooperating to free, rather than freeze, our perceptions and relationships.

Two additional thoughts that will help along the way:

1. Never fret about anything that is beyond your power to control.

2. If at any time an action is not joyous, more than likely you have made a wrong zig or zag. I wish you as much fun along the way as I am having. This is assured if you will regard each day of your life as commencement. You will then be in tune with the Infinite.

God bless you in your venture!

IT IS A LITTLE DIFFERENT IN JOLLY OLD ENGLAND

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. FLYNT. Mr. Speaker, the October 12 edition of Roll Call featured a very informative article by Mr. Marvin Cox which compares certain aspects of the British Parliament with those of the U.S. Congress. Mr. Cox is a close friend of mine who has had wide experience in both the legislative and executive branches of government and is well known to many of our colleagues.

His most recent article is very timely and is of special interest to us as we approach the November elections. It is of more than casual interest for us to reflect on the type of campaign we might run under conditions which obtain in the British election system.

The text of this fine article follows:

IT'S A LITTLE DIFFERENT IN JOLLY OLD ENGLAND

(By Marvin Cox)

LONDON.—Hundreds of American Congressional candidates striving to meet expenses for the November elections may well cast envious eyes across the Atlantic where their British counterparts are restricted to total campaign outlays of well under $4,000.

And there are no "committees," clandestine or open, to circumvent the strict limits on campaign expenses imposed by British law.

Thus a wealthy Parliamentary candidate or one with affluent supporters has little financial advantage over a competitor with limited funds.

Candidates for Parliament are effectively restricted to campaign expenses of about $1,900 American dollars, plus an additional one or two cents for each voter in his constituency. The average electorate of a Parliamentary constituency in England and Wales is close to 60,000; in Northern Ireland around 75,000; and in Scotland near 50,000.

Legal campaign expenses even in the largest Parliamentary constituencies would be limited to roughly $3,200 American dollars, while the outlay in less populous constituencies would be considerably less.

These limitations on campaign spending are not required to cover the candidate's personal living expenses during the campaign. But if his hotel bills, meals and similar expenses exceed about $250 they must be paid by his election agent and reported in his election expenses.

Election campaigns in Britain are of far shorter duration than those in the U.S., seldom exceeding three weeks. Further the selection of candidates is not made by Party primaries as it is in the States. This candidate selection process cannot be dealt with here, but it is in sharp contrast to the lengthy and expensive Primary elections that are so much a part of the American election process.

The life of a Parliament is fixed by statute at five years although it is usually dissolved—another interesting political process—before the expiration of the legal five year term.

Thus, a Member of Parliament is elected for a term of five years although it may turn out to be far less than this period before he has to "stand" for reelection.

Evidence of the zeal with which these campaign spending restrictions are enforced may be seen in a case currently before the British courts where a recent candidate for local office is seeking relief from the serious legal consequences of having exceeded his limit by about $57.

Television and radio play very little part in British elections. Newsworthy contests in key constituencies may attract coverage by the government-owned British Broadcasting Corporation. But when this occurs each candidate must be given equal time in the broadcast debate, and if any candidate declines to participate the broadcast cannot be put on the air.

Selection of races to be given broadcast coverage is made entirely by the BBC and not by parties nor candidates.

The privately owned TV network in Britain only covers the contests as news events. Candidates do not buy TV and radio time for their own broadcasts.

One unique campaign service available to British Parliamentary candidates is a postage-free mailing to each of the electors (registered voters) in their constituencies.

The text of these postage-free communications must be identical in all cases, and the stationery and printing or typing is at the candidate's expense, but the cost of postage is borne by the government.

In computing the election expense allowances, candidates in rural areas or "county" constituencies are allowed slightly more per elector than those in "borough" constituencies, towns and cities where more compact populations make the voters more accessible to the campaigner.

Candidates in rural areas are allowed one shilling for each six electors: borough candidates are permitted to spend one shilling for each eight eligible voters. A shilling is worth at current exchange rates about 13 cents, American.

British political practices and procedures vary widely from those in the U.S., as do the countries vary despite their common language and antecedants. The success of the British in effectively controlling political campaign costs, however, is in marked contrast to the sporadic and often futile American efforts in this direction.

HONORABLE ALTON A. LENNON

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. COLLIER. Mr. Speaker, one of the many Members of this great body who will retire at the close of the 92d Congress is the distinguished gentleman from North Carolina's Seventh District.

ALTON A. LENNON and I took the oath of office on the same day, January 3, 1957. The 16 years that he and I have served together in the House of Representatives have given me ample opportunity to become well acquainted with him. For several years we were next-door neighbors,

having offices across the hall from each other.

During his eight terms in this body, Congressman LENNON combined his ability as a legislator, his background as a judge, and his wealth of knowledge for the benefit of his constituents, his fellow North Carolinians, and the people of the rest of the United States. To this recognition of his many sterling qualities, I would add that he was a good neighbor, one who was ever ready to be of assistance, a delightful companion, and an entertaining raconteur.

An almost unique feature of ALTON LENNON'S service in the House is the fact that he came here after having been a Member of the other body; only one of his colleagues shares that distinction. In our system of government there is no such thing as an upper body or a lower body. John Quincy Adams considered it an honor to sit in the House of Representatives after he left the White House and our able colleague did not feel that he was stepping down when he became a Member of the popular branch of the national legislature.

Mr. Speaker, my best wishes go with my fellow-lawmaker, my fellow-member of the class of 1957, and my good neighbor as he leaves the excitement of the Nation's capital for the tranquility of North Carolina. May good health and good fortune accompany him as he begins another chapter in a long and useful life.

RETIREMENT OF THE HONORABLE FRANK T. BOW OF OHIO

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. SHRIVER. Mr. Speaker, it is difficult to say goodby to a friend and colleague like FRANK BOW. Many deserved compliments have already been paid to this distinguished gentleman who has served with distinction the people of Ohio and our Nation for 22 years in this great legislative body.

His decision to retire from the Congress will leave a great void in this House, and on the Committee on Appropriations. How do you replace a great American like FRANK BOW who has been a champion of fiscal responsibility and integrity throughout his legislative career? His actions have always been in the best interest of the Nation.

It is encouraging to note that his service to his country does not end with the adjournment of this 92d Congress. He soon will take up the responsibilities of Ambassador of the United States to Panama.

I would be remiss if I did not express my personal appreciation and gratitude to FRANK BOW for his understanding, wise counsel, and warm cooperation during the past 8 years that it has been my privilege to serve with him on the Committee on Appropriations. He has been outstanding as the ranking member of the committee, and on many, many occasions has been helpful to me in my assignments on this important committee.

He will be greatly missed not only by his colleagues in this body, but also by his constituents who have come to recognize his integrity, his experience and his dedication to their interests and those of the Nation.

Martha Jane joins me in extending our sincere best wishes to Caroline and FRANK as they prepare to being a new chapter in what already is a most productive life. We wish them good health, happiness and contentment.

THE WONDERFUL SECRET OF READING, PA.

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. YATRON. Mr. Speaker, the following article appeared in the autumn issue of Travel and Leisure, which tells of a most unique dining establishment in my congressional district. I know my colleagues will find the article of great interest.

I wish to extend an invitation to all members of the Congress to visit Reading, Pa., and spend a most delightful evening at this fine restaurant. I am certain that you will enjoy the food and service and you will have a memorable experience.

The article follows:

THE WONDERFUL SECRET OF READING, PA.

(By Silas Spitzer)

To the casual glance of a stranger, there is nothing exciting or different about Joe's, a small, unpretentious restaurant wedged into the residential ranks of Reading, Pennsylvania. It stands on the corner of a street lined shoulder-to-shoulder with modest dwellings and blends unobtrusively with its neighbors.

Reading is an industrial town known more for its iron foundries than for elegant cuisine. Joe's is the single brilliant exception among the city's eating places. The food there, though essentially simple, has unexpected sophistication and is cooked with a high degree of professional skill. Service, provided by several pleasant young women who are not the chatterbox sort, is unhurried and serene. These are definite advantages but by no means the reason why this restaurant is a thing apart, perhaps the only one of its kind in America.

The newcomer, unless previously briefed, would never guess that the place attracts a large and devoted following, not only from Philadelphia and New York but from as far away as San Francisco and Montreal. At certain seasons of the year, cars with widely assorted license plates are parked along the curb outside. During those busy periods, tables must be reserved days ahead.

There is obviously something curiously different about Joe's to justify such celebrity. One evening not long ago, my wife, Helen, and I discovered exactly what that was and why it made dinner there such a pleasant happening.

On that early visit (we've since made several more), we were shown to a secluded corner of a long, narrow room, capacious enough for about 60 without crowding. The light-toned walls were without special adornment. There were plain gray hangings at the far end. A well in the center of the ceiling was flooded with soft rose-colored light, and there were matching lamps on the tables. We noticed a few fine pieces of antique furniture. There was nowhere to be seen a single trace of what is known in the trade as "drama." The drama, it turned out, was all in the kitchen. If you were to enter those immaculate premises, you would probably find Joe Czarnecki, a small, roundish, white-haired man with a habitually mild expression, bending over the range or sniffing the soup pot.

We sensed the first hint of the driving force that motivates this restaurant when our martinis arrived. Instead of an olive or a twist of lemon peel, each contained a plump, little pickled mushroom. Like the late Bernard De Voto, mentor of all martini purists, I have strict views on its composition. Juggling with the proportions, adding dashes of Scotch, Pernod or sherry or odds and ends of vegetables are all taboo. But these particular martinis, concocted by Joe's wife, Wanda Czarnecki, could not be faulted. They were as ice-cold and as crisp as any I have ever stirred for my guests or myself. And that fat little mushroom lent a faint woodsy flavor that actually pointed up the dryness of the drink.

When we looked over the menu we noted that mushrooms either dominated or played a part in about half of the twenty-odd appetizers, soups, salads, entrées and sauces on the à la carte listing. These mushrooms were not the tame, commercially cultivated kind, but poetically shaped and colored nomads that spring up at random in heavily shaded forest soil or the damp recesses of mountainside and meadow. Later we were to learn that 90 percent of them grew within a 50-mile radius of the restaurant and were collected by foraging parties consisting of the owner, his wife and customers who had become friends.

Dinner began that evening with wild mushroom soup, a sublime creation from which the restaurant was launched on its present course many years ago. Today it has become the most widely known and revered of all Joe's specialties. It was originally a recipe of his mother's, cooked from mushrooms growing in the lowlands of the Carpathian Mountains. Travelers often stop overnight at Reading to gratify their yearning for this soup. It is dark, velvety, with a body between thick and thin. The first spoonful is a miracle of concentrated earthy flavor, the very soul of the wild mushroom.

With the soup, we nibbled oven-warm *pirozhki*—small, flaky pastries filled with a succulent mushrom puree. All bread, cakes and pastry are baked by Mrs. Czarnecki, a smiling, motherly person who shares her husband's mycological fixation. A woman of many gifts, she runs the restaurant when Joe is busy in the kitchen, bakes with God-given lightness of hand and is a meticulous mixer of drinks.

We went on to eat baked Maryland lump crabmeat and filet mignon with a delectable *sauce duxelles*. Both dishes were transformed by the exquisite fragrance and flavor of woodland mushroms, a taste impossible to convey in words, probably because there is no other flavor in nature exactly like it.

Among other dishes sampled on subsequent visits, our notebooks mention tiny shrimp La Maze, tenderloin *en brochette* (chunks of sizzling beef alternated on the broiler-spit with savory mushrooms), Javanese steak with fried rice and Veal Rymanow, named after the town in Poland where Joe's mother was born. Supreme among the desserts is Wanda's subtle, almond cream cheesecake.

As any connoisseur will tell you, wine is the only drink worthy of wild mushrooms. Which wine mates best, however, is another and more debatable question. Joe be-

lieves that the subject calls for discussion between guest and host and for that reason does not provide the conventional wine list. His cellar reveals a studied selection, without either waste or showcasing of extravagant bottles. French and German wines predominate. There are those who prefer a lightly fragrant Rhine or flowery Moselle to the more assertive French Burgundies or Bordeaux, but the choice is large enough to accommodate all personal prejudices.

When coffee was served, we were joined by Joe and Wanda. The conversation was absorbing and midnight arrived before we knew it. This soft-spoken but forthright man was plainly no typical restaurant owner. Joe attended Bucknell and graduated with a B.A. from Albright College. Originally the premises were occupied by a tavern run by his father. When Joe inherited this saloon, with Wanda's help, he gradually transformed the noisy place, with its crowded 77-foot bar, into the distinguished restaurant it is today.

"I love to cook and eat," he told me, "but the real fun is in the woods."

On Sundays and Mondays, when Joe's is closed, and during the vacation months of August and September, his broad-beamed jeep, specially built for rough going, takes off for the wilds, packed with family, friends and food. Treasured specimens from these periodic excursions were displayed in jars and bottles on the shelves of a sideboard behind which we were seated. Several varieties of dried mushrooms were strung in loops, like fairy necklaces. Most were unknown to us, but we recognized tawny chanterelles and crinkled, cone-shaped morels, graduated in size from a kernel of corn to a child's fist.

All mushrooms are scientifically identified and classified by the owner in his laboratory upstairs. The microscopes and other instruments are among the latest of their types. I asked him which mushrooms he cooked most often. He rattled off the Latin names: *Tricholoma equestre, Tricholoma portentosum, Tricholama terreum,* to accompany meat; dried *Boletus edulis* for soups and sauces. Over the years, thousands of guests have partaken rapturously of these and other kinds, without the slightest mishap.

Joe is a member of the Mycological Society of America, and from time to time kindred spirits—mostly scientists, teachers, doctors, lawyers and literary folk—get together to hunt, talk about and feast upon wild mushrooms to the virtual exclusion of everything else.

When the pickings are good on Joe's hunting forays, the treasure, piled high in baskets, is meticulously examined by Joe before it is released for consumption. Tales of these jeep expeditions, which combine rugged physical exercise with the excitement of the treasure hunt, have spread widely among people who are students, gastronomes or simply lovers of wild mushrooms. Among these about a year ago was Mrs. Craig Claiborne, at that time food editor of the *New York Times.* Intrigued by what he had heard, he arrived one day to join the hunt, impeccably dressed in a dark business suit, white shirt, necktie and highly polished shoes. Joe and Wanda tactfully persuaded him to change to jeans, a hunting jacket and heavy boots belonging to one of their sons. After tramping most of the day in the Blue Mountain woods, they returned, muddy and scratched but laden with edible wild fungi. The guest's back ached painfully, but he was grinning and insisted he had enjoyed the time of his life. Everybody went to the kitchen and ate Wanda's Pennsylvania Dutch sausages and sauerkraut, drank floods of beer and sorted out mushrooms. The Timesman left, a friend and disciple.

Joe Czarnecki is one of the few genuinely happy men I have ever known. Unlike the overwhelming majority of humans, he has been able to weave his private passion into the texture of his business. To an astonishing degree, the restaurant reflects his character and his obsession and all without a glimmer of flamboyance or self-consciousness. There is a quiet air of assurance about his place, the sort of low-keyed sophistication one expects to find at the Grand Véfour in Paris or the Connaught in London, but hardly on an obscure back street corner in a dreary Pennsylvania town. Year after year, patiently and with singleminded purpose, Joe has created a restaurant that affords a rare kind of pleasure to others and richly fulfills his private dream.

ADDRESS BY ADM. T. H. MOORER BEFORE THE UNIVERSITY OF GEORGIA'S BLUE KEY NATIONAL HONOR SOCIETY

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. STEPHENS. Mr. Speaker, on the evening of October 6 in Athens, Ga., the Blue Key Chapter of the University of Georgia gave honorary memberships to Congressman ROBERT L. F. SIKES of Florida, a distinguished graduate of the University of Georgia; to Dr. Fred Davison, a Georgia graduate and now president of the University of Georgia; and to Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff of the United States.

After an impressive introduction by Congressman SIKES, Admiral Moorer made a great address on the defense of America which was received with a fine display of approving applause by the audience of students, faculty members, State officials, and townspeople of Athens.

Because of the need I feel for more people to understand our defense objectives, I insert the text of Admiral Moorer's address:

ADDRESS BY ADM. T. H. MOORER

I welcome this opportunity to return once again to the great State of Georgia and to speak to the members and guests of this renowned national honor fraternity.

I know that the people in this section of the country are steadfast in their support of a strong national defense posture for this country. But I also know that the ink devoted to this subject is of such volume, flowing in so many different directions, that the average American doesn't have the time to examine carefully all that is written and separate fact from fiction. So I think it may prove beneficial if I spend my time with you tonight in setting forth some of the facts and refuting some of the fiction about national defense.

Let me start with the issue of defense spending for it is one on which much of the current discussion centers. Over the past eight years the matter of military spending has been at the forefront of public discussion. Critics would have the public believe that defense spending has, over the years, robbed non-defense programs of much needed funds to meet other urgent requirements in the domestic sector. These same critics of defense spending trends often ignore, however, that during the same period in question—FY 1964 to FY 1973—non-defense Federal spending has risen by $109 billion, including $92 billion for social and economic spending. And during the same period, state and local spending has risen by $113 billion. In either case, the increase in spending for other domestic needs, whether it be at the Federal or state and local levels, not only exceeds the increase in defense spending, it far exceeds the entire defense budget. To me, this just doesn't add up to the picture often painted of a domestic sector squeezed of resources by the defense budget. And it doesn't add up either to a picture of a greatly reduced defense budget's being the sole solution to the fiscal problems of the United States.

Let me turn for a moment to a comparison of the FY 64 and FY 73 defense budgets to examine the interim rise in defense spending from just under $51 billion to $76.5 billion. One factor stands above all others in its explosive impact on defense budget trends—increasing pay costs. In FY 1964, the costs of manpower within the Department of Defense accounted for about 43% of the military budget. For the current fiscal year—1973—56% of the budget is allocated to these same costs. What this means in dollar terms is that we are now paying over $20 billion more in manpower costs than we did in the last prewar year, and this is in spite of the fact that military and civil service manpower will be 326,000 lower at the end of FY 73 than it was in FY 64. If one combines these increased manpower costs with the price increases in goods and services purchased from industry, the true picture of the relative buying power of the defense budget comes more into focus. The figures show that the 50 percent increase in current dollar spending is, in actuality, an 8% reduction in constant dollar purchasing power.

The reduction of defense manpower—326,000—which is being absorbed in the active duty military force strength, has been a hard trade-off decision made in order to make funds available for needed modernization and improved force readiness. During the course of the Vietnam War, especially during the high cost years of our peak involvement, the U.S. was forced to deter a significant amount of weapons development and modernization in order to help pay the costs of the war. We were spending for attrition and not for modernization. With war costs now sharply reduced we are trying to play catch-up ball. Let me further clarify this point.

During the same time span in question. 1964 to the present, the United States has spent well over $100 billion more than the Soviet Union in Southeast Asia. Since both countries maintained roughly equivalent defense expenditures during that time, the Soviets were able to allocate much more to weapons development and modernization than were we. They were able to develop a momentum in their arms programs which resulted in a dramatic shift in the balance of military power—and particularly strategic nuclear power—between the two countries. Early this year, I testified before the Congress that short of an effective agreement on strategic arms limitations, the momentum of the Soviet strategic force build-up was likely to carry it well beyond the level currently planned for our forces in the mid- or late 1970s. I further testified, as did Secretary Laird, that the failure of the United States to press forward expeditiously with our own strategic force initiations could force us into a position of strategic inferiority in the years ahead.

This brings me to the Strategic Arms Limitations Talks and to the agreements which derived from these talks just a few months ago. I believe it is most important to our national security that the American people understand what these agreements do and do not do.

As you have undoubtedly read, the agreements are in two forms. The first, which concerns strategic defensive systems, is in treaty form and is of unlimited duration. The second, which is in the form of an Executive Agreement, is an interim agreement on certain offensive systems and is to remain in

force for a period of five years. Let me briefly explain the provisions of these agreements.

The treaty on Anti-Ballistic Missile Systems is best described as a treaty of equivalence. Both parties are limited to two ABM sites; both parties are limited to an equal number of launchers and radars at these sites; and both parties are permitted to protect their nation's capital. In fact, one of the sites must be around the nation's capital. As you know, Washington, D.C. is not now so protected, whereas Moscow is. This is one of the issues the Congress must pursue. Nonetheless, the Treaty is one which permits and limits both parties to equivalence in ABM defenses.

The interim agreement on offensive systems is, on the other hand, not one of equivalence. It is not one of equivalence because it involves only two types of forces which affect the strategic balance; namely, intercontinental and submarine-launched ballistic missiles. It does not include bombers, it does not include forward-based tactical systems, and it does not include factors such as quality and payload of missile systems. It is an agreement which limits, solely, the total quantity of land and sea-based ballistic missiles which each party may deploy during the next five years.

Under terms of the agreement the United States is limited to 1710 missiles versus 2360 for the Soviet Union. There has been wide concern expressed over this approximate 3 to 2 missile advantage which the Soviet Union is permitted to achieve. I understand this concern, but let me emphasize that this Soviet advantage would have obtained with or without the agreement. There is nothing we could have done to alter that fact, and without the agreement the Soviet quantitative advantage could have widened measurably more.

Because of decisions made in the 60s, our missile deployments reached their existing level in 1967 and we have since had no programs which would allow us to expand this capability quantitatively, either now or during the next five years. In contrast, the Soviets, with the benefit of their great momentum, were deploying ICBMs at the rate of about 250 per year and SLBMs at about 128 per year. Had the Soviet Union continued their missile deployments at these rates during the next five years, their total number of offensive missiles would have been well over 3000. Instead of the 3 to 2 advantage, which is the maximum the interim agreement allows, they could have achieved a 2 to 1 advantage by 1977. So I ask you to view the agreement not so much in terms of what it permits but in terms of what it prevents. The interim offensive does put a brake on the Soviet momentum in their strategic arms build-up and this was one of our prime objectives in the initial negotiations.

It is a first step—and let me emphasize that it is but a first step—in our efforts to achieve arms accords and it serves as a sound basis for follow-up negotiations in which we will strive for a more comprehensive agreement on offensive systems to parallel the ABM treaty.

There is no guarantee, however, that such an agreement can be negotiated. Thus, the only prudent course for the United States to take is to continue those programs which will preserve our strategic position in the years ahead. Just as the decisions of the 60s determined the types of weapon systems we have today, the decisions we make today will determine the types of systems we have in the late 70s and 80s. We cannot make the wrong decisions at this juncture and then in the future retrace our steps.

The leadership of the Soviet Union has made it clear that they are going forward with weapon programs which are not limited by the agreements. We must do likewise. Thus, we are moving forward with the B–1 and TRIDENT programs and we will ask the Congress to approve and fund other programs, as necessary, to provide assurance that the national security of this country will not be placed in jeopardy. The cost of this assurance, measured in dollars, may be high. But my knowledge and experiences with the American people tell me that they will not accept a position of inferiority. I am dedicated to insuring that they will never have to be told that they are in such a position—and I will remain so dedicated.

Thank you.

PETTIS SENDS NEWSLETTER TO CONSTITUENTS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. PETTIS. Mr. Speaker, I wish to share with my colleagues, the latest official communication sent out by my office in an effort to provide an up-to-date report on items of local interest and my activities as the Representative of California's 33d Congressional District. I hope my fellow Members of the House will find volume VI, No. 2, of my periodic newsletter of interest:

PETTIS READIES LOS ANGELES POLLUTION SUIT

A legal suit has been prepared on behalf of the residents of the 33rd Congressional District to compel the Los Angeles Air Pollution Control District to release detailed information on sources of emissions which are directly responsible for the menacing increase of smog in our Inland Empire air basin.

In a September 18 letter to Robert L. Chass, Director of the LA–APCD, I requested full disclosure of data on all pollution sources. Past requests for this information from local governments, environmental groups and individual citizens have met with adamant refusals from Mr. Chass and his staff to divulge information on stationary pollution sources.

Although statistics are not yet available for 1972, data compiled by the San Bernardino County Air Pollution Control District indicate that the number of days oxidants, carbon monoxide and nitrogen dioxide in our local air exceeded State standards increased from 149 days in 1969 to 168 days in 1971.

Unfortunately, we do not need statistics to tell us our eyes are smarting, it is difficult to breathe, we can no longer see the mountains and sometimes find it hard even to see across the street. These conditions have become all too familiar, all too often. Nor is it necessary to have scientific data to see the clouds of pollution rolling in from the West. However, we do have this information. The Statewide Air Pollution Research Center in Riverside indicates that smog from the Los Angeles basin starts moving Eastward toward San Bernardino and Riverside about 7 a.m., with the movement becoming increasingly bad around 3 p.m.

LOS ANGELES ENFORCEMENT CHALLENGED

In February of this year, twenty-two charges of inadequate enforcement by the LA–APCD and an attack on their refusal to release industrial pollution information were brought before the State Air Resources Board by environmental groups, a regional government organization and several individuals. Final ARB action on the result of their investigation has not been revealed.

Last year, an exhaustive study of the LA-APCD by student and faculty researchers from the Claremont Colleges' Program in Public Policy Studies reached the following conclusions:

". . . the automobiles' contribution to L.A.'s pollution has rather consistently been exaggerated. Our explanation . . . discounts auto emissions as the only major factor. Rather, we suggest that the L.A. community continues to suffer the ill effects of air pollution because the LA-APCD has placed economic and political considerations above the protection of public health."

Our problem in the 33rd Congressional District is that we suffer right along with our neighbors to the West.

Our health is endangered, our environment is damaged, and our own economy is jeopardized because we not only have to contend with our own pollution, but also that which blows in from Los Angeles. It is imperative that further action be taken to identify and control the sources of this pollution. This is why I wrote to Mr. Chass in the first place.

APCD RESPONSE QUALIFIED

A letter has now been received from the LA-APCD stating that I will be given access to all information publically available under the law. I am scheduled to meet with Mr. Chass after Congress adjourns in October. His rather qualified response leads me to believe that data on some pollution sources will again be withheld.

If this is the case, I will sue to have this information made public. I have received wide-spread support from local officials, citizens and environmental groups for my action. These supporters believe as I do that the public has a right to this information and the need to safeguard our environment and our health takes unparalleled precedence over any deliberate attempts to twist the language of the law.

PETTIS ACTION LINE

DEAR MR. PETTIS: I have been attending Chaffey College at night under the G.I. Bill. I have not received any checks at all for the last two quarters. I am a family man and the money is important, but more important is that I can't get my records straightened out to transfer to Cal Poly in Pomona. Mr. M., Chino.

I called the Veterans Administration in Los Angeles and was assured a check covering the missing payments is being sent to you and your records have been corrected.

DEAR MR. PETTIS: You were so good recently in getting our Social Security started again when it was withheld by mistake that perhaps you can help us with another problem. We have read of helpful, parttime employment, such as serving as Foster Grandparents, which utilizes the experience and energy of older people who need to supplement their Social Security income. Can you tell us who to contact? Mr. and Mrs. K., Highland.

Many of these programs are headquartered in Los Angeles County, but may be worth pursuing. You can contact the Neighborhood Adult Participation Program at (213) 331-4412, and the Foster Grandparents Program at Pacific State Hospital in Pomona. Locally, you can try the Senior Citizens Service Division at 884–8517, or the Dependency Prevention Commission, 106 North 6th Street, San Bernardino. (NOTE: A follow-up letter from these two fine people was received and they are now working with the "Meals on Wheels" programs in San Bernardino County. There is also a Foster Grandparents Program through Patton State Hospital.)

DEAR MR. PETTIS: I would appreciate whatever assistance you can give in getting my Veterans disability rating increased. I was injured in World War II and got along very well until an accident in 1969 severely aggravated the old injury and it is now almost impossible for me to work. Mr. M., Ontario.

I contacted the V.A. and as a result of their findings at the medical examination which was set up, your disability compensation has been increased.

ISSUES AND ANALYSIS: FEDERAL SPENDING CEILING

There is a great deal of Congressional debate at the present time on establishing a ceiling on Federal expenditures in order to fight inflation and ensure continuation of the present economic upswing. Such a limitation has never been established before in history, but with the growing complexity of Federal spending programs and the rapidly increasing impact these have on our economy, I am convinced it is time to impose a firm and formal lid on government expenditures.

It is understandable that Congress, working on the budget in bits and pieces, invariably winds up with a total spending chart substantially exceeding that which the country can afford. Imposing a ceiling, based on an overall budgetary view, would demand conscientious efforts to establish national priorities—emphasizing high-priority needs and cutting back sharply on lower priority programs which contribute to inflation.

Chairman Arthur F. Burns of the Federal Reserve System recently urged Members of the Ways and Means and Appropriations Committees to meet and coordinate income and expenditures before approving Federal spending bills for each new fiscal year. It is only logical that those charged with spending the money should know how much is being raised so they can work with a set budget amount and, in time, reduce the burgeoning national debt.

While our economic outlook has improved over the past year, runaway spending can plunge us back into an inflationary spiral.

With these facts in mind, we were able in the Ways and Means Committee to add provisions to the Debt Limit Bill setting a $250 billion limit on spending in fiscal year 1973 and establishing a joint budget committee, to be composed of Members from the House Ways and Means and Appropriations Committees and the Senate Finance and Appropriations Committees to control future expenditures.

It is clear to me that positive action on this bill is absolutely necessary if we are to ensure a stable national economy.

FEDERAL FUNDS VITAL TO DISTRICT PROGRAMS

The 33rd Congressional District received over $780 million in vitally needed Federal funds for the 1972 fiscal year according to the latest information available from major contributing Departments and Agencies. This is an increase of over $30 million over 1971 totals and marks the sixth year San Bernardino County has ranked consistently above average in obtaining Federal support. By voting this money, the Congress has begun to recognize many of the long-overdue needs which exist in our area and deserve attention. The items below represent a cross-section of some local projects financed by Federal funds.

(Photo) The picture, above, was taken from the window of my airplane when I toured the Mojave River Dam in July. Costing a total of over $18 million, the Dam is vital to the flood control safety of the entire Mojave River Basin and is one of the most obvious examples of what Federal aid to the 33rd District can accomplish.

(Photo) Happy faces, shown right, were in abundance for those of us attending the recent groundbreaking for the Lytle and Warm Creeks Flood Control project. This project, along with the Mojave Dam and projects slated for the Santa Ana, Cucamonga, Warm Creek and Tributaries, and Day, Etiwanda and San Sevaine Creeks brought in almost $6 million in Federal aid for local flood control last year.

(Photo) At right, complete with hard hat and friend, I take the first scoopful of earth to begin seismic investigation work on the new $30 million Veterans Hospital being built in Loma Linda.

To date, almost $3 million in Federal construction funds have been appropriated and are available for initial use on the 630-bed facility. After a number of meetings with the architects and builders, I have been most impressed with the design and workmanship involved in planning and executing the hospital, which will serve approximately 500,000 veterans in our area of Southern California.

Completion date for the V.A. Hospital is projected for 1975. Once in operation, the facility will employ a staff of 1,200 with an annual Federal payroll of more than $12 million.

(Photo) San Bernadino National Forest (the Nation's most heavily used—10 million visitors last year) also receives Federal funds. On a recent inspection trip, I met with Forest Supervisor Don Bauer and Dr. Paul Miller for a tour of the forest smog research facilities. As Director of research, Dr. Miller is working to pinpoint causes of pollution damage to the forest and to identify and develop smog resistant trees.

(Photo) At another stop, Supervisor Bauer points out an example of the current reseeding program, which he estimates can be completed 10 times as fast with my accelerated reforestation bill which has now become law.

Funding for San Bernardino National Forest management, research and protection programs totaled $4,682,859 in the last fiscal year.

(Photo) Congressman Pettis talks with students at University of Redlands after making announcement of his efforts to obtain Los Angeles pollution data. Pettis was on campus at the University's invitation to participate in the opening day of their "Political Awareness Week."

(Photo) Watchdog of the Treasury Award (above) was presented to Congressman Pettis by the National Associated Businessmen, Inc., to honor his 100% Economy Voting Record in the 92nd Congress. NAB President H. Vernon Scott praised Pettis' record as "outstanding" and commended the Congressman's fiscal responsibility in voting against inflationary spending. The twelve votes used to determine ratings included farm subsidy limitations, foreign assistance and increased funding for the U.N. Pettis was similarly honored in 1968.

THE FOLLOWING IS A PARTIAL LIST OF OTHER FEDERAL AID TO THE DISTRICT FOR FISCAL YEAR 1972

	Million
Law enforcement education and assistance	$0.2
Job training and emergency employment programs (PEP)	11.6
Social security payments	105.0
National defense installations (personnel, civilian employees, construction)	338.0
Education (ESEA, higher education, student loans, grants)	10.9
Highway construction (2-year program)	56.7
Small business assistance	2.9
FHA loans and grants	1.5
Airport/Airways improvements and development	1.7

PETTIS VOTES ON KEY ISSUES

A number of significant votes have been taken in the House of Representatives during this Second Session of the 92nd Congress. Listed below are some of the major legislative issues and how I voted.

Setting a Federal Spending Ceiling, Yes.

Federal Election Reform Act, Yes.

Social Security cost of living benefit increases, Yes.

Temporary Railroad Retirement increase, Yes.

Equal Education Opportunity Act (anti-forced bussing), Yes.

2-year Emergency Employment Act (PEP), Yes.

Consumer Product Safety Act, Yes.

Foreign Assistance Act, No.

Water Pollution Control Amendments, Yes.

Hathaway Quality Education Amendment, Yes.

Reducing Interest Rates on Small Business disaster loans, Yes.

Comprehensive Older Americans Act, Yes.

Treatment and rehabilitation programs for drug-dependent servicemen and civilians, Yes.

Higher Education Act, Yes.

Congressman Pettis' voting attendance record for the 92nd Congress to date is 87%, despite 34 trips to California to maintain person-to-person contact with his constituency.

(Photo) Robin Backhaus, Bronze Medalist, 200 Meter Butterfly.

(Photo) Mabel Fergerson, Silver Medalist, 1600 Meter Relay.

SALUTE TO AREA YOUTH

Robin Backhaus, left, is the pride of Redlands, and sisters Mabel and Willa Mae Fergerson, right, are Pomona's favorite daughters, after Robin and Mabel both brought home Olympic Medals from the 1972 Summer Games in Munich. Willa Mae was an alternate on Mabel's winning relay team. Robin excels in swimming, the girls in track, but they all display the same outstanding qualities I have found in 33rd District Academy appointees and other young people I have met on visits to local high schools, colleges and universities.

These fine athletes exemplify not only the spirit and determination of the new generation, but also the traditional values that have made our Nation great throughout the years. They deserve a salute of pride.

CLIP AND SAVE

If you have a problem involving the Federal Government, please write or call:

Congressman Jerry L. Pettis, 427 Cannon House Office Building, Washington, D.C., 20515. Phone: 202/225–5861.

In the District:

San Bernardino, California 92408, 242 North Arrowhead Avenue, 1–A. Phone: 884–8818.

Claremont, California 91711, 114f Indian Hill Boulevard. Phone: 624–5091.

Barstow, California 92311, Civic Center, 220 East Mountain View. Phone: 256–4913.

EMANUEL CELLER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. JOHNSON of California. Mr. Speaker, it is a privilege to join my colleagues in paying tribute to the Honorable EMANUEL CELLER, dean of the New York delegation, who will be leaving the Halls of Congress after 50 years of loyal, dedicated service to his district, the State of New York, and to the Nation.

As chairman of the powerful Committee on the Judiciary he has played a major role in the enactment of legislation so vital to the welfare of our great Nation. His leadership, guidance, and dedication will be missed by all of us who have been privileged to serve with him.

I want to thank Mr. CELLER for his cooperation and support throughout the years, and to commend him for a job well done.

Mrs. Johnson joins me in wishing him every success in his future endeavors.

NATIONAL DEBT COMMENTARY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, October 13, 1972

Mr. SCOTT. Mr. President, William D. Pardridge is a local economist known to many of us because his forthcoming book, "Economic Inequities," will be based in large part on insertions which Members of Congress have placed in the RECORD. One finds in his writings a unique, though often controversial, approach to economic thought.

Such is the case with his recently completed study entitled "Debt Analysis For 1967–1971" in which Mr. Pardridge contends that the Nation's private and public net debt had reached an astonishing $2 trillion by the end of 1971. The study is too long for inclusion in the RECORD, but it was the basis for an article by syndicated columnist John Chamberlain which appeared in a number of newspapers including the Wilkes-Barre, Pa., Times-Leader, Evening News, Record. Because I believe it will be of interest, I ask unanimous consent that the column entitled "Is a Two Trillion Dollar Debt Disastrous?" be printed in the RECORD.

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

IS A TWO TRILLION DOLLAR DEBT DISASTROUS?

(By John Chamberlain)

The private and public debt of the U.S. stood at $2 trillion at the end of 1971, which represents an increase of $152 billion over 1970. William D. Pardridge, the self-designated "disagreeable" economist of Washington, D.C., and Standardsville, Va., thinks the figure is frightening. His argument, which is backed by his recent paper on "Debt Analysis for 1967–1971," involves a study of what he calls the debt-production ratio, which shows that private debt has been increasing at a faster rate than production over a five-year span.

In essence, the doom-saying that Pardridge derives from contemplation of his figures boils down to a commonsensical observation that if debt doesn't create enough production to pay for its own retirement, plus an added increment for interest and taxes, it must feed the inflation or else end in widespread bankruptcies.

I wouldn't know whether $2 trillion of debt is too much for the American economy to swing, but I do know the country would be healthier if Pardridge's work were made the center of a lively controversy. Instead of provoking a good ventilating fight, however, Pardridge meets with denials from both businessmen and economists that his figures are correct. His reply here is that he gets his information from Uncle Sam himself through the Department of Commerce.

In his effort to smoke out his brother economists, Pardridge persists in asking mean questions. Some of them are real posers. For example.

(1) For each of five years, new debt has been greater than dividends paid to stockholders. Does this mean that no dividends were paid from economic profit?

(2) Each year interest on old debt becomes due. For each of five years, new debt has been greater than interest due. Does this mean that no interest was paid in terms of economic transactions as distinguished from accounting procedures?

(3) Each year corporate business paid more to the money markets than to the stockholding owners of the businesses. Does this encourage ownership?

(4) New net debt each year has been greater than tax obligations. Does this mean that aggregate corporate business was unable to earn in the marketplace the funds to support government operations?

The conventional wisdom of the orthodox economist would presumably say that Pardridge overlooks the fact that industrial borrowings create industrial assets. There are two sides to the ledger. Machine tools, even when called into being by a debt that may seem excessive, represent tangible wealth that, sooner or later, could be counted on to return a profit.

The question is whether Pardridge's five-year span of adverse debt-production ratios is enough on which to base real doom-saying. Conceivably, if the government itself would balance its budget and find the proper relationship between the dollar and foreign currencies, an efflorescence of world trade would turn the physical plant represented in that two trillions of private debt into a most productive asset.

I think that Bill Pardridge would not contest this "iffy" statement. But he would certainly argue that if debt continues to outpace production there will be a severe comeuppance.

Pardridge's analysis recalls the late Prof. Irving Fisher's theory of the business cycle, which insisted that when the relations of debt to equity became too unbalanced, with the cost of money constantly rising, enterprisers would stop borrowing. People working in the capital goods side of the economy would then be thrown out of work, with the unemployment bringing on deflation and depression. The trouble now is that nobody dare stop borrowing; we are on the tiger's back.

Pardridge's cure for our ailments, which is to put a temporarily tight lid on both private and public debt, would involve some suffering. The man who calls himself the disagreeable economist would say that it is better to suffer a little now than to go the way of Brazil, which had to invoke a dictatorship to keep the inflation from going through the roof.

I myself think that private debt would be less onerous if public debt, which involves a government seizure of production to serve non-economic ends, could be reined in. But in a welfare state this is unlikely. Pardridge's problem is greater than even he imagines. It is to change the whole sociological climate in which our economists now move and have their being.

WATKINS M. ABBITT

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. COLLIER. Mr. Speaker, when the 93d Congress convenes in January, it will seem strange not to hear the Clerk begin the call of the roll with the name ABBITT. The gentleman from Virginia is retiring at the end of this Congress.

WATKINS M. ABBITT has been here for almost a quarter of a century, having entered this body on February 17, 1948. During his 13 terms in the House of Representatives, he has made a host of friends on both sides of the aisle.

My best wishes go with my good friend as he leaves this historic Hall. May he find happiness and enjoy good health during the years of his retirement.

CONGRESSMAN SAM STRATTON REPORTS TO THE PEOPLE OF THE 29TH CONGRESSIONAL DISTRICT ON THE ACCOMPLISHMENTS OF THE 92D CONGRESS

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. STRATTON. Mr. Speaker, in keeping with my practice of previous years I take this opportunity, as Congress moves closer to final adjournment, to report briefly to the people of my district on some of the key accomplishments of this 92d Congress.

While we have not done all the many things we had hoped to do, I believe we have enacted some very important legislation. Besides that, I think this Congress has done a remarkable job of subordinating partisan political concerns to cooperate with the President in the best interests of the country and the people.

For example, we passed a historic revenue-sharing bill which will bring almost $600 million a year into financially hard-pressed New York State for our State government and its local communities, aid that has already made possible reductions in local tax rates in Schenectady and elsewhere.

For our senior citizens we put through a sizable 20-percent increase in social security benefits, a measure I am proud to say I had a substantial share in pushing through the House as a result of a year-long campaign to pass social security increases without waiting for a final decision on welfare reform.

Likewise we worked with the executive branch in dealing with the problem of controlling inflation by providing the basic economic stabilization legislation which—while not perfect—has in fact managed to slow down the earlier rapid inflationary spiral.

We cooperated in the adoption of crime control legislation, and in the speedy ratification of the SALT nuclear arms limitation agreements, which have considerably reduced the dangers of an all-out nuclear arms race.

This Congress has carved out significant new legislative ground in passing a historic Higher Education Act, providing direct help for the first time to the Nation's colleges as well as to its college students. We in the House have reformed many of our outmoded procedures, have curtailed the major drawbacks of an undiluted seniority system, and adopted an improved new Federal campaign spending and reporting act.

And while final action has not yet been taken at this point, it seems clear we will enact an extension of our clean waters legislation which will not only tighten water quality standards but will also permit New York State communities—including Scotia, Colonie, and other areas—to move ahead on new pollution control programs by reimbursing New York State for expenditures already made under New York's generous prefinancing legislation. We made a major step in the direction of creating a volunteer Army, by bringing military pay into a competitive

position with civilian pay scales. We passed emergency unemployment legislation, and we substantially raised GI educational benefits for our Vietnam veterans.

But perhaps our biggest achievement is that we proved wise enough and big enough not to allow ourselves to make a partisan political issue out of our Nation's defense and foreign policies. Though there have been hundreds of speeches made and many votes cast, this 92d Congress has supported the President in his efforts to achieve some honorable negotiated settlement of the conflict in Southeast Asia. And likewise—to some extent as a result of a detailed report submitted by a subcommittee of which I was a member—we have supported the position of the administration in not reducing our NATO forces in Western Europe until some comparable reduction has also been agreed to by the Soviets. I am also proud that as a result of action recommended by another subcommittee of which I served as chairman, we have been able this year to retain the use of our vital NATO antisubmarine base in Iceland.

The same cooperative spirit has been demonstrated in our handling of the Nation's finances, when we took the unusual step of acceding to the President's request to put a top limit of $250 billion on spending for the fiscal year. Nobody particularly liked this method of holding the line, delegating spending authority to the President. But time gave us no reasonable alternative if we genuinely wanted to exercise real economy.

On the other hand, several important programs appear, at this stage at any rate, to have fallen by the wayside: the administration's novel and rather expensive welfare reform bill; the effort to use some of the funds in the Federal highway trust fund for mass transit purposes; a consumer protection bill; and legislation to set more specific guidelines to govern the use of busing of schoolchildren for purposes of achieving racial balance.

SPECIFIC AID TO OUR DISTRICT

During this 92d Congress we have also seen important aid from the Federal Government coming into our district. Some of the purposes are as follows: Funds for the new Capital District Transit Authority; funds for hospital expansion in Albany, Schenectady, and Amsterdam; substantial sewer aid to Colonie, Albany, Guilderland, Bethlehem, Schenectady, and Niskayuna; and for bridges in Schenectady County; a new Federal building for downtown Albany, named in honor of my very distinguished colleague, former Congressman Leo W. O'Brien of Albany; continuing funds for the Cohoes Model Cities program; housing and urban renewal for Watervliet, Albany, and Amsterdam; continued maintenance of employment levels at the Watervliet Arsenal; substantial contracts for area industries, including the very promising Trident nuclear submarine program for the GE Knolls Atomic Power Laboratory in Schenectady; a new drug treatment center at the Albany VA hospital, in response to my request; and a decision to consider a number of alternate locations for the northern end of Interstate Highway 88 in Albany and Schenectady Counties.

This does not in any way exhaust the list, nor does it give the dollar totals, which are really impressive. But it makes it clear, I think, that our area has received at least its fair share, and very probably even a bit more, of recognition from Washington during the past 2 years of this 92d Congress.

OTHER STRATTON ACTIONS

Finally, let me mention a few other areas where your Congressman has been active during these past 2 years.

Following through on my earlier association with an in-depth investigation of the My Lai massacre, I have continued to push for adequate corrective measures from the Executive branch, finally succeeding in getting discipline handed out to the two top Army generals involved, and in the blocking of the promotion of the major State Department official referred to in our 1970 report.

Climaxing a 6-year-long battle against the House leadership on both sides of the political aisle, I succeeded in defeating a costly and unnecessary $70 million "boondoggle" project to deface and "extend" the historic west front of the U.S. Capitol.

In the same vein, and again as an outgrowth of a subcommittee investigation which I chaired some 3 years ago, I led a successful fight to end a wasteful billion-dollar program to build the Army's super tank, the MBT–70. In Armor magazine for July and August, 1972, Gen. Bruce Palmer, Acting Chief of Staff of the U.S. Army, not only concedes that this is the first time that Congress had ended a major, on-going military weapons system, but also, reluctantly, that our subcommittee's criticisms were pretty well justified.

Two other aspects of my service on the Armed Services Committee may be of interest. As chairman of its Real Estate Subcommittee I have worked closely with the administration in its program of making excess military lands available for park purposes—including a special seashore in the New York harbor area, called Gateway East, a similar one near the Golden Gate Bridge in San Francisco, called Gateway West, and a recreational seashore project on part of the Marines' Camp Pendleton in California.

Still underway as Congress moves toward adjournment is a special investigation, which I have been asked to chair, into possible changes in military retirement pay policies, including both the so-called recomputation of retired military pay, a fairly expensive proposal in which most military retirees are deeply interested, and possible abuses of disability retired pay, especially on the part of high-ranking military officers. Our subcommittee expects to have some concrete recommendations dealing with both matters to make to our full committee before the end of the year.

Finally, I know many people in our area will be interested in the fight I have been waging to persuade the Tennessee Valley Authority to purchase American-built turbine-generators, such as those built at Schenectady G.E., rather than foreign-built products. We have not yet been able to change TVA's mind on this point; but in a matter which is so vital to the continued economic health of the Schenectady area, I have only just begun to fight.

So this is a brief summary of some of the things we have been able to achieve for our district and for the country during this Congress. I believe it is a record you will find of interest. If I can be of further service to you, I do hope you will call on me, either at my main office in the Schenectady Post Office, 374–4547, or at my Albany, 465–0700, or Amsterdam, 843–3400, offices.

ECONOMY NO. 1 CONCERN

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DANIELSON. Mr. Speaker, I am sending a report to my constituents which shows that a very large number of the Members of Congress agree that the major issue in their districts is the state of our economy. This report also shows the steps Congress has taken in its efforts to spur the economy. The text of this report follows:

ECONOMY NO. 1 CONCERN, CONGRESSIONAL SURVEY SHOWS

The state of the economy is the number one concern of Americans in every part of the country, according to a recent survey taken in the House of Representatives. More than 200 of my colleagues and I were asked what, in our judgment, are the five major issues among our constituents this year.

Responses were based on letters and telephone calls we receive from voters back home . . . on personal contact with our constituents . . . and on our own surveys which many Members of Congress conduct.

Among those Congressmen responding, 87 percent said that the economy is foremost on the voters' minds this year. This was followed by the war in Vietnam (75%), taxes (64%) and pollution and environment (44%).

Here are some of the specific economic areas which the poll showed are of immediate concern to the American people:

INFLATION

Rising prices—particularly food prices—have become a heavy burden on Americans of every economic level. They represent a "hidden tax" on the wage earner. Each month they erode the savings of those living on Social Security and retirement pensions. Consumer prices have already risen 18 points since the beginning of 1969—more than in the previous eight years combined. Meat and poultry prices are up 23 percent. Hospital care is up 35.5 percent.

UNEMPLOYMENT

More than 4.9 million Americans are unemployed. By early 1969, unemployment had dropped to 3.3 percent of the workforce. Today it is up to 5.6 percent. That means over two million more people unemployed since January 1969—and six million more added to the welfare rolls.

GOVERNMENT SPENDING

The recession has cost the federal government more than $40 billion in lost tax revenues, yet government spending continues at unprecedented levels. This revenue-spending "gap" has resulted in record budget deficits and record increases in the national debt.

TRADE DEFICITS

Last year—and again this year—the United States has experienced its first trade deficits since 1893.

INCREASED POVERTY

Soaring inflation and increased unemployment have forced more and more families below the poverty line. During the decade of the 1960's, we were winning the war against poverty. The number of poor people decreased from 40 million to 24.3 million. Since 1969, however, that trend has been reversed, with a million and a half people added to the poverty rolls.

Clearly, the state of economy has been a major concern of the Congress. And we have acted in a bipartisan manner to give President Nixon the tools he needs to strengthen the economy. We have passed emergency legislation to put men and women back to work. We have increased Social Security benefits to protect older Americans against rising costs.

But the economy remains a serious national problem. When Congress meets again in January, bold new action will be at the top of the agenda.

(Pie-graph illustrating that inflation has eroded the 1969 dollar making it worth 87.5¢ in July, 1972.)

(Graph illustrating that 2.7 million were unemployed in 1969, with 4.9 million unemployed in July, 1972.

92D CONGRESS ACTS TO SPUR ECONOMY

After three years of economic uncertainty and stagnation, many Americans have begun to equate the economy with Mark Twain's famous remark about the weather: Everybody talks about it, but nobody does anything about it.

Fortunately, however, we can do something about the economy—and Congress has done something.

It was the 91st Congress—in 1969—which granted the President authority to instruct the Federal Reserve Board to regulate credit. Congress acted at a time when interest rates had climbed to the highest point since the Civil War.

It was Congress which gave the President authority to establish controls on prices, rents, wages and salaries. President Nixon did not seek this authority. He said, in fact, that "Price and wage controls simply do not fit the economic conditions which exist today . . . They are incompatible with a free enterprise economy and must be regarded as a last resort appropriate only in an extreme emergency . . ." But as economic conditions worsened—as unemployment shot up, as the stock market plummeted, as inflation increased—the President correctly concluded that we were in an "extreme emergency" and so, a little over a year ago, he did freeze prices and wages. The economy is still not out of trouble, but some progress has been made—in large measure because of the far-sighted action of Congress.

It was Congress which came to the aid of small businesses—when business failures began mounting at an alarming rate—by increasing the amounts of loans and guarantees provided by the Federal government.

Finally, it was Congress which passed four different emergency bills to help put the unemployed people back to work:

The 1970 Public Service Employment Act: Authorized 7½ billion, a third of which would have gone for public service employment, a third for expansion of Federal manpower services, and a third for Department of Labor manpower programs. President Nixon vetoed this legislation.

The Accelerated Public Works Act of 1971: Authorized $2 billion to create an estimated 170,000 jobs in the public sector. This legislation was also vetoed by President Nixon.

The Emergency Employment Act: This legislation—signed by the President—authorized $2¼ billion to provide transitional public service jobs and special state employment assistance programs.

The Emergency Unemployment Compensation Act: Earmarked $275 million for unemployment benefits and allowances.

In addition, the House passed the Public Works and Economic Development Act Amendments of 1972 to create jobs in areas which are lagging economically. (The Senate has not taken up this bill as yet.)

So Congress has done more than just talk about the economy. It has acted, and in a bipartisan spirit, to get the nation moving again.

(Bar graph illustrating that the national debt was $367.1 billion on June 30, 1969, and has risen to an estimated $477 billion on June 30, 1973).

CONGRESS MOVES TO CUT SPENDING

During the past three years, Congress has cut a total of $14.5 billion from the Administration's appropriations requests—and the total appropriations this year are again expected to be several billions dollars under the President's budget.

These cuts have not been made just for their own sake. They were not made in a partisan spirit. Where there has been a clear national need for funds—in health and education, for older Americans and to protect the environment, for example—Congress has met the President's requests and often exceeded them. But when cuts could be made in wasteful and unneeded programs, we have not hesitated to make them.

For it is clear to most of us on Capitol Hill that the Federal government faces serious economic problems.

In the past four years (counting the current fiscal year), the Administration has run up budget deficits exceeding the total deficits of the 16 years of the Eisenhower, Kennedy and Johnson Administrations combined:

Fiscal year 1970—a $2.8 billion deficit.
Fiscal year 1971—a $23 billion deficit.
Fiscal year 1972—a $23 billion deficit.
Fiscal year 1973—a $27 billion deficit.—(Administration estimate).

How do we pay the bill to cover those deficits?

By raising the national debt.

It's your debt. It's my debt. It's our children's debt. And it is increasing at an alarming rate. In fact, by the end of this fiscal year, the national debt will have gone up $110 billion since 1969 alone. That's one-fourth of the total. That's more than all the debt accrued from George Washington's Administration through FDR's third term!

Fully aware that we cannot continue on this course indefinitely, Congress has met the test of fiscal responsibility—cutting the fat out of the Administration's budget while seeking to meet the nation's genuine needs.

(Bar graph illustrating that the budget deficits during 16 years of the three previous Administrations total less than the deficit during 4 years of the present Administration.

Deficit figures shown are as follows:
1953–1961 (Eisenhower): $15.8 billion.
1961–1963 (Kennedy: $17.8 billion.
1963–1969 (Johnson): $36.1 billion.
Total 1953–1969: $69.7 billion.
1969–73 (Nixon): $75.8 billion. (Includes administration's fiscal year 1973 estimate of $27 billion.)

SPECIAL TRIBUTE TO EMANUEL CELLER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. BIAGGI. Mr. Speaker, it gives me great pleasure to pay special tribute to my friend and colleague from New York (Mr. CELLER). When I first came here as a freshman representative, "MANNIE" CELLER was there with help and guidance.

Under his able leadership, the New York congressional delegation was molded into a cohesive unit that worked together for legislation of importance to the people of New York. His periodic luncheons helped to serve as a sounding board for New York problems and a think tank for solutions.

Such leadership and expertise in problem-solving is not unknown to the many who have passed through these halls over the last half century. Since coming to Congress, "MANNIE" CELLER has demonstrated over and over again his keen ability to grab the bull by the horns and bring about results.

His outstanding role in the fight for civil rights for all Americans in the late fifties and sixties will go down in history as one of the major legislative efforts of this Nation. Millions of Americans have been assured of their right to vote, to go to school, to live as Americans because of the work of EMANUEL CELLER.

A skillful debater, a keen wit, a quick tongue. His verbal acuity will long echo through this Chamber. There was always a hush when the Dean of the House rose to address his colleagues. I know I and the other Members of this body will sorely miss his skill and competence, his advice and guidance. I wish him the very best of health and happiness in his retirement.

CUMBERLAND ISLAND NATIONAL SEASHORE

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. FLYNT. Mr. Speaker, on October 10, 1972, the House passed H.R. 9859, to make Cumberland Island, Ga., a national seashore.

Cumberland Island, Ga., is one of the few remaining areas on the east coast which has been spared the effects of man's encroachment. It is a natural wonderland consisting of marshlands, beaches, upland meadows, and mixed hardwood forests. Cumberland will provide a great number of opportunities for those who will use it for its miles of beaches and for those who will simply appreciate it for its esthetic beauty.

By preserving this natural wilderness from destruction, we are providing a unique opportunity for the study and preservation of the various endangered species of animals represented on Cumberland Island, one of the most threatened being the loggerhead turtle which lays its eggs in Georgia's Golden Isles. In declaring Cumberland Island a national seashore we have spoken for Nature's creatures whose voices, more often than not, are drowned out by the rumbling gears of progress. We have spoken for the generations of Americans, yet unborn, who otherwise might never have had the chance to speak.

THE 92D CONGRESS, A CONGRESS OF TOUGH DECISIONS WHICH BROUGHT MAJOR ACHIEVEMENTS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. JOHNSON of California. Mr. Speaker, with the final adjournment of the 92d Congress approaching, many of us pause to evaluate what has been accomplished. In this connection I was asked this morning by a newspaper reporter "What was the most important piece of legislation I had worked on during the 92d Congress? Which was the toughest vote I had to cast during these 2 years?"

Many of the bills which I sponsored were enacted into law. Bills included: Authorize financial assistance to local government policing our national forests; create a national historic site at the Abraham Lincoln homesite in Illinois; repeal authority to Federal agencies to operate detention camps; extend benefits to survivors of retired servicemen; establish wilderness areas in Lassen Volanic National Park and Lava Beds National Monument; protect wild horses and burros; extend marketing order to pears; expand cooperative forest management and fire protection; establish an urban environmental forestry program; extend and expand our water resources planning; continue our saline water conversion programs; offer relief to hospitals hit by natural disasters; extend the Small Reclamation Projects Act, extend rail passenger service program; establish the Seal Beach Refuge in southern California; expand rural development efforts; establish a reforestation fund; and require inspection of all dams throughout the Nation.

In addition to these public laws, all of which I authored or coauthored, we also have my Economic Development Act and accelerated public works program, once vetoed by the President and then extended last year and hopefully to be extended further today. And the Older American Act, which I coauthored, and I hope the Congress also will approve today before we go home.

On each of these bills of mine, I had an active role in their passage. But of all the bills, one is outstanding—the Water Pollution Control Act Amendments of 1972. This bill demanded more time, effort, concentration than any I have worked on in recent years. This included the most comprehensive consideration at Public Works Subcommittee and Committee levels and again in the floor consideration by the House of Representatives followed by 39 meetings of the House-Senate conferees on the act. To my knowledge, few bills have been more thoroughly considered than this one.

Additionally, the scope of this historic bill which I coauthored is tremendous.

In brief, the legislation sets a goal of achieving water quality in all our rivers, streams, and lakes suitable for recreation and fish and wildlife propagation by 1983 and 2 years later the elimination of all pollutants into our waterways. This indeed is an ambitious undertaking, but one which is long overdue. In order to get the work underway, this legislation authorizes the expenditures of $24.5 billion in the next 3 years, including $18 billion for grants to local agencies fighting the pollution battle.

Without question this is the most important piece of legislation I have worked on and I feel could well be the most significant legislation to be passed by the 92d Congress.

The "most difficult" votes I have had to cast in this Congress related to the war in Vietnam. As we all do, I have hoped and prayed for the day, which now appears coming, when a cease-fire could be accomplished, our prisoners of war released and all our forces removed from this troubled area of the world. Over the years, I have talked with and listened to and read the letters of literally thousands of people, all of whom share the common desire to end our involvement in Southeast Asia. The question has not been one of desire, but one of how to accomplish this long sought after goal.

In 1971, I joined in support of the Mansfield amendment to the Military Procurement Act of 1971—Public Law 92–156—which declared it to be the policy of the United States to terminate at the earliest practical date all military operations of the United States in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject, of course, to the release of the POW's and accounting of those missing in action. The President signed the law, but indicated he would not be bound by this section of the law.

Since that time, other attempts have been made to force similar action. In most instances, these have related to cutting off the funds—in other words, stopping the war by refusing to finance it. As much as I support the idea of ending the war, I could not bring myself to vote to cut off the funds to provide weapons, material, and equipment for those American servicemen, Army, Navy, Marines, and Air Force, who have been kept in combat by their Commander in Chief. For this basic reason, I could not support these "end-the-war" amendments. This was personally the most difficult decision I had to make in this Congress.

Today there seems to be a glimmer of hope that a cease-fire may be attainable and all our troops, including the POW's, may be brought home. Let us all pray that this is true.

As the books close on the 92d Congress, there will be many evaluations of its success. Personally, I believe it to have been a hardworking Congress, one which faced tough decisions. But as a result of the thorough consideration of the issues, I believe we have achieved a solid record.

In addition to those which I sponsored, there were such things as revenue sharing, to ease the heavy burden on the local property taxpayer; more realistic social security and railroad retirement benefits, in spite of a Presidential veto in the latter case; improved farm credit programs; extended REA programs; expanded educational assistance, especially in the area of higher education and student loans; approval of agreements to limit strategic weapons; reform of congressional operations and campaign financing laws; extension and expansion of a host of health professions assistance programs; a variety of attacks on disease such as cancer, sickle cell anemia, arthritis, heart and related diseases, and drug abuse; expansion of the juvenile delinquency program; expansion of emergency employment and unemployment compensation programs; controls on wages and prices; additional help for small businesses; and expansion of some veterans benefits.

Top these off with an excellent record in conservation of natural resources and preservation of the environment and I think we have a record of which we can be justly proud.

Mr. Speaker, in conclusion may I, as I have at the end of each Congress in which I have served, publish here a recap of my complete voting record. As you will see, I have indicated my position on each issue, even on those few rollcall votes which I missed because of official business, so that my record is complete and available to all who are interested.

My stand	Issue	Status
For	Election of Carl Albert as Speaker of the House of Representatives	Albert elected.
Against	To delete funds for the SST	Approved.
Against	To cut off debate on the rules for the 92d Cong	Rejected.
For	To amend the House rules relative to the operation of the Rules Committee	Approved.
For	To adopt the rules of the House for the 92d Cong	Approved.
For	To halt debate and bring to a vote naming of House committee chairmen	Approved.
For	To authorize the House Internal Security Committee to release certain documents	Approved.
For	An amendment to prohibit increased interest rates on certain bonds	Approved.
For	To permit an increase in the national debt ceiling	Public Law 92–5.
For	To extend through Mar. 31, 1973, discretionary power of the President to impose wage and price ceilings	Public Law 94–15.
For	To extend interest equalization tax through Mar. 31, 1973	Public Law 92–9.
For	An amendment to increase social security benefits by 10 percent	Approved.
For	To approve additional funds for unemployment compensation	Public Law 92–4.
For	To approve funds for Department of Transportation programs in fiscal year 1971	Public Law 92–7.
For	To permit the 18-year-old vote	Approved.
For	To debate extension and expansion of REA telephone bank program	Approved.
For	To approve REA telephone bank program	Public Law 92–12.
For	To consider extension until March 1973 of presidential price and wage control authority	Approved.

My stand	Issue	Status
For	To require that price and wage controls not be imposed against only a small segment of the economy	Public Law 92-8.
Against	An amendment to halt inductions on June 30, 1972	Rejected.
Against	An amendment to end the draft July 1, 1972	Rejected.
Against	An amendment to continue at 2 years the term for alternative service for conscientious objectors	Rejected.
Against	An amendment to exempt draftees from Indochina service effective Dec. 31, 1971	Rejected.
Against	An amendment to prohibit use of draftees in an undeclared war	Rejected.
Against	An amendment to extend the draft for 18 months in lieu of 24 months	Rejected.
For	To extend the draft for 2 years and increase military pay	Public Law 92-129.
For	To begin debate on a feed grain proposal	Approved.
For	A motion to block corn subsidies for midwest sugar bee. growers who had not grown corn	Approved.
For	An amendment to provide more adequate Federal aid to education	Rejected.
For	An amendment to strike out prohibition against forced busing	Rejected.
For	To make education appropriations for next fiscal year	Public Law 92-48.
For	To allow aliens 50 years of age or older to become citizens if they have lived in the United States for 20 years or more	Passed House.
For	To authorize a national maritime program	Public Law 92-53.
Against	A motion to kill the public works program	Rejected.
Against	A motion to recommit the bill to eliminate the District of Columbia Canine Corps	Rejected.
For	To reduce the number of retail liquor licenses in the District of Columbia	Died in House.
For	To grant a 10-percent increase for railroad retirees	Public Law 92-46.
For	To authorize expanded program for the Committee on Internal Security	Approved.
For	To extend the President's authority to reorganize the executive branch	Public Law 92-179.
For	To authorize Postal Service to execute passport applications and collect fee	Public Law 92-14.
For	To wish Harry S. Truman a happy birthday	Approved.
For	To extend Small Business Administration programs	Public Law 92-16.
For	To grant additional investigative authority to the Committee on Education and Labor	Rejected.
For	To stiffen penalties for assaults on District of Columbia firemen	Public Law 92-92.
Against	An amendment to increase District of Columbia subway funds prior to completion of total transportation package	Rejected.
For	To continue funding for the SST	Approved.
For	To continue the Commission on Civil Rights	Public Law 92-64.
For	To provide a school lunch for needy children	Public Law 92-32.
For	To establish a national environmental data system	Before President.
For	To provide criminal penalties for shooting of specified birds, fish, and other animals from aircraft	Public Law 92-159.
Against	An amendment to reduce drastically the Federal community relations program	Rejected.
For	Departments of State, Justice, and Commerce appropriations for fiscal year 1973	Public Law 92-77.
For	To appropriate funds for Treasury Department, Post Office, and Executive Office	Public Law 92-49.
For	To appropriate funds for the Forest Service and Department of Interior agencies	Public Law 92-76.
For	To table a request for the text of the "United States-Vietnam Relationships, 1945-67"	Tabled.
Against	An amendment to eliminate welfare reforms from the Social Security Act	Rejected.
For	To approve the social security and welfare reform programs	In conference.
Against	An amendment to appropriate $11,600,000 for international labor organizations	Rejected.
For	An amendment to remove embargo on importation of chrome ore from Rhodesia	Approved.
For	To approve the Military Construction Authorization Act	Public Law 92-156.
For	To expand investigative authorities for the Education and Labor Committee	Approved.
For	To extend student loan and scholarship programs under Public Health Service Act	Public Law 92-52.
For	To implement an international agreement on the protection of industrial property	Public Law 92-358.
For	To establish an American Revolution Bicentennial Commission	Public Law 92-33.
For	To authorize Federal assistance to local and State law enforcement agencies within the national forests lands	Public Law 92-82.
Against	An amendment to reduce military research and development programs	Rejected.
Against	An amendment to prohibit the expenditures after Jan. 2, 1972, of funds for purchase of new equipment for Southeast Asia	Rejected.
For	To extend the Sugar Act of 1948	Public Law 92-138.
For	To provide for payment of medical services for the totally disabled firemen and policemen in the District of Columbia	Public Law 92-121.
For	To extend the Appalachian Regional Development Act of 1965	Vetoed.
Against	An amendment to limit the ABM funding programs at Grand Forks and Malmstrom AFB	Rejected.
Against	An amendment to strike out funds for development of a new B-1 manned bomber	Rejected.
For	To expand Federal procurement programs to include commodities produced by severely handicapped individuals	Public Law 92-28.
For	To remove restrictions now in effect against domestic wines	Public Law 92-42.
For	To continue National Science Foundation programs	Public Law 92-86.
For	To extend the International Coffee Agreement Act	Public Law 92-262.
For	To establish a Micronesian Claims Commission	Public Law 92-39.
For	To continue the National Aeronautics and Space Administration programs	Public Law 92-68.
For	To appropriate funds for the legislative branch of the Government	Public Law 92-51.
Against	To prohibit strikes or lockouts in earlier railway labor disputes	Public Law 92-17.
Against	To disapprove executive reorganization	Rejected.
Against	To establish another committee to investigate energy resources of the United States already under study by existing House committees	Rejected.
For	To establish a National Advisory Committee on Oceans and Atmosphere	Public Law 92-125.
For	An amendment to eliminate $3,000,000 for counseling services for the Federal Housing Administration	Rejected.
For	To authorize Emergency Employment Act	Public Law 92-54.
For	To provide increase manpower to health professions	Public Law 92-157.
For	To expand nurses training programs	Public Law 92-158.
For	To require the Department of State to provide information relative to U.S. operations in Laos	Tabled.
For	To exclude from the mail certain obscene matter	Passed House.
For	An amendment to prohibit Eximbank from financing exports to Communist countries	Approved.
Against	An amendment to eliminate exemptions relative to Eximbank receipts and disbursements as they relate to the U.S. budget	Rejected.
For	To expand and extend desalting programs by the Federal Government	Public Law 92-60.
For	To provide administrative assistant to the Chief Justice of the United States	Public Law 92-238.
Against	To return to committee contempt citation against Frank Stanton and CBS	Approved.
Against	An amendment to eliminate funds for a national waste facility in Kansas	Rejected.
For	An amendment to authorize a treatment and rehabilitation program for servicemen and veterans suffering from drug abuse	Passed Senate.
For	To authorize Veterans' Administration to assist in establishing new State medical schools and improve existing facilities	Approved.
Against	A motion to recommit proposals relating to motorbus sizes (passed House)	Rejected.
For	To authorize construction at military installations	Public Law 92-145.
For	To approve agriculture appropriations	Public Law 92-73.
Against	An amendment to add unsought funds for various health programs	Rejected.
Against	An amendment to add unsought funds for various vocational rehabilitation programs	Approved.
For	An amendment to add funds for child welfare services	Rejected.
For	To approve Departments of Labor and Health, Education, and Welfare appropriations	Public Law 92-80.
For	To extend public works and economic development programs	Public Law 92-65.
For	To appropriate funds for the Departments of Housing and Urban Development and Veterans' Administration	Public Law 92-78.
For	To appropriate funds for the Department of Transportation	Public Law 92-74.
Against	An amendment to forbid Federal expenditures for testing of nuclear weapons in the Aleutian Islands	Rejected.
Against	An amendment to eliminate funds for study of the Dickey Lincoln project in Maine	Approved
For	To make public works appropriations including the 2d district flood control and reclamation programs	Public Law 92-134
Against	An amendment to require that emergency loan guarantees to major businesses be augmented by private lending institutions	Rejected.
For	To authorize emergency loan guarantees to major businesses	Public Law 92-70.
For	To require the Secretary of Health, Education, and Welfare to provide certain documents to the House of Representatives	Approved.
For	To provide equal treatment for married female Federal employees	Public Law 92-187.
For	To urge the continued operation of Public Health Service hospitals and clinics	Approved.
For	To authorize continued expenditures by Federal agencies until mid-October	Public Law 92-71.
For	To extend the foreign assistance program on a reduced basis	Died in Senate.
Against	An amendment to permit distribution of Emergency Employment Act funds solely on unemployment figures	Rejected.
For	An amendment to restrict the use of Emergency Employment Act funds	Rejected.
For	To appropriate funds for the Emergency Employment Act	Public Law 92-72.
For	To approve the Export Expansion Finance Act of 1971	Public Law 92-126.
For	To regulate dumping of waste materials into oceans, coastal and other waters	Through conference.
Against	An amendment to permit imprisonment of American citizens under the provisions of the Emergency Detention Act	Rejected.

My stand	Issue	Status
For	To prohibit establishment of emergency detention camps, such as those in which Japanese were interned during World War II	Public Law 92-128.
Against	An amendment to substitute court enforcement powers for administrative enforcement authority under the Equal Employment Opportunity Act	Approved.
For	To promote equal employment opportunities for American workers	Public Law 92-261.
Against	An amendment to cut Peace Corps appropriations	Rejected.
For	An amendment to broaden comprehensive child development program under the Economic Opportunity Act	Approved.
Against	An amendment to complicate administration of the comprehensive child development program by mixing it with other day-care operations	Rejected.
For	An amendment to insure adequate funding of the Economic Opportunity programs in U.S. territorial areas	Approved.
Against	An amendment to eliminate legal services provisions from the Economic Opportunity Act	Rejected.
Against	An amendment to make the Economic Opportunity Act day care provisions conform with still not approved Family Assistance Act	Approved.
For	To continue the Economic Opportunity Act programs	Vetoed.
For	To disapprove the President's order delaying pay adjustments to place Federal employees on comparable basis with private enterprises	Rejected.
For	To call for humane treatment and release of all U.S. prisoners of war	Approved.
For	To provide temporary insurance for Federal credit union accounts	Public Law 92-221.
For	To provide better personnel, working, and training conditions for air traffic controllers	Public Law 92-267.
For	To appropriate funds for unemployment compensation	Public Law 92-141.
Against	An amendment to weaken the equal rights for men and women constitutional amendment language	Rejected.
For	Constitutional amendment to improve equal rights for men and women	Approved.
Against	An amendment to limit the Consumer Protection Agency's intervention in agency and courts proceedings to an advisory status	Rejected.
For	To approve the Consumer Protection Act of 1971	Passed House.
For	To assure that every needy school child will receive a free or reduced price lunch	Public Law 92-153.
For	To expand the authority of the Secretary of Agriculture to work with other countries to retard the spread of communicable diseases in animals	Public Law 92-152.
For	To extend the safety of ports, harbors, waterfront areas and navigable waters of the United States	Public Law 92-340.
Against	An amendment to prohibit a vote on the Mansfield amendment to the Military Procurement Authorization Act	Approved.
Against	An amendment to modify the Alaskan Native land claims proposal	Rejected.
For	To provide settlement of certain land claims of Alaskan Natives	Public Law 92-203.
For	To establish a survivor benefit plan for widows and children of retired military service career personnel	Public Law 92-425.
For	To permit Guam and Virgin Islands to be represented in the House of Representatives	Public Law 92-271.
For	To appropriate funds for military construction	Public Law 92-160.
For	To adopt the Emergency School Aid Act	Rejected.
For	To provide rehabilitation of drug users now confined in jails	Passed Senate amended.
For	To permit the temporary transfer of Federal judges from one district to another	Public Law 92-239.
For	To extend the Narcotic Addict Rehabilitation Act	Public Law 92-420.
For	To extend the Small Reclamation Projects Act	Public Law 92-167.
For	To adopt the Farm Credit Act of 1972	Public Law 92-181.
For	To establish a uniformed services university of the health sciences	Public Law 92-426.
Against	An amendment to eliminate general assistance for higher education	Rejected.
Against	An amendment to change the system of distributing educational opportunity grants	Rejected.
Against	An amendment to terminate the International Education Act	Rejected.
For	An amendment to require institutions of higher education to perform greater maintenance of effort	Approved.
Against	An amendment to terminate higher education funds under certain conditions	Rejected.
For	An amendment to eliminate political intern programs	Approved.
For	To establish a National Institute of Education	Approved.
For	An amendment to eliminate requirements that schools provide specific curriculum	Approved.
Against	An amendment to call for a study of Federal youth camp safety standards rather than on establishing the standards at this time	Approved.
For	An amendment to require the postponement of any busing district court order until the case has been reviewed by the Supreme Court	Approved.
For	An amendment to prevent Federal agencies from forcing States to expend State or local money for purposes for which Federal funds cannot be spent	Approved.
For	An amendment to prevent the use of Federal funds for busing of students or teachers to overcome racial imbalance	Approved.
For	An amendment to exempt men's and women's colleges from prohibition of sex discrimination language	Approved.
For	To approve the Higher Education Act	Public Law 92-318.
Against	To modify the 1st amendment to the Constitution	Rejected.
Against	An amendment to broaden the judicial review provisions in the Pesticide Act	Rejected.
Against	An amendment to forbid compensation of producers for pesticides removed from market	Rejected.
For	To approve the Federal Pesticide Act	Before President.
Against	An amendment to lessen disability payments for miners suffering from black lung disease	Rejected.
For	To extend black lung disease benefits to orphans	Public Law 92-303.
Against	An amendment to cut off all defense funds after Nov. 15 (Public Law 92-162)	Rejected.
Against	An amendment to reduce Federal payment to the District of Columbia	Rejected.
For	To meet Federal financial responsibilities to the District of Columbia	Public Law 92-196.
For	To enact Conquest of Cancer Act	Public Law 92-218.
For	To authorize payment of dues in International Criminal Police Organization	Public Law 92-380.
For	To extend duration of copyright protection	Public Law 92-170.
For	To liberalize veterans disability and death pensions	Public Law 92-198.
For	To liberalize veterans dependence and indemnity compensation	Public Law 92-197.
For	To provide equitable tax treatment for firms whose lands were taken from them for the Redwood National Park	Died in House.
Against	An amendment to halt the development of the F-14 aircraft	Rejected.
Against	An amendment to prevent payment of certain active duty military	Rejected.
Against	An amendment to deny our combat forces in Southeast Asia the equipment with which to defend themselves after June 1, 1972	Rejected.
Against	An amendment to cut by 5 percent the funds needed by our forces in Southeast Asia to defend themselves	Rejected.
For	To appropriate funds for the Department of Defense during the current fiscal year	Public Law 92-204.
For	To fund those Federal agencies on an interim basis where regular appropriations have not been approved	Approved.
For	To provide assistance to Radio Free Europe	Public Law 92-264.
Against	An amendment to weaken campaign reform legislation	Rejected.
Against	An amendment to set charges which may be made by broadcasting stations during campaigns	Rejected.
For	An amendment to prevent unions from using dues paid involuntarily for political activities	Approved.
For	An amendment to change the present responsibilities for reporting of campaign expenditures	Approved.
For	To limit campaign expenditures in Federal elections	Public Law 92-225.
For	To authorize the sale of certain passenger vessels	Public Law 92-296.
For	An amendment to appropriate funds for the operation of District of Columbia	Approved.
Against	An amendment to add funds to the District of Columbia appropriations which would result in an unbalanced transportation system	Approved.
For	To appropriate emergency funds for a variety of projects and programs including public works construction in the 2d district	Public Law 92-184.
For	To authorize a loan of naval vessels to friendly countries	Public Law 92-270.
For	To authorize additional expenditures for the International Aeronautical Exposition to be held in Washington	Public Law 92-252.
For	To establish an institute for continuing studies of juvenile justice	Passed House.
For	To extend the National Flood Insurance Act of 1968	Public Law 92-213.
For	To include the U.S. Postal Service property in the impacted areas school assistance program	Public Law 92-277.
For	To establish a marine mammal commission	Before President.
Against	An amendment to add $50,000,000 to the U.S. contributions to the U.N	Rejected.
For	To fund the foreign aid program for the current fiscal year	Public Law 92-242.
For	To approve the Strategic Storable Agricultural Commodities Act	Passed House.
For	To approve the Tax Reform Act of 1971	Public Law 92-178.
Against	An amendment to restrict the retroactive pay provisions under the Economic Stabilization Act extensions	Approved.
Against	An amendment to provide special tax treatment for certain pension and other retirement plans	Rejected.
For	To approve the Economic Stabilization Act extension	Public Law 92-210.
For	To authorize grants and loans for modernization of District of Columbia hospitals	Died in House.
For	To broaden the Social Security Act	Public Law 92-224.
For	To fund until next year agencies for which regular appropriations have not been approved	Public Law 92-201.
For	To authorize the basic foreign aid program	Public Law 92-226.
For	To establish the Sawtooth National Recreation Area in Idaho	Public Law 92-400.
For	To increase appropriation ceiling for national park facilities	Public Law 92-272.
For	To permit payment of Inter-American Development Bank obligations	Public Law 92-246.
For	To authorize U.S. participation in a special fund of the Asian Development Bank	Public Law 92-245.
Against	An amendment to provide for International Development Association participation at a reduced figure	Rejected.
For	To increase the International Development Bank by 100 percent	Public Law 92-247.
For	To authorize metals commemorating the bicentennial of the American Revolution	Public Law 92-228.
For	An amendment to provide needed additional judgeships in the State of Lousiana	Approved.
For	An amendment to permit the Veterans' Administration drug abuse programs to be independent of the new Drug Abuse Office	Rejected.
For	To establish a special drug abuse prevention agency	Public Law 92-255.
For	To establish an American Revolution Bicentennial Commission	Public Law 92-236.
For	To provide low-cost healthy meals for elderly people	Public Law 92-258.

My stand	Issue	Status
For	To establish an environmental center in Pennsylvania	Public Law 92-326.
For	To strengthen penalties for killing bald eagles	Reported in Senate.
For	To extend until June 30, existing Federal water pollution control programs	Public Law 92-240.
For	To establish a Select Committee on Privacy, Human Values and Democratic Institutions	Rejected.
For	To establish an Office of Technology to assist Congress in identification of technological impacts upon the Nation	Through conference.
For	To provide a temporary increase in the public debt limit	Public Law 92-250.
Against	To force compulsory arbitration between Pacific Coast shippers and employees	Public Law 92-235.
Against	An amendment to reduce the economic opportunity program	Rejected.
For	To provide for an improved economic opportunity programs	Public Law 92-424.
Against	An amendment to limit economic and other programs for the benefit of rural America	Rejected.
For	To approve the Rural Development Act	Public Law 92-419.
For	To restrict the noises detrimental to the environment	Passed House.
For	To fund the Committee on Internal Security	Approved.
For	To fund the Committee on Education and Labor	Approved.
For	To expedite research and development of high speed ground transportation	Public Law 92-348.
For	To improve Federal juror qualifications	Passed Senate.
For	To increase GI bill educational benefits	Passed Senate amended.
For	To improve witness regulations in the District of Columbia courts	Passed House.
For	To approve supplemental appropriations including an emergency forest fire prevention fund	Public Law 92-256.
Against	An amendment to limit the salaries paid Amtrak officials	Approved.
For	To provide Federal financial assistance to Amtrak for purchasing new equipment	Public Law 92-316.
For	To improve vocational rehabilitation programs	Passed House.
For	To authorize participation in the International Conference on Private Law	Passed Senate amended.
For	To increase the par value of the dollar	Public Law 92-268.
For	To authorize a sickle cell anemia prevention program	Public Law 92-294.
For	To fund legislative appropriations for this current year	Public Law 92-342.
Against	An amendment to modify the 1981 industrial requirements relative to treatment of industrial wastes	Rejected.
Against	An amendment to provide EPA vetoes which would hurt effective California water pollution control programs	Rejected.
Against	An amendment to require private firms to pay municipal treatment system user charges in addition to their fair share of taxes levied for sewer treatment plants.	Rejected.
Against	An amendment to establish an additional waste discharge permit system	Rejected.
Against	An amendment to eliminate the contract authority provisions for an $18,000,000,000 waste treatment grant programs	Rejected.
Against	An amendment to provide public hearings for employees of industries moving because of waste discharge limitations	Approved.
Against	An amendment to encourage use of spray irrigation in recycling of waste	Approved.
Against	An amendment to give the States the right to control discharges from vessels in coastal waters	Approved.
For	To approve the Federal Water Pollution Control Act Amendments of 1972	Before President.
For	To tighten cruise ship regulations under the Merchant Marine Act	Public Law 92-323.
For	To fund maritime programs at the Department of Commerce	Public Law 92-402.
For	To authorize the purchase of ships and aircraft for the Coast Guard	Public Law 92-343.
For	To extend the Arms Control and Disarmament Act	Passed House.
For	To seek relief for Soviet jews	Passed House.
For	To provide interim licensing for certain already constructed thermoelectric generating plants	Passed House.
Against	An amendment to interfere with the development of a specific facility desired by the Postal Service	Approved.
For	To authorize development and maintenance of various public buildings	Public Law 92-313.
For	To continue the National Aeronautics and Space Administration	Public Law 92-304.
For	To fund the National Science Foundation	Public Law 92-372.
For	A motion to table a request to make public certain defense information relative to Indochina	Tabled.
For	An amendment to appropriate supplemental funds for the current fiscal year	Approved.
For	An amendment to improve Postal Service employees health benefits program	Approved.
For	To improve health benefit programs for other Federal employees	In conference.
For	To continue treatment for narcotic addicts released from prison	Public Law 92-293.
For	To extend a commission on civil rights for 5 years	Before Senate.
For	To convey public lands to the University of Tennessee	Before President.
For	To establish a National Institute of Arthritis, Metabolism and Digestive Diseases	Public Law 92-305.
For	To accelerate national reforestation programs	Public Law 92-241.
For	To meet our commitment to international financial institutions	Public Law 92-301.
Against	To subsidize District of Columbia bus system	Died in House.
For	To reect a memorial to the Navy Seabees	Public Law 92-422.
For	To make the appointment of Federal advisory committee more systematic and efficient	Public Law 92-463.
Against	An amendment to weaken the minimum wage proposals	Approved.
For	An amendment to require overtime pay for transit employees working over 44 hours a week	Rejected.
For	An amendment to require minimum wage rates being paid to young teenagers	Rejected.
For	To approve the Fair Labor Standards amendments	Passed Senate amended.
For	To establish a commission to seek more efficiency in the Federal courts	Before President.
For	To design a memorial to Franklin Delano Roosevelt	Public Law 92-332.
For	To approve supplemental appropriations for fiscal year 1972	Public Law 92-306.
For	To authorize State Department and USIA appropriations	Public Law 92-352.
For	An amendment to add $25,100,000 for the United Nations	Rejected.
For	An amendment to provide increased salaries for Bureau of Prisons officials	Approved.
For	An amendment to fund an expanded Federal probation program	Rejected.
Against	An amendment to eliminate Subversive Activities Control Board funds	Rejected.
For	An amendment to cut off salaries of Federal employees refusing to testify before Congress	Rejected.
For	An amendment to restrict the use of wiretaps	Rejected.
For	To establish mining and minerals research centers	Before Senate.
For	To promote competition among automobile manufacturers to design safer vehicles	Before President.
For	To appropriate funds for housing, space and veterans programs	Public Law 92-383.
For	To appropriate funds for the Department of Transportation	Public Law 92-398.
For	To modify the Subversive Control Act	Passed House.
Against	An amendment to limit firms which may receive grants from the Public Broadcasting Corp	Rejected.
Against	An amendment to reduce the Public Broadcasting Corp programs	Rejected.
Against	An amendment to prevent the Public Broadcasting Corp from tak ng public opinion surveys	Approved.
Against	An amendment to withhold funds for fiscal 1973, until an audit is made of fiscal 1972 appropriations	Rejected.
For	To approve the Public Broadcasting Act of 1972	Vetoed.
For	To appoint delegates to the international labor organizations conference	Approved.
For	To establish a national cemeteries system within the Veterans' Administration	Passed Senate amended.
For	To establish the Seal Beach National Wildlife Refuge	Public Law 92-408.
For	To prohibit the shooting of birds, fish, and animals from aircraft	Passed Senate.
For	To expand the Water Resources Planning Act	Public Law 92-396.
For	To appropriate funds for the District of Columbia	Public Law 92-344.
For	To continue the atomic energy program	Public Law 92-314.
For	To increase the small business loan ceiling	Public Law 92-320.
For	To authorize a drug rehabilitation program for GI's	Passed House.
For	To appropriate funds for Forest Service and Department of Interior agencies	Public Law 92-369.
Against	An amendment to reduce Occupational Safety and Health Administration appropriation by $20,000,000	Rejected.
Against	An amendment to exempt firms employing 25 persons or less for the provisions of the Occupational Safety and Health Act	Approved.
For	An amendment to authorize $364,000,000 for OSHA education programs	Approved.
For	An amendment to add $15,000,000 for bilingual programs	Rejected.
Against	An amendment to cut all Occupational Safety and Health Administrations by 5 percent	Rejected.
For	To appropriate funds for the Departments of Health, Education, and Welfare and Labor	Vetoed.
For	To strengthen the American Revolution Bicentennial Commission program	Died in House.
For	To make grants for specially adapted housing for disabled veterans	Public Law 92-341.
Against	A motion to recommit the revenue-sharing bill and eliminate the retroactive provision	Rejected.
For	To authorize the program of revenue sharing with State and local agencies	Before President.
For	An amendment to reduce funds for the Office of Telecommunications Policy	Rejected.
Against	An amendment to cut funds for the Commission on Executive, Legislative and Judicial Salaries	Rejected.
Against	An amendment to arbitrarily reduce the President's staff	Rejected.
Against	An amendment to prohibit the use of chauffeur-driven automobiles	Rejected.
For	To appropriate funds for the Department of Treasury, Postal Service, and Executive Office of the President	Public Law 92-351.
For	To guarantee District of Columbia subway funds	Public Law 92-349.
Against	An amendment to cut $350,000,000 from Safeguard programs	Rejected.

My stand	Issue	Status
Against	An amendment to delete $450,000,000 from aircraft development	Rejected.
Against	An amendment to prohibit the development of an ABM site near Washington, D.C.	Rejected.
Against	Amendment to cut off funds effective Sept. 1, from our military personnel in Southeast Asia	Rejected.
For	To authorize the procurement of Military ships, aircraft, and other equipment	Public Law 92-436.
For	An amendment to provide for a 20 percent increase in social security benefits	Approved.
For	To extend for 4 months the temporary limits on the public debt	Public Law 92-336.
For	To provide a 6-month extension of emergency unemployment compensation program	Public Law 92-329.
Against	An amendment to prohibit the issuance of food stamps to families in need because of a labor dispute	Rejected.
For	To appropriate funds for the Department of Agriculture and environmental and consumer protection programs	Public Law 92-399.
For	A motion to permit debate of a bill to aid farmers whose domestic animals are killed by predator animals	Rejected.
For	To reduce interest rates on small business disaster loans	Public Law 92-385.
For	To make emergency appropriations for disaster relief	Public Law 92-337.
For	To assist schools and community agencies to prevent juvenile delinquency	Public Law 92-381.
For	To strengthen and improve the Older American Act	Before House.
Against	To restrict the use of certain materials in the control of predatory animals	Passed House.
For	To speed up the national attack on heart and related diseases	Public Law 92-423.
For	To provide assistance in the control and prevention of communicable diseases	Public Law 92-449.
For	To establish a National Institute of Aging	In conference.
Against	An amendment to restrict the implementation of a new water and sewer construction project	Approved.
For	To approve a new water and sewer program providing for 100 percent financing of local project	Died in House.
For	To authorize construction at military installations	Before President.
For	A motion to recommit the bill to provide a retroactive pay increase for District of Columbia policemen	Rejected.
For	To indemnify any farmers and others who suffered losses from the ban on cyclamates	Passed House.
For	To authorize temporary increase in the Air Force grade structure	Before President.
Against	An amendment to restrict architectural design work to competitive bidding	Rejected.
For	To permit use of surplus Liberty ships for fishery conservation	Passed House.
For	To extend the Merchant Marine Act	Public Law 92-374.
For	To designate appellate court libraries as depositaries	Public Law 92-368.
For	To authorize a Cooley's anemia research program	Public Law 92-414.
Against	An amendment to permit the Secretary of Interior to manage resources on coastal zones	Approved.
For	To establish a national policy on management of coastal zones	Before President.
For	An amendment to extend the Export Administration Act	Approved.
For	An amendment to remove the President's authority to control exports of cattle hides	Approved.
For	To approve the Export Opportunity Act	Public Law 92-412.
For	To provide annuities to widows of Supreme Court Justices	Public Law 92-397.
For	To extend protection for foreign officials	Before President.
For	To extend the U.S. Information and Education Exchange Act	Public Law 92-394.
For	To expand the Uniform Relocation Assistance and Real Property Act	In conference.
Against	An amendment to increase employee contributions under the railroad retirement system	Rejected.
For	To provide a 20-percent increase in railroad retirement	Public Law 92-460.
Against	An amendment to eliminate aid to Brazil	Rejected.
Against	An amendment to change effective date in U.S. withdrawal resolution	Rejected.
For	An amendment to strike language which could not be implemented calling for Oct. 1 withdrawal from Indochina	Approved.
Against	An amendment to refuse to restore the President's authority relative to chrome import	Approved.
For	To extend Foreign Assistance Act	In conference.
For	To establish rules concerning the use of armed forces in the absence of a declaration of war	In conference.
For	To appropriate funds for disaster relief	Public Law 92-393.
For	To appropriate funds for continued operation of Federal agencies	Public Law 92-390.
For	To continue the Corporation for Public Broadcasting programs	Public Law 92-411.
Against	An amendment to reduce unemployment benefits	Rejected.
Against	An amendment to eliminate unemployment benefits for those who lost their jobs due to environmental orders	Rejected.
For	To extend Public Works and Economic Development Act	Passed Senate amended.
For	A motion to override the President's veto of Labor-HEW appropriations	Veto sustained.
For	An amendment to establish neighborhoods as the appropriate basis for determining school assignments	Approved.
For	An amendment to allow court orders and desegregation plans be reevaluated and modified accordance with the Equal Education Opportunity Act	Approved.
Against	An amendment to legislatively declare the constitutionality of the Equal Education Opportunity Act	Rejected.
Against	An amendment to approve the freedom of transfer provision	Rejected.
For	To approve the Equal Education Opportunity Act	On Senate calendar.
For	To approve the Strategic Arms Limitation Treaty interim agreement	Public Law 92-448.
For	To express great concern over the tragic killing of the Olympic athletes	Approved.
For	To establish a research, education and promotion program for wheat and wheat product	Rejected.
For	A motion to recommit the bill to convey certain Federal lands to the city of Alexandria, Va	Recommitted.
Against	To reject a bill prohibiting the employment of aliens not legally in this country	Rejected.
For	To authorize procurement of military equipment	Public Law 92-436.
For	To approve the Child Nutrition Act	Public Law 92-433.
For	An amendment to authorize the use of civilians for KP duty on military bases	Approved.
Against	An amendment which would seek to terminate U.S. involvement in Indochina	Rejected.
Against	An amendment to cut arbitrarily defense spending to levels 5 percent below expenditures for last year	Rejected.
For	To appropriate funds for the Department of Defense	Before President.
Against	An amendment to provide certain exemptions from the Occupational Safety and Health Act	Approved.
For	An amendment to fund a bilingual education program	Rejected.
For	To appropriate funds for the Departments of Labor and Health, Education, and Welfare	In conference.
For	To provide consumer protection against unreasonable hazards	In conference.
For	An amendment to prohibit the use of foreign aid funds to insure foreign investments	Rejected.
For	To approve the foreign aid program	In conference.
For	To authorize the President to approve an interim agreement between the United States and U.S.S.R. with respect to limitation of strategic offensive arms	Approved.
For	To establish the Gateway National Seashore	Before Senate.
For	To authorize the Secretary of the Interior to construct various Federal reclamation projects	Before President.
For	To restrict travel of U.S. citizens to hostile countries	Died in House.
For	To approve the Antihijacking Act of 1972	Through conference.
For	To approve the Emergency Medical Services Act	Passed House.
Against	To prohibit construction of a civic center without the approval of House and Senate committees	Approved.
For	To provide for the construction of the Eisenhower Memorial Bicentennial Civic Center	Passed House amended.
Against	To reject Federal participation in meat inspection costs	Died in House.
Against	An amendment to prohibit judicial review of the construction of the Three Sisters Bridge in Virginia	Rejected.
For	To approve the Federal Aid Highway Act	In conference.
Against	To provide for a temporary increase in the public debt limit	Reported in Senate.
For	To insist on provision which forbids salaries for Federal employees who inspect firms employing 15 or less employees for compliance with the Occupational Safety and Health Act.	Before Senate.
For	To revise the special pay structure for members of the armed services	Passed House.

DEPARTURE OF THE DISTINGUISHED REPRESENTATIVE ALTON LENNON

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. HÉBERT. Mr. Speaker, it is a very special pleasure for me to have an opportunity to participate in paying farewell tribute to one of the great gentlemen in the House of Representatives, ALTON LENNON, of North Carolina.

Very few men who have ever walked the aisles of this Chamber have more appropriately combined the virtues of unshakable integrity, unrelenting hard work, and unfailing courtesy.

ALTON LENNON leaves us of his own volition after 16 years in the House of Representatives. At a time when politicians more and more seem to be, like the lines from Oscar Wilde, capable of "bending with every passion till the soul is like a reed on which all winds can play," it is regrettable indeed to lose from this House one of ALTON LENNON's steadfastness. I am sure that his constituents feel that same regret at his departure from the public service which is felt by all of us here in the House.

A graduate of Wake Forest College, ALTON LENNON began his public service as a judge and later served in the North Carolina General Assembly, before com-

ing to Washington in 1953 to fill an interim appointment to the U.S. Senate. He was first elected to the House in the 85th Congress and has been reelected in every Congress since, and it is a mark of his esteem among the people of the Seventh District of North Carolina that he seldom had serious opposition and sometimes none at all.

On the Committee on Armed Services we came early to learn that we could depend on ALTON LENNON as a man of principle. His first criterion was always what is in the best interest of all of the people in the United States, a man who could be given the tough assignments because he was not likely to bend under enormous political pressure. On our investigating subcommittee his tremendous knowledge of the law and his incisive mind made him a particularly effective member. No one in my time was more thorough in interrogating witnesses in difficult investigations and his unfailing courtesy of manner was such that often the witness was still smiling after the harpoon had gone in.

ALTON LENNON is properly regarded in especially high esteem by enlisted members of our Armed Forces. He chaired an extraordinarily difficult and lengthy hearing in the 90th Congress into the enlisted promotion procedures of the Armed Forces which brought about sweeping changes in the promotion process, resulting in a much more fair and understandable system and resulting also in great improvement in the morale of our Armed Forces.

When I had to pick a subcommittee to look into the difficult question of military retired-pay revisions, I naturally turned to ALTON LENNON and asked him to serve.

I can name numerous other instances where his service was simply invaluable to the Committee on Armed Services. I am aware that at the same time he was chairing a permanent subcommittee of the Merchant Marine and Fisheries Committee and was carrying a workload which was simply back breaking.

But there is something more beyond the solution of hard and knotty problems that ALTON LENNON has contributed not just to this Congress but to the American political scene that I would like to take note of. Rousseau said:

Those who would treat politics and morality apart will never understand the one or the other.

ALTON LENNON was always conscious that the questions you address in the public service are essentially moral questions and he never allowed the vicissitudes of politics to change the firmness of his moral conviction. He had the faith in the people to believe that if the true facts were explained to them properly they could accept the right answer and that this is the true function of a politician—not to pander to public wants.

I think in the future when we think back on ALTON LENNON we will remember him in the words of the poet Robert Hillyer,

"We whom life changes with its every whim
Remember now his steadfastness. In him
Was a perfection, an unconscious grace,"

Perhaps the outstanding contribution of his public service is what he has contributed to the image of the politician. By the steadfastness of his position and by the manner in which he has conducted himself he has truly graced the House of Representatives with his presence and we shall be the lesser for his parting.

A BILL TO FREE FEDERAL EMPLOYEE RETIREMENT ANNUITIES FROM INCOME TAXATION—H.R. 17069

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. BEGICH. Mr. Speaker, earlier this week, I introduced H.R. 17069, which would exclude from gross income under the income tax provisions, all amounts received as annuities under the Civil Service Retirement Act. More important than the specifics of the bill itself is its objective, which is to make Federal employee retirement annuities more meaningful.

According to the American Federation of Government Employees, which represents 650,000 active employees, there are 662,223 retired civil service employees and 296,606 survivors. These figures are as of June 30, 1970.

The following table shows there are 240,069 annuitants, most with spouses and 256,164 survivors drawing less than $2,500 per annum. These people, under present laws, pay no taxes on their annuities.

However, there are 422,154 annuitants, most of them with spouses, who receive no tax credits beyond $2,500. Most of these people had to reduce their annuities to provide survivorship to their spouses.

The table shows that more than half of all annuitants and survivors receive less than $2,500 per year; another 38 percent receive between $2,500 and $5,000; and about 10 percent receive annuities over $5,000 per year.

The railroad retirement system allows, as a minimum tax-free annuity, $6,716.40 per year or $408 monthly and the spouse $151.70.

It seems only equitable, pending a full reform of the entire system, that the Nation should allow retired civil servants tax exemptions on all annuities, in order to balance their retired incomes against other similar groups.

My bill is designed to do this and I introduce it now, so that it might be discussed along with other bills having similar objectives. As you know, my bill states its exclusion in the most generous terms for the civil service annuitant, but other approaches have been introduced. These include the exclusion from gross income of all annuities up to a limit of $3,000, $4,000, or $5,000 per year. I look forward to a discussion of the relative merits of the different approaches.

For my own part, I will continue to seek a fair way to accomplish this objective. I hope you will consider the following table, which indicates the magnitude of the program being considered:

TABLE A-9.—NUMBER OF EMPLOYEE ANNUITANTS AND SURVIVOR ANNUITANTS ON THE RETIREMENT ROLL AS OF JUNE 30, 1970, BY MONTHLY RATES OF ANNUITY

Monthly rates of annuity	Employee annuitants			Survivor annuitants			
	Total	Prior to Public Law 854	Under Public Law 854	Total	Prior to Public Law 854	Under Public Law 854	Under Public Law 85–465
Under $10	118	89	29	272	95	176	1
$10 to $19	2,566	2,271	295	6,015	3,913	2,063	39
$20 to $29	10,882	9,126	1,756	12,429	5,183	6,626	620
$30 to $39	10,615	7,401	3,214	12,791	4,518	7,072	1,201
$40 to $49	10,765	6,994	3,771	13,626	3,002	9,879	745
Subtotal, under $50	34,946	25,881	9,065	45,133	16,711	25,816	2,606
$50 to $59	11,411	6,359	5,052	19,536	5,235	12,832	1,469
$60 to $69	12,800	5,920	6,880	18,548	7,230	9,505	1,813
$70 to $79	8,015	3,559	4,456	53,257	5,595	46,678	984
$80 to $89	14,620	6,189	8,431	21,329	10,637	8,471	2,221
$90 to $99	10,209	3,459	6,750	16,061	5,478	9,992	591
Subtotal, under $100	92,001	51,367	40,634	173,864	50,886	113,294	9,684
$100 to $109	12,949	3,933	9,016	9,435	3,121	6,314	----
$110 to $119	13,072	3,596	9,476	11,361	4,182	7,179	----
$120 to $129	15,424	3,354	12,070	8,939	2,772	6,167	----
$130 to $139	11,886	2,662	9,224	6,919	1,627	5,292	----
$140 to $149	17,166	3,420	13,746	13,141	3,124	10,017	----
Subtotal, under $150	162,498	68,332	94,166	223,659	65,712	148,263	9,684
$150 to $159	13,139	2,176	10,963	7,905	3,108	4,797	----
$160 to $169	16,324	2,854	13,470	6,603	1,969	4,634	----
$170 to $179	14,993	1,923	13,070	6,850	2,187	4,663	----
$180 to $189	17,262	2,291	14,971	5,884	1,883	4,001	----
$190 to $199	15,853	2,181	13,672	5,263	1,442	3,821	----
Subtotal, under $200	240,069	79,757	160,312	256,164	76,301	170,179	9,684
$200 to $249	91,958	12,580	79,378	19,629	4,269	15,360	----
$250 to $299	82,336	16,522	65,814	9,536	1,405	8,131	----
$300 to $349	61,513	8,320	53,193	4,677	622	4,055	----
$350 to $399	50,651	4,801	45,850	2,704	345	2,359	----
$400 to $449	36,644	2,356	34,288	1,564	149	1,415	----
$450 to $499	26,779	1,099	25,680	953	54	899	----
Subtotal, under $500	589,950	125,435	464,515	295,227	83,145	202,398	9,684
$500 to $599	31,674	1,094	30,580	867	28	839	----
$600 to $699	16,491	515	15,976	336	7	329	----

TABLE A-9.—NUMBER OF EMPLOYEE ANNUITANTS AND SURVIVOR ANNUITANTS ON THE RETIREMENT ROLL AS OF JUNE 30, 1970, BY MONTHLY RATES OF ANNUITY—Continued

Monthly rates of annuity	Employee annuitants			Survivor annuitants			
	Total	Prior to Public Law 854	Under Public Law 854	Total	Prior to Public Law 854	Under Public Law 854	Under Public Law 85-465
$700 to $799	9,487	229	9,258	110	5	105	----
$800 to $899	5,922	82	5,840	36	1	35	----
$900 to $999	3,588	1	3,576	14	----	14	----
Subtotal, under $1,000	657,112	127,367	529,745	296,590	83,186	203,720	9,684
$1,000 and over	5,111	13	5,098	16	1	15	----
Grand total	662,223	127,380	534,843	296,606	83,187	203,735	9,684

WHY LEARN HOW TO WRITE?

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DORN. Mr. Speaker, quality education is not as sudden as a massacre, but it is far more deadly in the long run to those forces who wish to destroy our great democracy—our freedom and our security. Yes, Mr. Speaker, education is the least expensive defense for our Nation, an education which teaches how to think, not what to think.

The public today is being taunted and badgered, led into the plight of not being able to think and reason for themselves. The unity of our freedom has never relied on the uniformity of opinion. What type of government would we have if everyone were to become the victim of one certain opinion?

Mr. Speaker, I have never read an article that was more outstanding or timely regarding education than a column in the Washington Post of October 9 by Mr. Colman McCarthy. I recommend this article to the attention of students, educators, the Congress, and to the American people:

THE SYSTEM NEEDS ILLITERATES: WHY LEARN HOW TO WRITE?

(By Colman McCarthy)

By now, the nation's high-school and college English teachers have assigned the first homework paper and have received back the ghastly and spiritless results. Run-down grammar, misspellings, sentences lacking verbs or nouns—not to mention a lack of meaning—aimless paragraphs, feeble vocabulary and vague style: All of it is loose change in the worthless currency in which countless students trade. At this time of year, English teachers have plenty of zeal and the assignment papers are attacked with the ferocity they deserve; too bad only corporations can afford paper shredders.

But as the classes wear on through the year many of the teachers will doubtlessly wear out. They will be no match for the constancy of flawed English, always beating in, like tidal waves of ignorance, and drowning all hopes for clear thinking. Through it all, the major horror is not that so many students are helpless in the skills of writing but that so many ask, either in smugness or laziness, why they should be bothered to learn the skill of writing in the first place.

No easy answer exists—if it did, some alert kid-huckster would mimeograph it and brazenly be making sales in the corridor outside class—but teachers and writers serious about their vocation are forever probing. Someone has to care, even by self-appointment. Professor J. Mitchell Morse has been a college English teacher for 24 years and currently labors at Temple University in Philadelphia. This month, he published "The Irrelevant English Teacher" (Temple University Press), a masterful justification for the importance of language. Prof. Morse gets to his point quickly, that the person who has limited writing skill will also have limited intelligence, and thus is easily duped and manipulated by dealers in guff and other enemies of thought. "To the extent that the establishment depends on the inarticulacy of the governed," he believes, "good writing is inherently subversive . . . We are perishing for lack of style. Style is a matter of intellectual self-respect. To write well, a certain moral courage is essential."

America is full of uncourageous citizens who can't write well, but that isn't the sadness; what's tragic is they are easy to fool, and that the foolers constantly ply their craft. Take some of the advertisers. The other evening on ABC-TV, during the football game, language received a saturation bombing: polysteel tires from Goodyear, chromacolor television sets from Zenith, and quatrecolor from Panasonic, powerpoint pens from Papermate. What gibberish words are those—polysteel, chromacolor, quatrecolor and powerpoint? They have no obvious meaning outside the context of the ad, so how can meaning exist inside? It doesn't. But since the clever copywriters who concoct these ads persist in the misconception that millions of viewers have no intelligence that can be insulted, well, then insult them with empty language that sounds impressive. Fool them. Lure them to the store. Get their money. Meanwhile, the question on the mind of the knowing viewer is not, say, whether a company makes a chromacolor or quatrecolor TV set, but whether or not the product will catch fire—as 10,000 televisions did in 1969, most of them color sets.

It is no coincidence that politicians rely on advertising techniques. They know the advantage: People think in words but if they're used to empty words then they must have empty heads. Feed them any kind of word salad, a leafy and green slogan, that is easily digested. Thus, Commander-in-Chief Nixon says he wages war to win peace with honor, a slogan on a level wtih his predecessor's Great Society. Some politicians talk in brand name idiom not because they have evil minds but because they too operate on the theory that most people have dull minds. They get away with it, Prof. Morse believes, partly because literary sensitivity is not cultivated in the young: "I therefore believe in the development of a critical, skeptical, humorous habit of mind—in the development of a liberally educated consciousness, a sensitivity to nuances and unstated implications, an ability to read between lines and to hear undertones and overtones, both for the sake of political and social enlightenment and for the sake of our personal enlightenment and pleasure as individuals. I am a teacher of literature and of writing because I believe that precision, clarity, beauty and force in the use of language, and appreciate perception of these qualities in the language of others, not only make us harder to fool but are good things in themselves . . . I believe that the more sensitively we perceive things the more fully we can live and the less likely we are to be imposed on by the advertisers, politicians and other saviors."

For institutions and parties to function smoothly—meaning the private interest is served before the public interest—the system needs lazy minds, intellects of low literacy and souls seldom touched by refinement. Minds that have never been challenged can never, in turn, challenge entrenched power; the blockhead is no more a threat than the hothead. In the classrooms, how can even the most tireless English teacher not feel frustrated when the students come in having logged thousands of hours of television since babyhood? In a scrimmage putting arts and letters against call letters, there is no doubt which is smeared. Many school officials believe that students should be required to take a foreign language—Spanish usually, sometimes French or German. The officials have been too long in the front office; many students down the corridor are already being taught a foreign language: English.

Discipline is needed to write well, from the discipline of avoiding television's junk shows to that of developing the habit of using the dictionary. Perhaps this is one reason why few students can write with a style and with clarity. Too often, they are children of open marriages who were sent to the open classroom; who talks of discipline among all these blessings of the new openness? Norman Mailer once told of a friend "who always had a terrible time writing. He once complained with great anguish about the unspeakable difficulties he was having with a novel. And I asked him, 'Why do you do it? You can do many other things well. Why do you bother with it?' I really meant this. Because he suffered when writing like no one I know. He looked up in surprise and said, 'Oh but this is the only way one can ever find the truth. The only time I know that something is true is at the moment I discover it in the act of writing.'"

An irony of discipline is its relationship to freedom; the two are not opposite blacks and whites but are part of the same gray. The sprinter disciplines his muscles with years of running around a track so that those muscles will gain the freedom to run fast. Writing is similar. One disciplines the mind by repeatedly running over the rules of grammar, style and syntax so that the mind will gain the freedom of clear thinking. Learn the fundamentals and you are free for the nuances, subtleties and shadings, a source of pleasure not only in writing and reading but in all life. More crucial, you are free from the thought control and political control of the sloganeers, ones who reactively avoid nuances and subtlety. They don't want to engage the intellect, they want to engage the instincts and the senses. Products are easier to sell that way, elections easier to win.

English teachers have bravery, at least the ones who stick it out year after year. Faced with ignorance and laziness piled as high as mountains, they keep climbing nevertheless. "We must not silently let our students accept, as many of them do accept,"

Prof. Morse writes, "the reactionary notion that they are innately incapable of successful intellectual effort . . . That is how we, as English teachers, can work to change a repressive society into one that must respect personal freedom." Is the professor a dreamer, a man with bugs in his eyes from seeing too many blackboards? Hardly. His vision is only too clear. The rest of us may have been looking at the problems, but his eye has been on one of the causes.

A TRIBUTE TO JESSE L. DICKINSON

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BRADEMAS. Mr. Speaker, recently I had the privilege of attending a dinner in South Bend, Ind., at which over 500 people gathered to pay tribute to an outstanding leader in our community and State, Mr. Jesse L. Dickinson.

Few persons in our community could have won the applause of so many different kinds of leaders as Mr. Dickinson.

Born in Oklahoma in 1906, a graduate of Newton High School in Newton, Kans. in 1925, Jesse Dickinson attended Bethel College and Western University in Kansas; Indiana University South Bend campus; and the LaSalle Extension School of Law.

He came to South Bend in 1928 where he was in charge of youth programs at Hering House and then worked as a playground director for the South Bend schools from 1929 to 1933.

He helped organize and supervised the St. Joseph County recreation program under the Works Progress Administration and also organized and conducted the Dickinson Plantation Singers and, in the 1930's, operated his own music studio.

Reverend Dickinson conducted choirs for the Pilgrim Baptist, St. John's Baptist, and First A.M.E. Zion Churches. He organized and conducted a 100-voice choir for the South Bend Music Festival, sponsored by the Progress Club.

He was as well a correspondent and columnist for the Pittsburgh Courier and Kansas City Call, and he owned and operated a shoe renovating and leather dyeing business.

He served six terms in the Indiana House of Representatives and two sessions of the Indiana Senate.

While in the general assembly, Mr. Dickinson chaired and served on many committees and commissions and was a leader in bringing reforms and improvements in the field of probation, mental health and hospitals, mental retardation, prisons, the establishment of the Youth Camp and Diagnostic Center.

He was also an important legislative leader in the fields of civil rights, municipal government, education, and the aging.

From 1957 to 1972 Mr. Dickinson served as executive director of the Housing Authority at South Bend.

Mr. Speaker, I believe the best way in which I can indicate the appreciation felt by the people of his home community for the contributions of Jesse L. Dickinson is to insert at this point in the RECORD the text of an article in the August 31, 1972, issue of the South Bend Tribune reporting on the testimonial dinner to which I have earlier referred.

The article follows:

COMMUNITY TURNS OUT FOR JESSE

(By William Stoner)

The diversity of talents represented by those who came Wednesday night to honor Jesse L. Dickinson was perhaps the most significant tribute at his testimonial dinner.

Over 500 people gathered at the Indiana Club for the candlelight dinner, and they represented all races, the rich and poor, the powerful and those not, those with several degrees and the uneducated all of whom Dickinson worked for and with.

At the end of tributes delivered by 11 area leaders, Dickinson was given a gift certificate for the 1973 car of his choice, purchased with proceeds from the banquet.

Frank E. Sullivan, who presided at the dinner, read telegrams from well-wishers, including Cassell Lawson, former director of the Urban League; the priests of St. Patrick's Parish; South Bend Tribune President Franklin D. Schurz, Sr.; David Staples, chairman of the Indiana Civil Rights Commission, and Jesse Pavey, former South Bend mayor.

Those delivering tributes discussed areas in which they worked with Dickinson.

Speaking on civil rights was Rev. Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame and chairman of the U.S. Civil Rights Commission.

Hesburgh, who flew from New York for the banquet, said, "The greatest thing he (Dickinson) has done is to have us all here tonight. I don't think it would be possible to visualize the white power structure gathering 40 years ago to pay honor to a black man."

To Dickinson he said, "You've demonstrated to all us white folks that we can be served and learn from a black man. If you give any lesson to us, it is that a good man can bring people together and inspire all of us to be good men and do a little bit of what you've done."

Dickinson's work on reforms in prisons and correctional institutions was discussed by Dr. Walt P. Risler of Indiana University at South Bend. He said Dickinson has worked for decades to get better professional help for prisoners and to provide alternatives to prison for the youthful offender.

BRINGS NEW INITIATIVE

"He has brought a new initiative to Indiana to rehabilitate those in prison and help them return to society."

Dr. Harold G. Nichols described Dickinson's work in mental health, mainly his accomplishments while serving six terms as a state representative and two terms as a state senator. He said Dickinson consistently fought for funds for the mentally ill and those suffering from alcoholism.

He said it was Dickinson who sponsored the bill which created the Indiana Department of Mental Health and Dickinson who personally led the expansion of mental health services in this community.

Dickinson was one of 50 citizens who reestablished the National Assn. for the Advancement of Colored People (NAACP) in South Bend, according to J. Chester Allen Sr.

While in the legislature, Dickinson was instrumental in promoting the passage of bills concerning fair employment practices, the prohibition of segregation in schools and the Civil Rights Act, which gave minorities a legal recourse in discrimination cases.

Said Allen, "his work will have far reaching effects on generations to come."

Mrs. Nathan Levy spoke of Dickinson's association with the Hering House, the forerunner of community projects for the underprivileged. She said Dickinson was the "champion for social justice when it was taboo to take such a position." Because of this work, she said, he was called upon by many groups "to interpret, advise and sometimes intercede."

Speaking of the Logan School and retardation, Joseph J. Newman said that "many of the adversities challenged by Dickinson were shunned by others. He gave the initiative, leadership and direction to areas where some people were embarrassed."

Dickinson was a member of the legislative study group which introduced to the General Asembly 11 bills concerning mental retardation. "The movement he started has provided Indiana with the realization that the mentally retarded are indeed part of the total garden of life, not something to hide in the cellar," said Newman.

Van E. Gates spoke of Dickinson's association with the United Way, saying that "in the years of greatest challenge, he was the prodder for getting the United Way to expand its services. Complete involvement is Jesse's style."

Rabbi Albert M. Shulman, speaking on public housing, said Dickinson is "the man who dedicated his life for the betterment of others." Dickinson was associated for 30 years in seeking better housing for the underprivileged. He retired last May as director and secretary-treasurer of the South Bend Housing Authority. He had been its only director. The authority has grown to about 1,000 housing units in the city.

Of his experience in government, M. Edward Doran said that Dickinson acquired the entire respect of both houses at the General Assembly. "They'd better have had a good bill or Jesse, a Democrat, had enough influence even with the Republicans that he could change that bill."

HAILS LABOR EFFORTS

Stanley J. Ladd lauded Dickinson for the effects he had in educating those in labor about the inequities suffered by minority workers. Dickinson, while employed at the Bendix Corp., became a member of Bendix Local 9 in 1942. "As a union man he convinced several local labor leaders to fight for the welfare of all workers."

Religion and Dickinson's life was discussed by Rev. Bernard White who said, "after my first meeting with Jesse, I held my head high and shoulders back, having realized in him the American dream of dignity, work and fairness for all people."

Rt. Rev. William C. R. Sheridan, Episcopal Bishop of Northern Indiana, delivered the invocation and the Most Rev. Joseph R. Crowley, Auxiliary Bishop of Fort Wayne-South Bend Diocese, offered the benediction. Mrs. Bertha Norman, of St. John's Baptist Church, sang three selections in tribute to Dickinson.

AMERICA TRUSTS "MANNIE" CELLER

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. LEGGETT. Mr. Speaker, books can be written and will be concerning the contribution made to this country's welfare by the distinguished senior Member of the Congress of the United States from New York.

Perhaps the most complimentary thing that can be said to this octogenarian is that MANNIE CELLER, the distinguished Congressman from New York, is a man over 30 who America can trust and has trusted for nearly half a century.

RACISM IN THE MILITARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. STOKES. Mr. Speaker, almost 1 year ago, the Congressional Black Caucus began its investigation of racism in the military. We began with onsite visits to 10 military installations in this country followed by 3 days of open hearings in Washington. Our findings and recommendations, as set forth in the following "Congressional Black Caucus Report on Racism in the Military," have been forwarded to the Department of Defense and the House Armed Services Committee.

In the year that has elapsed since the initiation of our investigation, little, if anything, has been done by the military to eliminate the racial discrimination we found. In fact, it now appears that the only accomplishment in this area has been to change the nature of the discrimination practiced. Today, acts of discrimination are subtle and covert, rather than the overt practices of the past. The problem continues as one of the most critical issues before the Congressional Black Caucus.

For far too many years, the military has lagged in its efforts to end discrimination within its ranks and has begged the issue by pointing out that it is only since World War II that integration has been enforced in its structure. We, the members of the Congressional Black Caucus, can no longer accept this excuse and have dedicated ourselves to the immediate and total elimination of racism in the military. Because of the crucial nature of this problem, we urge our colleagues to join us in this effort. Mr. Speaker, Congressman RONALD DELLUMS chaired these hearings on behalf of the Congressional Black Caucus and had the primary responsibility for the preparation of this report. As chairman of the Congressional Black Caucus I commend the gentleman from California (Mr. DELLUMS) for an excellent job and urge my colleagues to read this report:

RACISM IN THE MILITARY: A NEW SYSTEM FOR REWARDS AND PUNISHMENT

(The Congressional Black Caucus Report, May 15, 1972)

I. INTRODUCTION

On November 16, 17 and 18, 1971, three days of hearings on Racism in the Military were held under the sponsorship of the Congressional Black Caucus. The hearings were preceded by one-day visits made on November 15th by ten of the thirteen members of the Caucus to ten United States military installations.

It was not the intention of the Caucus to spend three days merely demonstrating the widespread existence of racism, open and covert, throughout the military. The members of the Caucus were perfectly aware of the fact of military racism through the numerous and continuous complaints of their constituents. The hearings were undertaken with that basic assumption.

Neither did the Caucus accept the often advanced premise that racism in the military is merely a microcosm of the racism which prevails within the larger society. This kind of assumption only prolongs the time before real action is taken to combat the problem. For the Caucus, there were two major areas of concern. They were:

1. Determining the nature and extent of discrimination within the military.

2. Proposing the specific action and programs required to alter this situation.

During the hearings, it became evident that racism has become institutionalized at all levels of the military. For example, just prior to the hearings, a package was anonymously sent to the office of Congressman RONALD DELLUMS. This package contained a classified Department of Defense file setting out in very candid language a history of Department of State and Department of Defense asquiescence to the desires of the government of Iceland to limit the assignment of Black servicemen to Iceland. The file indicated that such agreements date back over ten years, and that the terms of these agreements have been under fairly constant renegotiation at high levels within the Defense and State Departments throughout the Kennedy, Johnson, and Nixon administrations.

Another example showing the lack of a clear United States Government policy for dealing with discrimination in the military is the continued failure of the Department of Defense to instruct, in clear and unequivocal terms, host countries where Blacks and other minority servicemen are stationed—especially Korea, West Germany, and the Far East—of official intolerance of racial injustice to minority servicemen in their dealings with the local populations.

Many may contend that it is contradictory for a country that itself condones discriminatory practices to instruct host countries of intolerance of racial injustice against minority servicemen. Yet, the Caucus, while recognizing the contradiction, suggests that the self-contained atmosphere of the military makes such a policy statement entirely feasible.

The absence of a clearly-stated position to this effect not only severely damages the interests of minority servicemen overseas, but creates the ironic and hypocritical situation of Black servicemen prepared to risk their lives for a country that itself places little value on those lives. Many do sacrifice their lives in this way. And those that escape only with wounds and injuries come back to a society at home that practices the same racial inequities. This is the second major contradiction and the biggest source of frustration for minority servicemen.

There appears to be no stated official policy urging or encouraging discriminatory practices within any of the services, (with the exception of Iceland). In fact, there is strong language in Department of Defense regulations that condemns discrimiation. The most recent example is the Department of Defense directive issued by Secretary Melvin R. Laird on December 14, 1970 (number 1100.5). However, much of the testimony heard by the Caucus suggests that these official policies are effectively subverted by lower grade commanders and senior NCO's, the people with whom the ordinary GI must deal most of the time. Thus, despite the existence of progressive policies, day to day practice of arbitrariness, unfairness, and blatant discriminatory practices render the stated policy almost meaningless.

During the three days of the hearings, the Caucus tried to find basis in the testimony for remedies on either the administration or legislative levels against racism in the military. Generally, the testimony underscored the fact that racism in the military takes many of the same forms as in civilian life: slow advancement; over-literal interpretations; punishment disproportionately borne by the minority; the difficulty or even impossibility of obtaining fringe benefits; subtle and not-so-subtle harassments; and many others familiar to Blacks in civilian life.

Yet the unique feature of the military, which offers the hope of real change, is its authoritarian reward-punishment mechanism which conditions the survival and the chances for advancement of members of the military. We must look forward to the day when compliance or non-compliance with equal opportunity policies becomes an effective part of this reward-punishment system, even to the extent of making racial discrimination punishable by court martial. In order for this to happen, the system requires that those at the top prosecute these policies with seriousness and energy.

Even as the hearings proceeded, reports of disturbances with racial overtones at Fort McClellan, Alabama, captures the headlines. And yet once again, the Army saw fit to punish only Blacks. It is clear that attention must be focused on the institutional nature of the problem. A major goal of the hearings was to present to the American people the responsibility borne by those at the top of the command structure of the military and the government for perpetrating racism at all levels of the Armed Forces.

It is not the purpose of this report to do an in-depth analysis of each area of complaint reported. Both the NAACP report, *The Search for Military Justice* by Nathaniel Jones, General Counsel for the NAACP, and the Department of Defense report to the House Armed Services Committee, *LeJune, Travis and Beyond: A Survey of Progress in Equal Opportunity*, can be said in many ways, to have accomplished this goal. Rather, the report which follows, is primarily a summation of the major problems faced by minority servicemen brought to the attention of the Caucus members on their visits to military bases and during the testimony of witnesses during the three days of hearings. Major emphasis has been placed on the recommendations. While not a panacea for restructuring the military along more just and equitable lines, the recommendations if taken seriously, will be a major step in that direction.

The hearings and base visits brought out one over-riding, inescapable conclusion: Black and other minority servicemen are victims of discrimination from the time that they enter the services until the time that they are discharged. Furthermore, these discriminatory practices too often follow the minority veteran into civilian life because of the highly disproportionate number of less than honorable discharges meted out to Black servicemen; the lack of meaningful job skills developed while in service; the wide range of psychological and emotional maladjustments brought on through protracted contact with military racism.

While there may be some small merit in the claim that "the problems of the military are only a reflection of the problems of the larger society", the unique command structure of the military works to reinforce the individual racism and to intensify the effects of institutional racism found in the larger society. But even more important, the command structure of the military, operating with an almost absolute control over individual action, gives us a unique chance to begin the work of eliminating discrimination and racism.

This is the paradox uncovered by the Caucus hearings; the military, which is such a blatant example of the worst in American racism, can become a source of reform for the whole society.

II. COMMITMENT AND COMPLIANCE

A. Job assignment

The Black serviceman usually receives his first dose of military racism on the day that he is inducted. Upon entering the service, each enlisted man is given a series of tests to determine his suitability for placement in one of the many military occupational specialities. The racial and cultural biases in these tests combine with the often low edu-

cational training and experience of the minority inductee to insure that he is assigned primarily and permanently to those low-skilled, dead-end jobs which the military terms "soft core".

As Department of Defense tables show, in 1971 when the Black servicemen represented 12.1% of all enlisted personnel, they were vastly over represented in low skilled Combat Specialties (16.3%) and in Service and Supply Specialties (19.6%). At the same time they comprise only 7.0% of the Communication and Intelligence Specialists and a smaller 4.9% of the Electronics Equipment Specialists.

This disproportionate amount of Blacks in low-skilled training within the military has a tremendously negative impact on Black servicemen both while they are in service and after discharge. Especially to the Black veteran it means that after serving his duty he will be in a worse position in the job market than before he entered the military. For example, Army regulations give the civilian related occupation for Combat Engineer as a Construction worker, woodchopper, or blaster. The civilian related occupation for Service and Supply Specialists are stock clerk, shipping clerk, or cashier. On the other hand, Electronic Equipment Specialists are qualified as radar repairmen, radio repairmen or guided missile control inspectors. Even among Black officers, who represented only 2.2% of the total officer strength in 1971, the largest assignment category was Supply and Procurement Officer which means that they are still not qualified for professional civilian occupations.

B. Promotion

When the time for promotion occurs, the Black serviceman finds once more that he is at the complete mercy of a system stacked against him. And it is here that the racism of individual officers and NCO's makes its appearance. Testimony by Black servicemen as well as the military's own data give ample evidence of the systematic exclusion of Blacks from promotion lists. Locked into a promotion system dominated by White NCO's and officers. Black servicemen stand by, sometimes quitely, while his White barracks-mate easily advances to higher grades. In 1971 while Blacks made up 12.1% of enlisted strength, they were concentrated most heavily in the second lowest pay grade (15.7% at E–2 level) and they were represented in the smallest proportion at the top enlisted grade (4.2% at the E–9 level).

Grade levels for Black officers present an even more disheartening picture. While representing a paltry 2.2% of total officer strength, Black officers like Black enlisted men were over represented in the lowest grade. Department of Defense figures showed only 1.9% Black 1st Lieutenants and only 5 Blacks as Generals (Army—3; Navy—1; Marines—0; Air Force—1).

Of equal interest as the promotion statistics is the attitude of Black servicemen regarding their potential for advancement. Discussing the findings from a study he undertook in 1969, Mr. Wallace Terry, former Saigon Bureau Chief for *Time* magazine, testified that,

". . . seventy-two percent of the Black enlisted men said that the military treats Whites better than Blacks, forty-eight percent of the officers agree. In the questions of promotion, sixty-four percent of the Blacks felt that Whites are promoted faster than Blacks, forty-five percent of the officers agree. Half of the Black enlisted men and twenty-nine percent of the Black officers believe that Blacks are getting more dangerous duties than Whites. Sixty-one percent of the enlisted men and forty-one percent of the officers believe Whites are winning more medals than Blacks. You will find Black soldiers who would be in a country a year before they went from E–2 to E–3. Some White soldiers as soon as they hit the country would be promoted immediately to E–3 or better."

C. Command

One particular tactic often mentioned by Black officers is the practice of refusing to give them command level positions so necessary to advancement in the officer ranks. As Major Eugene Wise, who spent eighteen years in the Air Force, testified that,

"Statistics show that Black airmen are promoted more slowly and in fewer numbers than their non-Black contemporaries on a proportionate basis. I have attended numerous retirement ceremonies and have never seen a non-Black three striper retire with twenty years of service. Invariably the lowest ranking man at most retirement ceremonies is most always the Black man."

As a consequence Blacks not only receive fewer promotions, receive less pay while in the service, and of course, receive smaller benefits upon retirement. Faced with discrimination in the promotion system, it is not surprising that both morale and reenlistment rates have reached new lows for the Black soldier. According to figures supplied on the Army for 1970, 87.2% of those eligible to reenlist refused to do so, while in 1969, 84.7% chose not to reenlist.

It is interesting to note that in 1972 for the first time a Black general has been placed in command of a division. (General Fred Davidson, U.S. Army, Europe.)

D. Equal opportunity

Adding to the problem of inequities in the job assignments and promotion areas is the realization that the only appeal the Black serviceman can make regarding discriminatory practices is into the system from which the discrimination originated. As Thomas Culver, former Air Force JAG officer stated,

"When a man has been oppressed because of his race he has two places to go. He can go to the inspector general's office on his installation. He can go to the equal opportunity officer. The IG is usually the Deputy Wing Commander. The equal opportunity officer is usually a Major, possibly a Lieutenant Colonel in the combat support group. Both of these men are subject to the individual command of the installation. Their primary loyalty is to their commander."

This means that charges of racism and discrimination in the military wind up in the hands of the local equal opportunity officer. It is when one views more closely the relationship between these equal opportunity officers and the command structure and the men whom they are supposed to serve that we realize how difficult it will be for the military to eliminate discrimination from within.

The equal opportunity officer—whether Black or White—is hand-picked by the local commander and he realizes quickly and accurately that his primary function and obligation is to protect the local commander. As a result, the equal opportunity officer spends his time quieting or eliminating personnel who complain of discrimination, instead of dealing with the root causes of discrimination.

The rare equal opportunity officer who might decide to actually attempt to address the causes and sources of racism soon realizes that the military equal opportunity programs are carefully designed so that he has no access to authority outside of his immediate command structure. Formal charges of racial prejudice and discrimination invariably wind up with a whitewash by the serviceman's superiors and a black mark in the victim's military folder. The military, probably to a greater extent than any other American institution, has built in numerous devices and practices to protect itself from both internal and external tremors.

E. Housing and medical problems

Racism and discrimination as it affects housing and medical problems in the military are magnifications, rather than reflections, of the same problems which affect Black civilians. Because of the location of most military bases, away from the major urban centers, the Black serviceman in the United States finds that the level of discrimination and open hostility which block him in his attempt to find suitable housing near his duty station is even greater than that which he faces as a civilian.

Congressman Charles Rangel, during his one day visit to Fort Bragg was greeted with a big sign which said, "Welcome to Fayetteville, Home of the Klu Klux Klan. Fight Communism and Integration." Such a welcome from the local branch of the KKK, which for many years has greeted Black and White servicemen arriving at Fort Bragg, is an accurate indication of the problems which will face the Black serviceman once he goes outside the base in search of housing for himself and his family. And upon being transferred to an overseas duty station, the Black serviceman will find to his dismay, that the military has effectively exported the American attitude and practice of discrimination to foreign soil. Whether he is stationed in Europe or the Far East he is plagued by the same discrimination in housing, education, and social activities that he experienced in the United States.

While each branch of the service has issued numerous guidelines and directives aimed at assuring compliance with open housing regulations, the experiences of hundreds of Black servicemen, adequately point up the military's dismal record of acquiescence to local practices. It would not be an overstatement to suggest that local commanders often expend more of their energy conspiring with local agents in an effort to circumvent open housing regulations, than they spend in the effort to obtain decent accommodations for minority personnel.

Even in the field of medicine, the military's record is one of neglect. While the Air Force enforces its regulations barring personnel who show the sickle cell trait from flying status, the military has shown no interest in researching or treating this disease which usually affects only non-whites. However, without research, there is no way of determining whether having the sickle cell trait alone is a sufficient basis for restricting Blacks from flying status.

Another area brought out during the hearings was the Air Force which allows a medical excuse for shaving up to three months. For Black servicemen with the beard condition (pseudofollicultitis) commonly known as shaving bumps, this could mean that they will have facial scars for the rest of their life. As Dr. Robinson, a former Air Force doctor stationed at Lackland Air Force Base, testified, "There is only one way to cure, mind you now "cure", and that is for the patient to grow a beard . . . Although growing a beard will cure the disease, military regulations allow that option only on a temporary basis."

III. MILITARY JUSTICE

A. Article 15

No military procedure has brought forth a greater number of complaints and evidences of racial discrimination than has administration of non-judicial punishment (Article 15). Article 15 punishments, administered at the discretion of individual commanders for "minor" offense, has without doubt, resulted in irreparable damage to the service careers of Blacks vastly out of proportion to Black enrollment in the military.

Testimony was received during the base visits from one young man who had just received punishment that morning under

Article 15. He was given 14 days restriction and 14 days of extra duty for wearing a black armband—a small armband that is worn around the wrist which to the Black soldier is symbolic to the history of slavery of Black people. We additionally talked with a young man there that was told that morning that if he did not pull a black ring off of his finger, which was his way of showing proudly his symbolic history, that he would be court martialed immediately. Both testimony and military statistics demonstrate that Blacks received Article 15 punishments more often than their white counterparts for identical offenses.

Nathaniel Jones, General Counsel for the NAACP, in discussing the arbitrary manner in which Article 15's are given, stated:

"So I looked at his file. In his file was a lengthy list of misconducts by White GI's. Billy Jones was late to work four days out of the month of August. Tom Smith hit so and so on such and such a day. Nothing was done. One Black GI did the same thing, he was late. He got an Article 15. Another Black G.I. was involved in a fight. He got an Article 15 or a court martial. Here, gentlemen and ladies, is where I feel the greatest racism comes out. It is in the discretionary use of military justice. When the White soldier commits an offense, this offense is excused. When the Black soldier commits the same offense, he is dealt with harshly. It is these minor punishments, the Article 15, the summary courts martial that lead to the discharges."

The severity of the punishment for the same offense is greater for the Black than for the White. Besides creating an imbalance against Blacks in terms of promotions, the accumulations of Article 15's is a common device used by insensitive NCO's and commanders to administratively discharge Black servicemen with a resultant loss of veteran's benefits.

A report by the equal opportunity officer, USARSO, revealed that in the period from June 1, 1970 to July 31, 1971, that 39% of those receiving Article 15 punishment were Blacks, whereas they comprised only 27.5% of the men assigned to the 193d Infantry Brigade.

B. Pretrial confinement

Another judicial area in which the discretionary powers of commanders exerts itself to the detriment of Black servicemen is through the use of pretrial confinement. Although Black enlistment in the Air Force was only 10.6% in 1971, Department of Defense figures show that more than 50% of the airmen being held in pretrial confinement were Black. While pretrial confinement is designed to detain offenders whom the authorities believe might otherwise escape to avoid prosecution for a serious offense, testimony and military records amply substantiate the charges that, for Blacks, pretrial confinement is more often used as punishment for trivial offenses and is even used where there has been no offense. For example Mr. Terry explained how he had talked to Marines in Da Nang who actually did serve fifteen to thirty days in jail for having their hair too long. Supporting this latter contention is evidence that up to one-third of the Black servicemen in pretrial confinement in West Germany in 1970 were released without ever having formal charges brought against them. Without a doubt, Blacks in the military are subjected to pretrial confinement for longer periods of time and for less serious offenses than their White counterparts.

C. Court martial

Even when a Black serviceman is brought before the formal military court martial system, he does not escape the racism so prevalent in the non-judicial forms of punishment. Instead of being free of the prejudices of his white NCO or commander, he finds that his former prosecutors have now banded together into a lily-white trial board. As states by Thomas Culver, "Military justice is white justice. There are White judges, White court members, and White lawyers. Very often a great weakness is in the defense counsel." Mr. Culver stated further,

"Now I think one of the most serious faults of the military justice system, the most glaring inequity, is in the selection of court members. The military commander, the very same man that decides a case is going to trial, the very same man that has a personal interest, generally, in seeing that a conviction is obtained certainly in cases involving racism, is the man who selects the jury."

Bernard Segel, the counsel of the "Darmstadt 53", in response to questions concerning the breakdown of military justice, stated,

". . . what is ruining the military system of law today is that the head man, the commander, picks the judge, he picks the juries and he picks the results. Until this Congress of the United States abolishes that system, gives us federal judges, gives us a fair selection of juries, we don't want any part of this business of making the system more credible."

As he enters this system the Black serviceman may predict with virtual certainty that he will be the only Black person in the courtroom and that his case will proceed through its various stages, guided by white lawyers, and judges. Blacks constitute less than 1% of all military lawyers. Such lily-white justice generally results in harsher sentences and a tremendously greater proportion of less than honorable discharges.

D. Discharges

Given the affect of discharges on both the military and civilian survival of GI's, generally, the disproportionate number of less than honorable discharges given to Black GI's is of major concern to the Caucus. There can be little doubt as to the impact of the arbitrary standards used in the dispensing of military discharges. In 1970 Black servicemen made up 11.7% of the total Air Force strength. In the same year, they received 28.9% of the Air Force's discharges issued under other than honorable conditions. For the combined Armed Forces, Black servicemen are many times more likely to receive a less than honorable discharge than are Whites. For example, recent Department of Defense figures show that of the total of all discharges given Blacks in 1970, 5% were given under conditions other than honorable, as compared to only 3% given to Whites under the same condition.

The ease with which Article 15's are administered to Blacks, no matter how minor or non-existent his alleged offense, plays a major role in the ability of the services to administratively discharge Blacks. Accumulations of Article 15's are used as evidence of unsuitability and thus results in larger numbers of undesirable discharges.

The total effect of a Black serviceman's encounter with the military is that when he leaves the military he is usually in worse condition than when he entered. He has generally received little training in the service which can be used in civilian life; he has been subjected to harassment and discrimination at the hands of his superior officers with little recourse to correct it and in return for giving time out of his life, even risking his life, he too often winds up with a less than honorable discharge which guarantees that his civilian life will be at least as difficult as his former military life.

IV. RECOMMENDATIONS

While the primary focus of these hearings has been on military racism as it affects the Black serviceman, the Congressional Black Caucus realizes that its evidence, conclusions, and recommendations also bear greatly on the plight of other minorities in the military. Certainly the military discriminates against its other non-white minorities in the same ways, and with the same negative results, as it does against Blacks. The findings and recommendations of this Caucus are seen as being applicable to all non-white military personnel.

The recommendations of the Congressional Black Caucus are based on the belief that racism in the military must be eleminated not only because of its debilitating effect on racial minorities, but also because racism in the military poses a serious threat to our National Security. Certainly this nation can not be secure as long as the forces which are more concerned with protecting themselves against their fellow servicemen than with fighting an external enemy. The increasing polarization of Blacks and whites in our armed forces is rapidly approaching the point where the overall effectiveness of the military as a fighting force will be seriously hampered if not completely stalemated, by its inability to effectively eliminate this internal racial strife. It is therefore obvious that drastic and far reaching changes must be immediately initiated to insure that discrimination in the military is eliminated.

The Congressional Black Caucus therefore recommends that the following action be taken.

1. We recommend that definite goals be established and adhered to, in order to assure that minority servicemen and women are equally represented with all the military occupational specialties. To accomplish this task, special efforts will have to be made to recruit minorities for the specialized fields of medicine, law, and those technical fields which require previous educational experience. It is upon induction that the minority serviceman must be assigned to the "hard-core" occupational specialties wherever possible. In addition, programs must be established for men presently in service to be cross-trained into these occupations. However, it is important to remember that once these men have been trained they must indeed serve in this specialty and not transferred to a "soft-core" skill. At the same time, attention must be given to providing civilian job training to those remaining in these low skilled specialties so that they will not be further handicapped upon discharge.

2. We recommend that promotion boards be restructured to include a certain percentage of blacks, other minorities, and women. This percentage could be based in the percentage of these groups in the Service as a whole.

3. We recommend that officer fitness reports also include an evaluation in the area of race relations by the officer's own men. Since an evaluation of equal opportunity effectors are now included on the officer fitness reports, we believe that the best group available to comment on his fairness in this area is his own men. This evaluation could be done much the same as college professors receive ratings from his students. Although this would not be used as the only basis for promotion, it would provide a more complete profile of the officer and in effect enhance the Board's ability to judge his performance.

4. We recommend that definite goals be established to place all minority groups in ranks and in command positions by a definite date. As the Caucus report states very clearly, minorities make up over 11% of the service personnel while they comprise only 2.2% of the officers. If minorities are to be recruited and retained in the Armed Forces, they need to be assured through example, that they can also progress at the same rate as their White counterparts. However, the solution is not simply in placing minority servicemen equitably throughout enlisted and officer ranks, they must be in positions of command responsibility. It is evident that the top level command positions in the country control the system. Since most of the present officers come either from ROTC or the Service Academies, more attention must be given to recruiting minority groups for these programs.

The Caucus is deeply concerned over the recent decision by the Navy to close several ROTC programs at Black colleges. If the services are determined to enlarge the number of Black officers, this is not the proper action to take.

Department of Defense statistics show that about the same percentage of minority students graduate from the academy as do white students; however, in the last nine years this has amounted to only 105 Blacks as compared to 18,782 whites.

5. We recommend the creation of an assistant secretary of defense for civil rights, who would have direct access to the Secretary of Defense as well as the Secretaries of each branch of service. The hearings pointed out repeatedly, the failure of the Equal Opportunity Programs both in the Pentagon and on the bases to deal effectively with the problems of discrimination. Much of the concern was over the inability of these officers to get anything done since they were under the control of the local commanders and not free to communicate with Washington. Therefore some way had to be found to get the complaints of racism outside of the command structure.

The Caucus is aware of and appreciates the recent efforts of Mr. Donald Miller, the newly appointed Deputy Assistant Secretary for Civil Rights, to make his office more responsive to the needs of Black servicemen by instituting the Military Justice Task Force and attempting to deal directly with these problems. However, we are also aware that his overall effectiveness is hampered by the lack of direct access to those with the ultimate power to create change—The Secretary of Defense and the Secretaries of each of the services.

It is therefore imperative that the office of the Assistant Secrtary of Defense for Civil Rights be structured in such a way as to also give him direct access to the Equal Opportunity Officers in each branch of the service. This would establish, in effect, a structure outside the chain of command whereby complaints could be taken directly to Washington by either the servicemen involved or the Equal Opportunity Officer if they felt the investigation might be hampered by the commanding officer. In like manner the Assistant Secretary and the Equal Opportunity Officers could initiate investigations without going through the local commanders. This would insure an avenue whereby action could be taken swiftly and decisively by the Assistant Secretary to gather needed information and to avert possible violence.

Included in this office would be the Armed Forces Discrimination Evaluation Board that would have administrative authority to recommend appropriate action be taken against anyone found to be discriminating. This would mean that the Board could make recommendations based on their investigation that an individual be removed from command, retired, or court martialed for this offense. In each instance the appropriate official would be contacted to initiate action. The composition of the Board would be 15 members, 6 of whom would be members of the Armed Services and 9 of whom would be from private life (civilian) appointed by the President with the advice and consent of the Senate. Not less than seven members would be representatives of racial and ethnic minority groups.

6. We recommend that off base housing problems and policies behandled by the Assistant Secretary of Defense for Civil Rights.

7. We recommend that article 15's be removed entirely from any discharge action in the future. Testimony was received throughout the hearings that the Article 15 punishments were administered at the discretion of the commanding officer and used as a basis for undesirable discharges. It is proposed that they be removed entirely from any discharge action. To insure this is done, the Article 15 will be removed from both the base and Department of Defense personnel files exactly one year after the article was given.

8. We recommend that the military code be amended to allow the accused adequate time to confer with counsel before accepting or rejecting an article 15. The administration of justice differs from the problems of discrimination in housing, in restaurants, and in bars, in that the dispensation of justice is totally within the control of the American military officials. We propose that since they have been issued with such arbitrary authority that strong controls be placed on their use.

9. We recommend that more explicit pretrial confinment conditions be established, allowing the accused to be released upon his request or that of his legal counsel unless substantial and convincing evidence was presented to the appropriate JAG official as outlined in Department of Defense directives. The testimony revealed the extremely discriminatory use of pretrial confinement, based on the disproportionate numbers of Black servicemen being held in this manner. Testimony revealed that Black servicemen were confined more often in the utilization of Article 15's, since in many cases upon refusing Article 15 punishment, they were given courts martial and placed in confinement pending trial.

10. We recommend a complete revision of the Uniform Code of Military Justice which would remove from it's jurisdiction any offense which is already covered by existing civilian law. This would mean that such charges as rape, assault, murder, theft, etc. would be tried in civilian federal courts instead of by the military. The military courts would have jurisdiction only over those offenses considered peculiar to the military such as AWOL, Desertion, disrespect, missing movement. As one reads the Uniform Code of Military Justice, one realizes that it is an arm of discipline of the commander. It is not set up to resolve disputes between those in authority and those who are supposed to be commanding. It is a tool by which the commander compels the men to do whatever the commander wishes, rightly or wrongly, and that kind of system is not a law system, it is certainly not justice.

11. We recommend that the Uniform Code of Military Justice be amended so that discrimination be an offense considered punishable by court martial just as any other form of misconduct. At the same time the court martial conviction would be removed from the code as a federal offense, but would remain as a form of military punishment.

12. We recommend that the court martial boards be organized to insure representation by all minorities, by women and by rank to be drawn from the total population of the base.

13. We recommend that the Department of Defense contract with civil rights organizations such as the National Association for the Advancement of Colored People, Legal Defense and Educational Fund, Inc., The National Association for the Advancement of Colored People, and The National Conference of Black Lawyers to provide counsel for Black servicemen until the proportion of Black attorneys in the military begin to equal the percentage of Blacks in the military. Meanwhile, it is desirable that Department of Defense finance the legal education of Blacks to increase their numbers in the services. Those assisted in this manner would be obligated to spend a certain amount of time as military lawyers in similar programs to those currently under way to increase the number of Black doctors in the military programs.

14. We recommend that legislation be introduced to eliminate all punitive discharges and to establish in their place a certificate of service. This certificate would be applicable to the diploma issued upon completion of high school. However, the certificate of military service would indicate the length of service, any special awards or decorations received and a notification as to whether it was issued for medical reasons. Each person upon completion of 181 days of service, would be eligible for any veteran's benefits provided for under current law. The military would continue to have the authority to discharge a soldier and to punish him for violations of their law; however, they will not be able to mark him for life. Therefore, if the service decides to discharge an individual after this given period of time they will not be able to strip him of his benefits. The ability to function well in the Army bears little relationship to being able to function in civilian society.

15. We recommend that the military justice task force be given the power to evaluate current reglations of the military which are felt to be discriminatory against minority servicemen (e.g. handshake, hair length, beards, arm bands).

16. We recommend the elimination of foreign aid and the removal of all military bases from host countries failing to insure fair treatment of minority servicemen. Without such action there exists a kind of tacit approval of such practices. (e.g. Korea)

17. We recommend that the Department of Defense set timetables for the implementation of these recommendations at the earliest date practicable. The Caucus should be informed as soon as possible of these timetables.

TRANSCRIPT [1]

Congresswoman CHISHOLM. Ladies and Gentlemen, the Ad Hoc Hearings on Racism in the Military will now convene. On behalf of the Military Affairs Committee of the Congressional Black Caucus, we are calling together witnesses for the next few days in order to bring to us the testimonies that are very essential in terms of getting to the underlying problems confronting blacks in the military system.

We feel that the time has just come in America when all of the investigations and all of the studies and all of the analyses of the problems pertaining specifically to the military must now be dramatically brought down front and be put together in terms of relevant meaningful legislation for the next session of Congress so as to be able once and for all to eradicate the problems that confront blacks in the military.

Statement of Nathaniel R. Jones, General Counsel, National Association for the Advancement of Colored People

Mr. JONES. Thank you.

My approach will emphasize the Army's handling of the problem which is more or less representative of that which is found in each of the services.

Last January, in response to numerous direct appeals from black GI's in West Germany and noting widespread complaints about conditions facing Negro troops, Mr. Roy Wilkins, our Executive Director, asked three of our staff people to go to Europe and personally assess the problems. The result of our efforts was the report, "The Search for Military Justice," which Mr. Wilkins personally presented to Secretary of Defense Melvin Laird on April 22.

In our report we described the administration of justice as the most intense of the problems that we surveyed. The maladministration of justice is the cancer that erodes America's ability to maintain an effective fighting force. It differs from the problems of housing discrimination and complaints of discrimination in restaurants and bars, in that the dispensation of justice is totally

[1] The enclosed transcript has been edited. The complete transcript can be seen in the Congressional Black Caucus office.

within the control of the American military officials.

There are two levels of justice—judicial and nonjudicial. With the respect to the judicial, we have concluded that its defects relate not as much to its operation as it does to its lack of credibility. The feeling is widespread among black troops that they will not receive a fair shake because it is white controlled. The near total absence of black judges and total absence of black military lawyers reinforces this perception of the system.

Thus, when given a chance to avoid that system—with all of the safeguards set forth in the Code of Military Justice, blacks opt, when possible, for nonjudicial punishment—the Article 15 punishment—devoid as it is of safeguards and as replete as it is with indications of bias.

The uneven imposition of Article 15 punishment is the mother of Chapter 10 and 212 discharges that are sending black young men back into our Chicagos, Clevelands, Philadelphias, and Detroits with general and bad conduct discharges. These discharges are tantamount to lifetime sentences. By far the greatest number of blacks are affected by the nonjudicial punishment. By the Article 15, the ratio is something like one to fifteen.

The pretrial confinement powers of commanding officers resulted in a disproportionate number of blacks being incarcerated in the stockades. The total prisoner population reflects the black confinement rate of approximately 48 percent. As of October 25, 1971, nearly 50 percent of the prisoners in pretrial confinement in West Germany were black while the black military population in West Germany is only 14 percent.

Clearly, the commanding officers to a disparaging degree converted pretrial confinement into a form of nonjudicial punishment. As we pointed out in the report, nearly one-third of the persons released from the stockade in 1970 in West Germany were released for the reason, "Pretrial confinement no longer required."

Thus, the grievance of the black troops that they were being confined as a means of removing "trouble makers" from their units was thoroughly supportable by the military's own statistics.

In order to deal with the crisis in confidence growing out of the lack of black defense lawyers in the Judge Advocate General's Corps, we recommend that the Army Contract with civil rights organizations, such as the NAACP Legal Defense and Educational Fund, Inc., and the NAACP, and the National Conference of Black Lawyers.

We further recommend that persons facing Article 15 punishment, the nonjudicial punishment, be offered legal advice and an ample period of time within which to seek this advice before deciding upon whether to accept it or requesting a court-martial.

Although the policy of placing a man in pretrial confinement is spelled out in the military regulations, these are often perverted in application. It is to be imposed, I am speaking of pretrial confinement, only to insure a person's presence for trial or when the seriousness of the offense warrants it.

Clearly, then, the offenses for which a substantial number of blacks are incarcerated do not achieve that magnitude or gravity considering that nearly one-third of those held last year were released without any charges of any type being placed against them.

What must be developed are measures to check the ease with which the original jailing takes place.

Another recommendation of ours was the need to institute a paralegal program under which young men of enlisted rank would be trained in the provisions of the Code of Military Justice.

Congressman DELLUMS. Thank you very much for your particular contribution of publications.

I have one question I would like to ask. Are there any grievance mechanisms that you know of in the military today that are independent of the regular chain of command?

Mr. JONES. It depends largely upon the command itself.

Congressman DELLUMS. In your evaluation of the military justice, would you concur that there is need for the entire military judicial process to be outside the chain of command, in an independent capacity?

Mr. JONES. Yes, I would think so if for no other reason than to give credibility.

What is very essential to this issue is appearance, to the black private and even to the white private. He knows that the officers who handle the justice system, all go to the officers club, that they all play golf together, that they all socialize together. they all live in the same area of the military establishment.

So his view of their independence is jaundiced and I think if for no other purpose it should be operated outside of the command structure.

Mr. FAUNTROY. I had the unfortunate experience yesterday while at the hearings at Quantico Marine Base, not far from here in Virginia, of being told by the Commanding General that he had orders from the Pentagon that I should not visit the stockades there and not talk to men who were being confined there.

Mr. JONES. I could not offer an explanation as to why the Pentagon made such a ridiculous decision. What you would have found there, I think, would have been perhaps a disproportionate number of blacks confined. I think in your conversation with them you would have a number of them on pretrial confinement, because they had violated some petty regulation. Perhaps someone had not gotten a haircut, or he had had an encounter with an NCO or with his captain or lieutenant.

You perhaps would have found a great deal of anger and frustration—a great deal of hostility.

Mr. DIGGS. Mr. Jones, among the approaches to resolving this problem, the Secretary has ordered the formation of a joint task force to make an indepth analysis of the administration of military justice and then forward these recommendations to him for remedial action.

Congressman DIGGS. Do you know anything about the composition of the task force?

Mr. JONES. No, I do not.

Congressman DIGGS. Has the NAACP or any other national organization, with this kind of sensitivity and understanding necessary, to your knowledge, been invited to be a part of this task force?

Mr. JONES. I was asked some time ago, very informally whether the NAACP would participate in such a task force, and I indicated that in all probability that we would, but I have heard nothing since that time.

I might say that the GIs with whom I spoke, each time I had been to West Germany, and those with whom I had contact in the States, are very leery of any further studies. There are enough specific recommendations for correcting the problem both short term and long term to obviate the necessity for any further investigation or study.

Statement of Capt. Thomas Culver, Air Force (JAG) attorney 6 years, Darmstadt 53 and other cases

I would like to first address myself to what I feel are the sources of racism in the military. I do not think that any of the military departments make racism the policy. If we look at their verbiage, they use very strong language in condemning racist policies.

These policies, I feel, are subverted very effectively by the lower grade commanders and senior NCOs with the men in the shops and of course the men that the ordinary GIs deal with most of the time.

There is a prevalence among military officers which I am sure you are all familiar with that they have come from the South. Certainly a disproportionate number of southern whites are in the officer corps of the military services. This is also true of the senior NCO.

These officers have a great deal of discretion and it is in the imposition of Article 15 which Mr. Jones mentioned, and in the use of pretrial confinement that you find the most serious evidence of racism. I had a young man come to me last week. He had a file with him. He said look at the file. He was a Sergeant Hildreth from RF. He said look at the racism in my squadron.

So I looked at his file. In his file was a lengthy list of misconducts by white GIs. Billy Jones was late to work four days out of the month of August. Tom Smith hit so and so on such and such a day. Nothing was done. One black GI did the same thing, he was late. He got an Article 15. Another black GI was involved in a fight. He got an Article 15 or a court-martial.

Here, gentlemen and ladies, is where I feel the greatest racism comes out. It is in the discretionary use of military justice. When the white soldier commits an offense, the offense is excused. When the black soldier commits the same offense, he is dealt with harshly. It is these minor punishments, the Article 15, the summary courts-martial that lead to the discharges.

Now the second source of racism that I feel has been overlooked very often is in the host countries.

Once again I do not believe that the military departments do anything whatsoever to try to alleviate this.

Now this sort of host country prejudice that we have heard of, which the NAACP study documents so carefully regarding Germany, affects the GIs in a number of ways. It restricts their social life, it restricts the places that they live, and generally makes their trips overseas very difficult.

When a man such as Sergeant Hildreth feels that he has been oppressed because of his race, in the military, he has two places to go. He can go to the inspector general's office on his installation. He can go to the equal opportunity officer.

The IG is usually the Deputy Wing Commander. The equal opportunity officer is usually a Major possibly a Lieutenant Colonel in the combat support group. Both of these men are subject to the individual command of the installation. Their primary loyalty is to their commander.

And I can tell you from lengthy experience of my own that they were nearly always whitewashed. And that is because their job is to protect their commander. That is what they view their obligations to be. I feel that this is one of the great weaknesses in the military system of trying to cope with racism as they put the responsibility within the command and these officers will prejudice their own careers if they expose the racism within their own command.

Now a second great fault that I feel is in the area of military justice, as Mr. Jones said, it is white justice. There are white judges, white court members, and white lawyers. Very often a great weakness is in the defense counsel.

You tend to have two kinds of officers serving in the JAG Corps. Those who are JAGs to avoid the draft. They are there because they have to do some military service. They want to get it over with. They don't care. They find it a bore. They want to do their

time quietly. They want to keep out of trouble so they go through the motions of making a defense.

And the second sort of JAG lawyers are the career lawyers. Those lawyers who decided that they will make a career of the military, and these men know very well what they can do is restricted.

Now if I may presume to suggest some solutions; someways of approaching this problem. I certainly endorse the suggestions already made. The first thing I would suggest is that there must be someway to get complaints of racism outside of the command structure—outside the immediate command structure.

Now the second thing I suggest is someway of coping with the commander or very often the senior NCO, the shop chief. This is the level that which the prejudice really hits.

My suggestion is that for him, the services establish a system of eliminating racist NCO officers. I think it should be made a specific grounds for discharge just as other misconduct is.

The earlier military justice can only be corrected by congressional action. I personally feel that the weaknesses in the system are such there is such a conflict between military injustices, that we would be better off to scrap the whole system.

The Germans, realizing the terrible abuses of military justice during the Nazi regime, did just that in 1947 or 1948 when they set up their present paramount. There is no military justice in Germany. Military offenses are tried in civilian courts just the same as any other offenses.

This would be one way of guaranteeing our soldiers at least the same standards of judicial protection that they can get in civilian courts.

Now I think one of the most serious faults of the military justice, the most glaring inequity, is in the selection of court members. The military commander, the very same man that decides a case is going to trial, the very same man that has a personal interest generally in seeing that a conviction is obtained certainly in cases involving racism, is the man who selects the jury. I can tell you from six years experience that hand-picking juries by senior Judge Advocates is common place.

I feel that this is a terrible inequity. I feel that a system should be established for random selection of court members. And I would recommend that the selection not be solely among the military, but among the military dependents as well, because this would get a few women on military courts which I think would do a great deal for military justice.

I think we could supply civilian defense counsel at Government expense.

I feel it would be helpful to eliminate the grade in courts-martial. The present system is that the military court comes in, you will have a Colonel, in a senior case, a full Colonel on down to some junior lieutenant.

How can a man who spends all his time deferring to those of senior grade suddenly go into the jury room, the antechamber of the military court, and ignore the fact that the person he is talking to is a Colonel. One way of getting around that of course would be random selection and there are very few Colonels. I feel there should be much stricter standards regarding pretrial confinement.

I think it will be very difficult to eliminate racism from the military until racism is eliminated from the American society. But I feel that a great deal can be done by using the authoritarian structure of the military towards coercing fair behavior among the junior officers and the senior NCO.

Congressman DELLUMS. You mentioned in your opening statement that you recommend that you do away with the military judicial system and have military personnel tried in civilian courts, which I think has extraordinary merit. Short of that, would you concur that the entire military judicial process should be outside the regular chain of command in an independent posture?

Mr. CULVER. I certainly would. And I would recommend that it go beyond the depths that have already been taken. As you probably know an independent judiciary has been established for general courts-martial only. I would recommend that it go to the extent that a civilian body of judges be established so that at least the judges are entirety independent of the military. I would recommend that it be administered, as well, outside of the command.

Congressman DELLUMS. Now in the case of Black officers being adequately represented on the panel and not being represented in any reasonable numbers, would you then attach to that recommendation that a quota system be established for racial minority officers on the panel?

Mr. CULVER. Yes, I think this should be at the election of the accused.

I think that the court should be primarily enlisted men because these are the men that understand other enlisted men.

Congressman DELLUMS. You mentioned that one potential avenue of redress was writing a congressman. What happens, in terms of your experience, when a GI writes his congressman and does this become part of his permanent record, and does it mean any negative factors for the GI?

Mr. CULVER. It does in fact. The GIs can get into trouble by writing their congressman. Although their right to write the congressman is protected by all kinds of regulations and of course the Constitution of the United States. No one ever gets a punishment for writing his congressman, but the next time his button is undone or he is two minutes late for work, he gets an Article 15 or other punishment.

Congressman DELLUMS. Our next witness, Mr. Maurice Anthony, whose testimony will go into the question of the administrative discharging procedures. Mr. Anthony is an unemployed black veteran who was administratively discharged from the military.

Statement of Maurice Anthony, an unemployed black veteran who was administratively discharged from the military

Mr. ANTHONY. Congressman Dellums, Members of the Black Caucus, my name is Maurice Anthony. I am unfit, unemployed, due to an undesirable discharge from the military in June of last year.

I had problems in the military whereas my wife tried to kill herself. The Red Cross called and told me that my wife was dying. I couldn't come home. When I asked about it, they told me things like, "damn it, forget about it."

So I made up my mind that I wasn't going to stay there, you know, and I left. I left Fort Riley, Kansas, on the last day of February 1969. I was picked up by the FBI in 1970 of April.

I went back to Fort Riley, Kansas. There in the stockade, I saw people handcuffed to the cells, in segregation, beat unconscious, just harassed and mistreated, you know.

Now that I am out of the military, I am still being stigmatized by this discharge. My employer told me as long as I didn't have a dishonorable discharge, I didn't have to worry about it, that is until I got out of the military, and now it is a different story. Since I have been out, I have had one job whereas I worked for the City of Chicago. I lied to get the job, you know, I had an honorable discharge as far as they were concerned.

Now I was told that I don't qualify for unemployment compensation, I don't qualify for welfare, so what am I to do. I have been told that my request for change of discharge has been denied. My case came up before the board the 21st of January this year.

I am tired of people passing that thing along on me like, hey, you ain't good enough. If I was good enough for you to draft me, good enough for you to ask me to give my life, then I am good enough to work when I come back. But yet, you know, they talk about the veterans coming home, we are going to give them a job. There are no jobs for you. And with an undesirable discharge, there is nothing going to happen because you don't qualify, you aren't good enough.

I am the same man that left Chicago, Illinois, in 1968, and the same one that came back in 1970. But my record, as far as the military goes, is like I am a hardened criminal, you know, I cannot be trusted, I am not worthy of taking care of myself, really, you know. Oh, you know, with this piece of paper, man there is nothing we can do for you. Well, there is something I am going to do myself. I have tried to get this discharge changed, and I am here today and hope that something can and will be done, because if there isn't, I am going to be just like that undesirable discharge say!!

I don't care what I do or how I do it to survive, I am going to survive because I must survive.

Well, that piece of paper and what it says on that piece of paper, it shouldn't be a basis as to my eligibility to work or not to work because I am the man that has to do that work, you know. And if I qualify, I qualify. And if I don't then disregard it.

The military has, to me, done me a great injustice because what I did in the military over a year ago, that is behind me, and if they did not punish me enough for what I did, then that is too bad, because I am out now. And as long as I am out, I have to live and eat just like you and any of the members up there or anybody out there. And if I cannot work in order to support myself, I am going to rip somebody off. And it doesn't make any difference who. And if it means taking a life, I will take it. It doesn't mean anything. But I am trying to go about getting this thing straightened out, you know, I am going to go about it the right way. By that I mean, going through the procedure, getting my papers filled out, waiting, hearing something like a, oh yeh, Anthony, here is a letter, next week we are going to send you some papers to fill out.

I am tired of filling out papers. And I am tired of getting messed around, you know. In the military, I put up with a lot of that. If you are Black and you speak up, you are crazy. You go to the psychiatrist twice a week to get a mental evaluation of really what is to you. They should have found out and known that I was undesirable before I came into the military.

But now that I am out for the rest of my life, get a job wherever I can, if I can. I am not going through that. And I refuse to go through it. I am here today and I will be back here again if I have to walk. Somebody is going to change my discharge and not when they feel like it, but right now. Either change it now, or I will be the most worse and fearsome dude out here on these streets.

And it doesn't make any difference to me who it hurts because I am suffering right now. I cannot tell my landlord, hey man, dig, I will pay you your money when I get a job, oh money ain't everything, because he is going to send me out there in the streets to see everything that money ain't. And I am just not, I am just not willing to go through that.

If I go out to a job, I got to lie. I am tired of lying to people. I should be able to be hired on the merit that I am qualified and if I am qualified, then take care of business and just tell me we are not doing no hiring. Don't run me all over the city and then tell me, well you ain't qualified for ADC. I don't want it no way. I want a job.

Congressman DELLUMS. I would like to

thank you Mr. Anthony for a very powerful and candid presentation.

Congressman CLAY. Just tell us how you felt when you got that letter from the draft board?

Mr. ANTHONY. Well, I really felt like—it shocked me more than anything. I felt like I wasn't going to go to Vietnam if they had shipped me over there in a casket. Why should I go to Vietnam? You know, they are turning over buses on kids, blowing up churches, little kids getting runned over. Why should I be willing to give up my life for somebody 14,000 miles away, and when I come back I am treated worse than those people 14,000 miles away? For what? What would really come out of it? I wouldn't achieve anything. Once I get back here, I am just a nigger on the street, and that is it.

Congressman CLAY. I happen to agree with you. I think that no Black man in this country should go to the United States services under any circumstances.

Congressman JACOBS. I would like to ask when you asked for a leave to go home to see your wife and she had a difficulty, I would like for you to say for the record, whom you asked and what his response was?

Mr. ANTHONY. Kriener, K-r-i-e-n-e-r. Raymond L. He told me damn it. Don't worry about it. You will get home when we decide to let you go home. That is what the man told me.

Congressman JACOBS. Sir, you said that you were told that you were ineligible for welfare or——

Mr. ANTHONY. Welfare and unemployment. Both of them.

Congressman JACOBS. On unemployment then what reason was given for that?

Mr. ANTHONY. They said that the Government had my records.

Congressman JACOBS. And finally, on your induction when you were drafted, would you repeat for the record exactly what your physical disability was and what your, what the reaction of the inducting officer was to your statement about this disability?

Mr. ANTHONY. I had a low back disorder which was to be guarded, supposed to be guarded and proper care was sedation, medication. There was no officer that examined me at the draft board induction station.

Congressman FAUNTROY. Specifically, to whom have you applied for the changing of your discharge?

Mr. ANTHONY. I have written to Congressman William F. Murphy, Congressman Morgan, U.S. Senator Birch Bayh, Congressman Raymond J. Madden. I have written up to the Pentagon to Major General Kenneth D. Wickham, Senator Percy, Senator Stevenson. I have went to Concerned Veterans in Vietnam Chicago, where Congressman Roman Pucinski was supposedly to have been working on the record, and I get the same reply, like, everything is going great just hang on in there because we are doing our best.

You know, like, don't worry about it. If you ain't got no money, dont' worry about it. You are going to live anyway. You are going to make it because you were taught to survive in the military. Like, how are you to live without money, but yet you know if you have to live, you are going to make it someway, but keep on in there brother and we are going to help.

Don't help me. Change my damn discharge. And if it means for me while I am in Washington, I am going to see somebody. Some of those white people who can change this damn piece of paper. If it means grabbing them in the collar, I am grabbing. If it means hitting them in the head, I am hitting them because I am being hurt from now on with this piece of paper.

I have had too many setbacks. I am still trying to get this paper changed before I do something drastic.

I don't have a record. I don't want a record. But something is going to happen because I am on file as being out of it, you know. Man don't trust this dude. He is undersirable.

Congressman DELLUMS. Our next set of witnesses will include defendants from the Darmstadt 53 case, Charles Dean, David Clark, Herbert Quarry, to be joined by their defense counsel Bernard Segel.

Statement of Bernard Segel, Defense Counsel for the Darmstadt 53 Defendants

Mr. SEGEL. One comment I want to make preliminary to describing that the Darmstadt case is, and that is I want to express the most vigorous disagreement that I can with the statement made by your opening witness Mr. Nathaniel Jones the General Counsel of the National Association for the Advancement of Colored People. Mr. Jones opening remarks urged the support of reforms of military law system we have now because as he said we want to give it greater credibility for the Black soldier. That is sheer nonsense. We do not want to give it, the system, any greater credibility. It is a disgrace to the American system and the American ideal. We must support Congressional total reform of the military law system and that means scrapping the system as we have it now.

There is only one answer to give Black soldiers justice in the military and for the matter for White soldiers too. And that is the establishment of a photo system of courts manned by civilian judges with juries that are drawn from the total population of military men, and as Mr. Culver suggested even from civilian dependents on post. We want federal judges who are civilians. And as a matter of fact one of the footnotes of that legislation which is going to create those federal courts also says that no federal judge in a military case will ever fraternize with officers, he will be like baseball umpires. He will never talk to them. Because what is ruining the military system of law today is that the head man, the commander, picks the judges, he picks the juries and he picks the results. Until this Congress of the United States abolishes that system, gives us federal judges, gives us a fair selection of juries, we don't want any part of this business of making the system more credible. Now the Darmstadt 53 case which brings these people before you this morning, very simply arose out of what seems to be a story of a conflict over music. But music of course is only the way that our hatred and our feelings are expressed. White soldiers and Black soldiers in a mess hall, white soldiers making obvious racial expressions against the Blacks, playing their little tape recorders, country, western music, making it louder and louder. Black soldiers resenting it, putting on soul music on the juke box and words being exchanged. And a general melee resulting in the mess hall and then, out of a fight in which there was equal participation by white and Black enlisted men, one man was arrested and guess who that was, that was a Black soldier. None of the white soldiers who had equal culpability—because it was not my word and it is not my word that they were culpable—but the word of the army investigator, were ever charged with that.

When a group of men in the same unit who ultimately became the Darmstadt 53, sought to express their protest, their disagreement with the fact not only that one Black soldier was charged in a general melee between whites and Blacks but that he was going to be held in a stockade at Menheim; that when they sought to protest their commanding officer, a totally inadequate individual, said he would not meet with them as a group, he would meet with individuals. He would refuse to meet with a group of men who had a grievance because they were all Black. He didn't need physical meetings to prove that. He didn't need physically receptive meetings to explain that a single individual had been brought out. This totally inadequate officer, a Lieutenant Colonel of the United States Army, not only, refused to meet with the men but months later when their lawyers arrived we asked them in the most sympathetic manner possible, each of the three lawyers who wanted to meet with them had all been officers in the Armed Forces and had some understanding at least of legitimate command problems. He would not meet with the lawyers as a group until ordered by a superior office to do so.

Statement of David Clark, Defendant in the Darmstadt 53 Case

Mr. CLARK. Mr. Chairman, I have another important point to bring out right now because it is taking place right now. For instance, after they dropped the charges, like right now some of the guys lives have been threatened. The point is that they have been shipped out. In other words although the charges are supposed to have been dropped, they are still being punished. They are being sent out in groups of twos and threes all over Germany. As I said some of the guys' lives have been threatened. I think it should be acted on right away because these commanders they work in a chain thing and these commands that they are sending them to, they are being telephoned ahead to warn them and tell them about it. So the Colonel said the reason they were transferred was to protect them from the racial prejudice on the base.

Well, on these grounds, if they have got to give the Black GIs a run-around to protect them from racism, I think they should be brought home, personally. If the commanders can't control the racism on the base, he shouldn't be there. He can't do his job. Those guys are suffering right now because of the fact that they have gone through this thing and they should be brought home because they will suffer as long as they are in Germany.

In addition to the Black GIs who were shipped out I believe that there have now been over 60 people that were shipped out. There were whites who were shipped out. Who were the whites? The whites that were going to come forth and testify for us. So this is a clear pattern for discrimination. It shows a tentative intent.

Congressman DELLUMS. Are you making this presentation because it is an isolated aberration or are you making this presentation because this is a typical case?

Mr. CULVER. One thing I wanted to certainly advise the Caucus, is that this is not an isolated case. These cases are happening every three weeks or a month, that Black soldiers feel so oppressed that the only thing they can do is to react by grouping together and expressing themselves as a group. Generally their reactions take just the form it did in this case. They stand in place, they say "No we will not be moved, we are not going to obey your orders" and then passively they are hustled off to courts and are punished.

This is not an isolated case. But the sad thing about it is that the justice that was done because of the massive civilian support in this case is isolated. Most of these cases are hustled through to conviction and punishment for the men.

When you are dealing with a Black soldier you have to fight not only the case but you have to fight the institutional racism that is built into the military law system. I want you to be very aware that I choose not to call it the Military justice System. Justice has no bearing to it.

As you read military law, you read the code, you realize it is an arm of discipline of the commander. Get that. The Military Law System is not set up to resolve disputes between those in authority and those who are supposed to be commanding. It is a tool by which the commander compels the men to do whatever the commander wishes, rightly or wrongly, and that kind of system is not a law system. It is certainly

not justice. That is why it must be scrapped and supplanted by a real system of federal courts.

Mr. SIEGEL. The remaining numbers of the Darmstadt 53 who are in Germany will never be free from the fact that they challenged the military system until they are brought back to the United States.

Mr. Wallace Terry.

Congressman DELLUMS. Our next witness,

Statement of Wallace Terry, former deputy Saigon bureau chief of Time Magazine

Author: "The Bloods: The Black Soldier From Vietnam"

Mr. TERRY. I am Wallace Terry a Fellow in journalism and public policy of the Metropolitan Applied Research Center in New York. As Deputy Saigon Bureau Chief of Time Magazine I covered the war for more than two years. In that period I interviewed six hundred Black soldiers of all ranks and of all services. I visited more than fifty bases and outposts for that specific purpose. I conducted the first survey ever of Black and White racial attitudes in the Military in the midst of a war.

What were the complaints that I heard among Black soldiers in Vietnam, and they are mirrored of course all across Europe and here in the United States?

First of all slow promotion. You will find Black soldiers who would be in a country a year before they went from E2 to E3. Some White soldiers as soon as they hit the country would be promoted immediately to E3 or better.

Secondly, assignment. The average soldier would spend approximately four to six months in field and then he could count on a nice soft, less hazardous, less dangerous rear area assignment. Too many White sergeants and White officers were not making those kinds of assignments available for the Blacks. Worse, whenever, they got a Black trouble maker or a Black who was too militant for them, in other words, a Black who was a Black and not a colored boy, he might find himself on the point duty the next day or more tragically, sent to the most dangerous areas of the war zone such as the DMZ. That is the cost for being militant in Vietnam.

The question of hair. If you grew your hair too long, never as long as some White boys are able to wear their hair and get away with it, you risk thirty days in jail, being fined, and often times having your hair shaved in public in front of your peers. I talked to Marines in Da Nang who actually did serve fifteen to thirty days in jail for having their hair too long. Now I do not understand the relationship between hair and ability to fire a weapon.

The question of music. There was not enough music and other kinds of entertainment that appealed to Black soldiers. And if Blacks can account for up to twenty-two percent of the dying, they should at least have twenty-two percent of the juke box or the music on armed forces radios. Black accessories such as Afro-Combs. Jet Magazines, Ebony Magazines were too infrequent whenever I looked and wherever the Black soldiers happened to be.

Too many times Blacks whenever they moved in a group or sat together in a mess hall or just alone listening to music were suspected of planning revolts or riots, or accused of treason simply by being together. Now if you see a group of White people walking around whether it is in Vietnam or the United States, nobody suspects that they are planning a revolt or treason. But don't be Black and be in a crowd of more than two people, not in Vietnam.

And then of course the slurs and the trouble over just hopping a ride. When a White man drives his truck down the road and the Black soldier wants to hitch from Quang Tri down to Da Nang, he would not be picked up by the White Man. And this is enough to spark a riot, "I would not compare a gook to a nigger." This is one of the milder forms of remarks that Whites paint all over the bulwarks, all over the barracks and on any edifice that they can find. Of course the Blacks did not sit still, nor were the Whites sitting still. There were cross burnings at Cam-ranh Bay following the death of Martin Luther King, at a Navy base called Market Time facility at a little island called Bien Bah Bay.

In Que Viet, another Navy installation, in the northern most part of Vietnam, some of the White groups put on make shift clan costumes to celebrate the death of King, and in Da Nang there were flag raisings and the flags were not Black power flags or United States flags, they were confederate flags. And you will find them in Vietnam above the tanks, on backs of trucks and above jeeps.

I think most of us are familiar with the troubles inside the stockades. The most celebrated case was to the Long Binh jail where Blacks accounted for forty to fifty percent of inmate population. As a result of that riot most of the installation was destroyed and one White man was killed. There were killings as well in Tenshaw and in Plang Tri and there have been incidents since I returned from Vietnam in other places.

Blacks move first to protect themselves, late to assault Whites in such areas as Bien Hoa and Dong Tang. Now there has been a proliferation of "fragging", throwing grenades at White sergeants, and White officers that they consider their enemy. Some Blacks have formed their own organizations called Mau Mau's. Ju Ju's, among the Marines. Sometimes they go without any names at all. What they do then is to wear into combat black shirts and black gloves as symbols of their black pride and of their inability to accept the status quo.

The Marines in Da Nang, for example, design their own flags. These are the flags that you see here. (Exhibiting flags). This one in particular shows red for the blood shed by American Blacks in all wars, green standing for youth and new ideas. "Hofu Ni Kqenu" is Swahili, meaning "I will stand by you brother if you want my help." The spears represent violence if necessary, the reef, peace is possible, and the black background represents black pride in black Africa. I put before you some survey data drawn from my survey of eight hundred and thirty-three Black and White servicemen. Three hundred and ninety-two enlisted men, one hundred and seventy-five Black officers, one hundred and eighty-one White enlisted men, and eighty-five White officers. I have three basic observations to make. After looking over the data which was compiled at Harvard University, I noticed that there was little difference, service by service, in Black attitudes. To give you an example, Black enlisted men in the Army, seventy-five percent considered the Army a poor place for Blacks to be, sixty-four percent of the Black sailors felt the same for the Navy, seventy-three percent of the Marines felt the same for the Marines, and seventy-seven percent felt the same for the Air Forces.

I also noticed that there was no difference between combat and support troops. For too long I have heard that once you are in combat, racial differences subside. "We only had this trouble in the rear areas, in the support areas where the brothers are drinking or having a good time and relaxing and then each gets on the others' nerves." Well, it took a 9th Division soldier to explain to me why this is so. He said, "You know, when I am out in the bush carrying a grenade launcher. No White man is going to call me nigger." But when he sat down and took my survey, his attitudes were no different from the attitudes that I found among those who are stationed in the rear areas, he felt the same way.

I also notice that many of these Black soldiers were a lot hipper they were reading serious material, they were reading Eldridge Cleaver, Malcolm X, George Jackson, and so on. The White soldiers were reading funny books. The Black soldier is getting himself together. He may be more together than any other element in American society, certainly in that age group.

Most Black officers agree with Black soldiers. For instance, seventy-two percent of the Black enlisted men say that the military treats Whites better than Blacks, forty-eight percent of the officers agree. In the question of promotion, sixty-four percent of the Blacks felt that Whites were promoted faster than Blacks, forty-five percent of the officers agree. Half of the Black enlisted men and twenty-nine percent of the Black officers believe that Blacks were getting more dangerous duties than White. Sixty-one percent of the enlisted men and forty-one percent of the officers believed Whites were winning more medals than Blacks.

I also noticed a growing feeling, not of separation but of togetherness. Fifty-seven percent preferred an all Black military because they felt that they would get fairer treatment. Sixty-percent would even prefer living with Blacks. Sixty-nine percent said they would rather eat their meals with Blacks. It doesn't mean that they don't want a mixed Army, it simply means that they want an end to the harassment that they have to take when they are in their barracks or when they are in the chow line.

Now, you will find that White officers, among White officers only two percent believe Blacks were getting more dangerous duty, only six percent thought the Whites were winning more medals, yet twenty-five percent thought that conditions in Vietnam were getting worse and forty-seven percent for a total of seventy-two percent, believed that the race trouble is continuing at the same rate. What I do not understand is why White officers and some White enlisted men can believe the situation is bad, but they deny that the conditions exist. I believe as Black officers have told me in Vietnam and on my return, many of our young Black men in the military and returning from the military are bordering on psychotic. Negroes where they have been spit on all their lives, have suddenly been given Black pride, something to stand for for the first time in their life, they have been told everything is equal in the military, they have been sent to die in Vietnam or to come home maimed and scarred for their life, physically or psychologically. And when they came home they find nothing has changed. I think it is an explosive condition within our society. I think they could turn to guerrilla warfare.

I think any little incident could set them off, could trigger them, just a policeman yanking them out of a car, knocking them in the back of the head simply because they look different, their hair is too long or they don't say "sir" fast enough. The military has not changed, I don't believe. I think the reason we are having unrest today is because the Black population has changed. I went to see the Chief of Staff for the Navy in Da Nang. He knew I had grown up in the Mid West and he was from Kentucky and he wanted to relax, put me at ease. He said, "You know, son, several years ago when I was a boy your age I liked to play basketball. I bet you played some basketball up in Indiana?" He said, "I remember a colored boy, we called him 'Nigger Joe'. Boy, could he play basketball. And do you know if I saw him today I guess I'd just have to call him 'Nigger Joe' ". When I left his office I went to see that leader of the so-called militants at Camp Ten Shaw, Ron Washington, a seaman. I said, "Ron, have you met our Chief of Staff?" He said, "Yes.", and began to smile. I said, "Why are you smiling?" He said, "Did he tell you the story of 'Nigger Joe'?"

The military is our society in microcosm. The same Whites in the military in 1940 are the same ones we got there today. But the Blacks that we have there now are determined to take no more licks, no more name calling, no more slurs, no more cross burnings, no more confederate flags.

I don't know where to being on the recommendations for changes. Certainly this is what this panel is striving for. I have some brief ideas. First, we need more Black officers, lawyers, and doctors, in our services. For a Black boy to have trouble in Vietnam, and God knows anybody in Vietnam should be having trouble. He must go to a White sergeant for permission to see a White officer for permission to go to a White psychiatrist, with sealed envelopes all the way up and all the way back, to find out why he's having a problem.

I think it really comes down to the question of priority. When this problem is on the desk of the Joint Chiefs of Staff, not once a year, as it has already been, once in history, but every month, possibly every week, maybe everyday, then something will happen. When it is as important to have good race relations as it is to keep barracks clean and rifles clean. Then we will have some progress. The old adage has it, if you ground a ship in the Navy you can forget about being an admiral. Well, I believe that if you have a cross burning on your base or a race riot, you could forget about being an admiral or a general.

Military base visits, November 15, 1971

Caucus Members and base visited

Shirley Chisholm; Fort Dix, New Jersey.

George Collins; Great Lakes Naval Bases, Illinois.

Ralph Metcalfe, Great Lakes Naval Bases, Illinois.

John Conyers; Fort Campbell, Kentucky.

Ronald Dellums; Travis Air Force Base, California.

Charles Diggs; Westover Air Force Base, Massachusetts.

Walter Fauntroy; Quantico Marine Base, Virginia.

Augustus Hawkins (staff); Camp Pendelton, California.

Parren Mitchell; Fort Meade, Maryland.

Charles Rangel, Fort Bragg, North Carolina.

Louis Stokes; Fort Hood, Texas.

Congressman DELLUMS. Today the Congressional Black Caucus resumes its hearings on the question of racism and oppression in the United States Military. I am sure that I echo the sentiments of my colleagues on the Caucus when I say the eloquent manner in which testimony was given before this committee yesterday at times was distressing and at other times disturbing, but at all times provocative and far reaching in its implications. Even as we proceed with these hearings, reports of disturbances with racial overtones at Ft. McClellan, Alabama, are pounded in the news. Once again the Army has seen fit to punish only Blacks. (With these hearings we hope to put squarely before the powers that be in government, and the American people, who issue command responsibility in perpetuating racism in all levels in the Armed Forces.) Attention must be focused on the institutional nature of this problem.

This morning, however, testimony will go to the issue of equal opportunity policies and before we call our first witness this morning I would like to recognize the various members of the Caucus to give us a brief statement with respect to their experiences Monday at the various military installations that they conducted hearings on. I yield to my distinguished colleague from Illinois, Congressman Metcalfe:

Congressman METCALFE. At the direction of both of you, Congressman George Collins and I visited the Great Lakes Naval Training Base, right out of Chicago, last Monday. There had been quite a bit of correspondence between your offices and Hawkins' office and the two Congressmen's office and thus we went there with the idea that things were going to be in good shape. We heard of an advisor-council composed of 50% Blacks, 50% Whites and of that group 50% were under 21. We were advised that there were courses being given in human relations. We were advised that there were special officers assigned to human relations.

As to what we found, I can summarize it in very succinct language: I was shocked, absolutely shocked at the separation that existed on the base where it was a policy only to assign one Black person to one barracks, where there was complete harassment any time two Blacks would gather, three Blacks or any number of Blacks; where there was a wide discrepancy in the treatment of those who had been involved in conflict. Where a White and a Black were involved in conflict we found that the Black received extreme punishment and the White got off. There were instances where they were initially charged with a minor condition and then later on other trumped up and false charges were put before them. When we talked with the group of the Judge Advocate of the Base and raised the question with him about the amount of time for the detention of the assailants and the fact that there were no Black lawyers, and that they had not made any effort to work out an arrangement with the NAACP in Chicago to get Black lawyers, he indicated that they were following regulations to the letter. At the same session there were three Black enlisted men and they spoke up and completely contradicted the charges that he made, because I said to him this: That it seems to me that your undesirable discharges are too easily gotten. We found out from the testimony that they were thrust upon the men.

The question of discrimination in housing was raised, and they have filed three suits against landlords outside of the base for discriminatory treatment of the troops. There was a question asked whether or not there was a secret code because the Armed Forces had said that there shall not be any racial identity, this form 1080 is in fact decoded so that certain numbers represent Whites and others represent Blacks so there is in fact decoding of the racial identity. We ran into the problem of lack of opportunities for promotion. But I will summarize my statement by saying that while there was trouble at the Helm Club, the enlisted men's club, that throughout the base there was an air of suspicion of every Black person. And if a Black sailor had an unusually long Afro dress, he was more suspect than the rest of them. So I can conclude by saying that there was complete harassment. I frankly think that there is a complete breakdown between Admiral Kaufman's office and what he believes in and what he is attempting to do and what the officers and the enlisted men are actually doing.

Congressman RANGEL. I visited Fort Bragg, North Carolina, home of the 82nd Airborne as well as other supporting troops. Fort Bragg is the home of World War II veterans and heroes, Korean veterans and as you might suspect of Vietnam veterans. These veterans Black and White are greeted with a big sign "Welcome to Fayetteville, home of the Ku Klux Klan. Fight Communism and Integration." This is the type of thing that one sees whether he is a civilian or whether he is a member of the military.

Upon meeting the commanding general and reflecting some of the problems that were and have been reported to our various officers, I asked whether or not he and his administrative staff had some Blacks I could speak with who could communicate with the troops in an effort to get a better objective picture prior to the time of speaking to the troops themselves. He indicated that he had a very fine young man that was working in that capacity on staff. I asked to meet with him and unfortunately the commanding general had no idea as to what his name was nor did he know his rank. I then met with the equal opportunity officer of Fort Bragg, he turned out to be a retired Southern gentleman who had spent 30 years in the military and he indicated that pictures of his employees were posted in his office so that people would know that he hired Blacks.

Army regulations are used to suppress legitimate demands of Black soldiers many of whom were prepared to give their lives for their country, many of whom came back wounded. Those that attempt to redress their grievances are given several options, to be court martialed and go to the stockade, to be transferred out of the unit against their will or to accept a Chapter 10 discharge. And 9 out of 10 people that I visited in the stockade were asking for the opportunity to carry this heavy burden in civilian life of being discharged with conditions other than honorable.

The Army regulations themselves prevent a Black person from attempting to buy houses by using a White person in order to determine the degree of discrimination. This is prevented by Army regulations. The result being in Fayetteville that the Blacks have to take what is left and even the White enlisted men manage to find better quarters than the Black commissioned officers.

That even though there are no Army regulations to specifically charge the GI with, he can be charged with disrespect. And I think that anyone who has served in the military would recognize that when somebody wants somebody else there are ways to ask questions and give orders and there are ways to harass, so eventually one can find himself in the stockade.

Congressman MITCHELL. The witnesses selected by the command in Fort Meade, to a man, spoke in glowing terms about what had been achieved at Fort Meade. Our witnesses spoke in terms of what had not been achieved, spoke in terms of racism, the repression, all the things that are happening to all Black men at that post. We heard the story of a White MP who slapped a Black WAC in the face in front of some 40 odd on-lookers and no action has yet been taken against that White MP. We heard the story of a 26 year old sergeant who when he reported to his command the 1st Cavalry at Fort Meade was greeted by his colonel in language, "Well, boy, at last you are here," and the sergeant said "I don't want anyone calling me, a 26-year old man, a boy." What did we hear? We heard from the drug addict in the stockade who came out on cold turkey, and if you know what cold turkey is that means that withdrawing without any medicine at all. And I witnessed men who had come out on cold turkey and they are reduced to an animal under that kind of situation. This man talked about this cost and asked for some kind of treatment so that he could break his addiction while he was in the stockade. This has not been forthcoming. We heard from Captain Jeff Hayes indicated very clearly for the record that hardship applications, compassionate reassignments are given to Whites much more frequently than they are given to Blacks.

But I wanted a chance to talk with those brothers and here is what they said: They disclosed a climate of intimidation and fear which is almost impossible to gauge the dimensions of. Three of the men are being discharged and they said as other colleagues have indicated that they are willing to take any kind of discharge in order to get out from under the repression.

The problem with the military it seems to me are of two dimensions: Number 1. It refuses to recognize the fierce pride that burns inside of a young Black man, and Number 2. It fails to recognize that young men of to-

day are fully aware of the senselessness of the killing and maiming of war and militarism, and therefore they are not going to yield to Army pressures. I submit to you that unless that racial problem takes the position of recognizing the legitimacy of Black awareness and Black identity in young men, and unless that racial harmony program recognizes the legitimacy indeed the morality of fighting against militarism, then it is doomed to fail.

One such man testified before us and his testimony was like this: "All Black militants are no good. All they want to do is rule the world. All they want to do is make trouble." And then he went on further to testify that the problem at Fort Meade was with the Black soldiers for the most part because they drank too much liquor and they were no good. Now this was a Negro testifying.

But my point is that when you select a man like that to head up a racial harmony unit, a man who uses the language of a Bilbo and a Eastland, a man who is willing to surrender his own identity with his own Black brothers in order to further his own aim then such a program is doomed to fail.

I think the dimensions, the pervasiveness, the extent of racism in the military is so deep and so wide and so effective that we cannot possibly cope with it. Thank you very much.

Congressman STOKES. Significant about the group whom I talked with were many Whites who were part of that hearing along with Puerto Ricans and Chicanos, who wanted to affirm the fact that racism did exist on that post as it relates to Black GIs.

Now we found that there was a very disproportionate number of Black soldiers who were in stockades there. At Fort Hood the Black population is approximately 16%, as of that day there were 195 servicemen in the stockade, 31% of whom were Black. Testimony revealed the fact that the vehicle by which Black soldiers are given the stockade kind of punishment is the utilization of Article 15 where in many cases if a man refuses to sign and take punishment under Article 15 he then of course is given a court martial. We found that in many cases there were disparities under Article 15 between the kind of punishment meted out to a White soldier or to a Black soldier. In most cases for the same offense the White soldier was either not punished or given a lesser degree of punishment.

We heard testimony from White soldiers who said that for those of them who chose to socialize with Black soldiers on the post, they found themselves being harassed and being treated in a different manner from those white soldiers who did not associate with Blacks. We received a great deal of testimony with reference to the discontentment of soldiers who are not permitted to function with them, their military occupational specialty.

I found many of these young Black and White servicemen to be quite hostile, quite pessimistic with reference to whether or not there is any real hope, any meaningful hope for them. They spoke of the fact that people have come down there from Washington before and after investigations which they put in the category of being for the purpose of pacifying them, they saw absolutely no changes take place on that post.

Congressman CONYERS. The important consideration in my judgment was the fact that the commanding general and his supporting officers had a completely different view of the state of race relations as opposed to the Black servicemen who came before us to complain.

I would only tell you of one GI whose eloquence to me is all that we need to add to this record. He was from the South, he was young, he was of a very low rank, and he said that there is no place for the Black soldier in the military on that base, and that he said most of the Black soldiers felt that, that it was made clear to them in every kind of activity unofficially and officially that could be made clear to them, and they felt that there was no way for them to even work into the military establishment, that by being Black they were separated out from all of the rules and the statements that were of significance in terms of racial understanding.

But it seems to me that the question that we are confronted with is how do we begin to tear off the attitudes and protestations of good will, good faith attempts to resolve this problem. Everybody now is developing programs and activities that are only superficially dealing with the problem.

Congressman FAUNTROY. If what I heard on Monday is any indication of the racial climate of other bases around this nation, I think the public ought to be forewarned that there is serious possibility of violent reaction on the part of abused and mistreated Black servicemen in this nation. Many of the Black Marines there complained that their manifestations of Black awareness, and Black dignity were greeted often with discriminatory actions with respect to their housing, with respect to promotional opportunities.

With respect to housing for example, they told us of how many Black Marines who lived in substandard housing on the base, housing that has been condemned by the civilian authorities, and which housing was really unfit for many of them to live in with their families. The reason given by the authorities was that of course they recognized it was condemned and substandard housing but it was the best that they could do for the range of Marines who lived in terms of the cost of housing.

With respect to promotional practices and job classifications, we ran into the usual story of Black Marines being relegated to the menial and custodian type jobs which are generally considered dead end jobs where they develop no skills which are marketable beyond their service in the Marines, and how very often, they were diverted from jobs which on their volunteer status they sought as a means of developing skills that were marketable after their service.

While there were only 15 to 16 percent of Blacks on the base, that I would probably find 40 to 50 percent of those in the stockades to be Black. Now for some reason, when I asked to see the stockade, and to talk to some of the men confined there the commanding general informed me that he had instructions from the Pentagon and from the Department of Defense that I, a Congressman, was not to be allowed to go in to the stockade.

It was a high level of dispair and desperation among the Black Marines at Quantico. It was one fellow who said that they had one more time to cross him and he is going to kill some White man on that base. I sensed the anger and frustration in that voice.

Until the system is forced to function in the fashion that noncommissioned officers know, that if they violate the rights and the dignity of Black Marines, they are going to be subjected to the same kind of court martial consequences as are included in other aspects of discipline. It is my strong recommendation that we concentrate our efforts therefore in responding to the immediate problems of Black servicemen in bringing them directly in contact with their commanding generals and creating the kind of continuing dialogue that enables the military programmatic to address himself to raising the level of thinking of many of the racists who come into the services to the level that they will be fearful of the use of epithets, the use of the penalties that are imposed upon those who are Black and who affirm their Blackness through manifestations of Black awareness.

Congressman DELLUMS. I would only add one comment prior to turning the Chair over to my Co-Chairman, Mrs. Chisholm. Because one statement that has been made this morning I think we have to deal with because I do not believe we should leave the Department of Defense or any of the Armed Services free to cop out of the results of these hearings. As result of the testimony we have heard, and that is to comment that racism in the military may be in fact such that there may be no hope to deal with it. The fact of the matter is that racism does exist in the military to the marrow, the bone of the military, and perhaps to the same degree that it is reflected in the general society, but there is one very important difference and that is that the military has the ability to control behavior and that is something very different from racism in the general population. The military is an institution with an elaborate reward and punishment system. It has people as captive clients for two, three or four years or more. The fact remains that the military can and should control behaviors, therefore it may be even easier for the military to come to grips with the problems and discrimination in the military as we ponder and blunder our way through that question outside the military. And it is within the framework of that position that I think that we as Members of the Congressional Black Caucus and our colleagues in the House can press the Armed Services to deal openly and honestly and directly and forthrightly on issues that are grinding up the lives of thousands of Blacks and other racial minorities.

Congresswoman CHISHOLM. First of all the somewhat deep pessimism from the parts of some quarters leaves that maybe there is no hope at all, that maybe nothing can actually be done. I do not believe that to be the answer. I think what has to be done is to actually scrap the whole structure as it currently exists. First of all a large number of the persons in the military in the high command level are persons who come from the southern section of our country. This has been a way of life, this has been a career for many of these persons because of a lack of certain other opportunities for these white individuals. Then you have on the other hand, on the opposite side, Black persons in a society where these persons have been relegated for the most part to a nonrelevant and subservient status . . . now being under the control of persons on the other end of the scale who have helped to propogate that theory over the years. Therefore if we are going to do anything about the inherent racism in the military system, we are going to have to scrap the manner and the way in which many of these persons who are holding the top level command positions in this country have been controlling the system.

Statement of Frank Render, fellow with the Joint Center for Political Studies and Metropolitan Applied Research Center. Former Deputy Assistant Secretary of Defense (Equal Opportunity).

Mr. RENDER. The problem simply stated is the failure of civilian and military leadership to carry out its equal opportunity responsibilities. From freshly-striped NCOs to top brass with long-term bureaucrats as well as high ranking political appointees the problem exists . . .

I am convinced that in the well-structured military world that command leadership is the key to our rapidly moving to the ideal of universal racial harmony. A properly administered and controlled system of rewards and extensions must be maintained. This is not the present case. There is some positive leadership, but too often a neutral or negative pattern of behavior in equal opportunity exists. It can in some ways be equated in the now familiar "Moynihanesque" benign neglect.

There are several examples as to how the services reacted very reluctantly and oftentimes with disdain to inquiries, observations, and strong recommendations from the Office of the Deputy Assistant Secretary for Equal Opportunity. For example, we were not permitted to acquire reports of racial incidents from the services transmitted to us on a periodic basis. More often than not we read about an outbreak in the daily print media and found it difficult to obtain further information about these events.

The Office of the Deputy Assistant Secretary for Equal Opportunity is too far removed from the Secretary of Defense who apparently wants to achieve racial harmony and understanding. The two positions in between, the Assistant Secretary for Manpower and his deputy create too much distance and hamper the communication which is necessary for a meaningful appreciation of the problem and steps towards solution.

Racial problems are complex and deeply rooted in our culture and are not therefore susceptible to simple remedies or instant solutions.

There is a significant movement in the Defense Department towards the development, promotion and production of very limited race relations, educational programs, equal opportunity seminars and other approaches that have some long range effect on attitudes. There is still not enough being done for the here and now to insist upon and to effect proper behavior in the equal opportunity area.

Congresswoman CHISHOLM. Being on the inside for quite a while, would you say that there is a kind of internal struggle going on between the uniform command and the civilian command in terms of affirmative programs?

Mr. RENDER. I will answer that categorically, yes! I think that the military services act on the basis of what the Defense Department directives state, they at least formulate policies based on overall policy, and as I felt in my tenure that many times when we were trying to implement these policies that the services themselves resisted and found ways to circumvent or subvert what we were trying to do.

There is a basic answer that most people do not want to face, that there is blatant racism within the military and people are very resistant to making changes. You see the Army, the Navy and other services have operated for so long with this kind of mentality, and people have risen to high positions by using the methodology and certainly some methodology that is negative to the aspirations of minorities.

In other words we found many situations wherein people were pushed to the wall, wherein some of the young men were harassed to the extent that they felt so frustrated that they would lash out without thinking sometimes and do something that would get them into difficulty, then as soon as they did the slightest thing for which there is some rule or regulation that could get them into difficulty.

Congressman RANGEL. When I went into the stockade, I was asked the question, "How many of you would take the Chapter 10 of it were offered to you?" And while a lot of hands did go up the warden at Fort Bragg said: "Tell the truth, tell the truth, how many of you really want a Chapter 10? In other words the warden was in a position as the one that was offering the Chapter 10. So that without going into the guilt of the defendant of the innocence it appeared to me unequivocally in going to cellblock to cellblock that Chapter 10's were being offered as an opportunity for the warden to reduce his population at that point by having the person discharged undesirably and then to bring other people and go through the same process.

Mr. RENDER. The people who were in charge in many situations were saying "Go ahead, do this, it won't hurt you, and six months later after you get out you come back to your Veterans office or your Selective Service office or some office and we will be able to remand that and give you an honorable discharge. But at this present time take that and get out and you will be happy and we'll be happy and it will be a better situation."

. . . it doesn't just deal with having chitlings in the snack bar, it does not just deal with having a Soul band, it deals with very serious interpersonal relations that affect the daily lives of these individuals, these young men. The acceptance of people as individuals, the acceptance and understanding of the different life styles and so forth that people have, this is the strategy that I think must be taken.

Statement of Cornelius Cooper, 1969 West Point graduate, former first lieutenant in the artillery division, Fort Bragg

Mr. COOPER. I am a conscientious objector and my relations and separation from the Army stems from that.

The Army is a feudal society, possessing class and even caste lines which can be crossed only with difficulty. And like all feudal societies it is also possessed of its own series of illusions and myths.

In this environment of strange values and obtuse standards, the Black man is asked to compete. He finds that in order to be successful, he does not have to think at all; many of the jobs are totally alien to anyone's experience, for once he is merely on the same footing as his contemporaries—or has the illusion that he is because he still cannot read (understand). If his uniform is always clean and pressed, if he is tougher than his contemporaries, if he can wheel and deal, if he is loyal to his immediate chain of command, he will be honored. I think here is a point to me that is important, because Black soldiers in the service, Black officers, Black NCO's end up becoming super soldiers. They are the most militaristic acting individuals in the Army. Many times they are more racist than their white counterparts. I think for members of Congress the best thing you could do as far as rectifying it would be to create a meaningful program to train people to get out of the service. Right now there is supposed to be a program where people for the last three months are able to be cross-trained and can learn to be something besides a cannoneer or a squad leader.

So I think that to me the only meaningful program that you could really do is to create extensive, an extensive comprehensive program to give people an alternative to the military once they have decided they do not like it anymore so they can learn another trade.

I have gone to the military academy at West Point, if you understand the nature of how an army must run, you have to realize that it has to run by demeaning the individual. No person is really going to walk out and take a kill or be killed unless he has been somewhat emotionally aroused to do this type of gesture, this really destroys an individual. You find only "partial" people in the military.

Congressman DELLUMS. These hearings have started with the premise that racism exists in the military. It starts with the assumption that maybe there are some things that can be done, and then you start to deal with those questions, hopefully in the process of these kinds of hearings where we are trying to effect not only the public opinion of our colleagues but the public opinion of the masses of people that these hearings are an important step.

Statement of Lt. Col. Dowdy, General Staff; Major Roscoe Byrd, Veterinarian; Captain Charlie Smith, Infantry; Captain Charles Johnson, Military Police; Captain Philip L. Robinson, Infantry; Captain Burns, Military Police; 1st Lt. Lacy Haith, Engineer; Captain Fulton Burns, Military Police; and 1st Lt. Cornell Jackson, Infantry; Black Officers Stationed at Fort Devens, Massachusetts

Congresswoman CHISHOLM. Black officers from Fort Devens in Massachusetts come before us:

Captain SMITH. We are concerned Black officers that want to see a change in the institutionalized racism that has wrapped itself around the military system. We sit before you today because time is running out:

I would also like to bring up and I contend that if the Black officers in the military had the proper backing, eighty percent of the racism in the military would not exist at the troop level. Two and two-tenths percent of the officers corps of three hundred eighty-nine thousand officers, we make up two and two-tenths percent, about a thousand, and they are afraid.

Captain JOHNSON. Being relieved from command is very serious in any officer's career because a command is very important for promotion. It was knowledgeable at the time that I needed command time in my career because this was the first command that I had had in a seven-year career.

Just before I was to take over the company I had to go to the stockade and be an assistant correctional officer because as the group commander at the time stated, we need a Black officer in the stockade.

Captain BURNS. The way things are going, when you are a second lieutenant, first lieutenant, people don't expect you to know anything or to be able to do anything. I served as a Second and First Lieutenant in Vietnam. I was wounded, I guess quite seriously, I spent six months in the hospital and was awarded a Silver Star. When I came out of the hospital at Fort Devens in 1968 I was assigned to post headquarters as a snow removal officer. Also, the difference in a Black officer who all of a sudden wakes up one day and gets his set of orders and he is a captain is that nobody has bothered to tell him anything about what he should do or anything. He is given these menial jobs except when he is in combat. Then one day you are a captain and they say okay, you are a captain, here is a company and it is yours. Whereas a white officer, he is constantly, every time he makes a mistake no matter how menial it may be, he is counseled on his mistake, told what he has done wrong and what not to do. Whereas a Black officer, he makes a mistake, nothing is said to him about it until efficiency report time comes around.

Captain SMITH. I have walked down white commanders' rows and looked, and when I start seeing eleven barred to re-enlistment, five of their names are Diaz, Sanchez, I know who they are, they are Chicanos or Puerto Ricans, one or the other. And then I look around, I find Brown, Thompson, Williams and maybe a Brinkley. Now wait a minute, how many in there are Black and how many are white? Five Chicanos, five Blacks and one white, and you only have seven Blacks in your company and you have barred five of them from re-enlistment. What is this? One company commander was not even aware that he was a bigot. . . .

Congressman DELLUMS. The first question I would like to ask you is do you have or have you been provided with any specific training in this regard or is this another one of those Black jobs?

Colonel DOWDY. No, I have not had any training in that area. Just that I was assigned this responsibility because when I arrived at the post there were a lot of problems involving the Black officers, these offi-

cers sitting here today, so they all came to me with the problems.

Congressman DELLUMS. That is one of the recommendations that goes to the fact that in the military you are in a controlled situation and that the ratings are extremely important and if they are so important to the officer's career, then he would have to respond in this area as effectively as he would respond to firing a weapon.

Colonel DOWDY. Sociability, adaptability, yes, this should be in a numerical part of the report. If I might add, another recommendation would be to assign more high-ranking officers into key positions. This is not being done now!

Congresswoman CHISHOLM. Today we are going to focus on the problems pertaining to medical problems, housing problems of our servicemen here and abroad.

Statement of Captain Edmond Robinson, M.D., U.S. Air Force, stationed at Lackland Air Force Base, Texas

Captain ROBINSON. I am Captain Edmond Robinson, M.D., United States Air Force, stationed at Wilford Hall Medical Center, Lackland Air Force Base, San Antonio, Texas. . . . Now, I would like to say without reservation that I feel that the Air Force's racism, which is a foregone conclusion, does exist, is the most sophisticated of all the Services, and I say that because I have noticed where always the Air Force is last to change, even if it is a simple matter such as hair. The Air Force has this elitist attitude that they are the top service so-to-speak, therefore the way we have been doing things must be right and we are not going to give in, we are not going to change. . . .

Now, I will have to give you personal observations as a physician, and as a military man, things that I have witnessed, in career job assignments. . . . Lackland is where many policies are decided, it is decided there what technical fields people will go into, what career fields, et cetera, et cetera. . . .

There are four categories the Air Force enlisted men go into, administrative, general, mechanical and electronics. Now of course most Blacks end up in the general field. You have very small selection of things you can do, of meaningful jobs you can do. And it has been my observation that most Blacks end up in security police. Now at Lackland this has assumed the atmosphere of being a catch-all job. . . .

In staffing patterns, people who are put in supervisory positions, I have seen that there is a tendency to do anything necessary to ensure that Blacks will not be put in supervisory positions. I have personal experience with this. On OER's and APR's, which are rating systems, it is like a report card which is not very important to a medical doctor unless he is going to be a career military man. But I have found that Blacks find this very intimidating to think that there is somebody who is going to subjectively grade them and put down on their APR or OER whatever their thinking is. On-the-job training, or OJT, first of all with this kind of system it is very important that there be communication when a person goes to OJT. And I have seen that seemingly English is a second language for many Blacks.

I have observed the handling of dissent and militancy in the military, especially the Air Force. One is this catch-all type law governing possession of marijuana. Just as in society with this law filled with all kinds of loopholes, all kinds of interpretations, even the Federal Government has made it a misdemeanor, possession of marijuana, but it is still a felony under the United Code of Military Justice.

Homosexual charges, this is another way they have of dealing with dissidence and militancy. For example, to show you how asinine the situation was, although the Air Force has now corrected it somewhat, a young man would come in and say that, for whatever reason he did not want to be in the Air Force any longer and he said I am a homosexual. Immediately he is withdrawn from training, placed in the so-called "queer barracks" until he could prove collaboration. Finally there was a near riot over in this "queer barracks" because some people were getting general discharges and some people were getting honorable discharges. The Air Force based that on the fact that on the Form 89 that you fill out where it says homosexual tendencies, if you left that blank and some question arose in the future, you were given an honorable discharge.

Medical problems peculiar to Blacks. First of all, sickle cell anemia, now those of us know that recently sickle cell anemia has been given a lot of publicity in the press. Sickle cell anemia, which is a crippling and severe hereditary blood disorder and it is found almost exclusively in Blacks. And it was estimated that there are approximately fifty thousand Blacks who have this disease in its active form and another 2.5 million who have the sickle trait. Now this becomes very important in the Air Force in that if you have a sickle trait, you cannot be placed on flying status. Flying status involves more money, it involves getting into career fields that are much more important. So we can see where having sickle cell anemia does thwart the progress of many Blacks. Air Force has demonstrated a high degree of insensitivity to this problem by not providing any money for research, any interest in the problem that precludes and automatically eliminates many Blacks from choice career fields. They have no interest in it seemingly whatsoever. Another problem is the so-called pseudofolliculitis of the beard which is commonly known to Black males as shaving bumps. Now this disease does not threaten the patient's life or general health although his appearance may be permanently damaged, his comfort impaired and his career adversely affected. Dermotologists have long agreed that there is only one way to cure, mind you now, "cure" and that is for the patient to grow a beard. This was also taken from an article deduced. Although growing a beard will cure the disease, military regulations allow that option only on a temporary basis. Air Force Regulation 3510 allows a medical excuse for shaving up to three months for patients with diseases of the beard area, and patients with pseudofolliculitis of the beard, as the Air Force puts it, should be granted this. But there is no established policy. The Air Force is totally insensitive.

The military does not respond to a sense of what is right, what is just and all of this. They only respond to political pressure and a sense of publicity and this kind of thing, these are the only things they respond to. We need legislation designed to liberalize and to update the Funiform Code of Military Justice, especially the parts dealing with drugs and homosexuality. I see no need for a man going to get a job in the private sector of our society to have to answer a question about what kind of military discharge did you get, you know, two years of his life spent in the military and this is going to influence forever his type of employment. I think that is giving too much emphasis to the military.

Now, I have observed, and I have extensive experience with drug abuse—the official attitude of the Air Force seems to be, well this is something, this drug rehabilitation, that was sort of crammed down our throats by politicians, therefore we are not really going to be concerned about rehabilitating anybody, all we are going to be concerned about is making a nice report and making sure that this goes back to the Surgeon General.

But there is a complete insensitive thing about that, they are turned loose into society without having been rehabilitated.

Statement of Major Eugene Wise, Jr. U.S. Air Force, Stationed at Lockbourne Air Force Base, Ohio

Major WISE. Statistics show that Black airmen are promoted more slowly and in fewer numbers than their non-Black contemporaries on a proportionate basis. I have attended numerous retirement ceremonies and have never seen a non-Black three striper retire with twenty years of service. Invariably the lowest ranking man at most retirement ceremonies is most always the Black man.

Rank and promotions are directly related to the system of military justice. If an airman accepts an Article XV, which is nonjudicial punishment, he is automatically placed on a control roster which makes him ineligible for consideration for promotion; and this Article XV is also used to downgrade his efficiency report, effectiveness report. This report can be then used to limit further opportunities for promotion. In the officer ranks, this effectiveness report is the primary document used for evaluation for promotion. This annual report is supposed to be a description of individual performance as it compares to his contemporaries. . . . However, it is equally difficult or impossible for the person receiving the unjustified lower rating to successfully argue against accepting them. And it is at this point that the discretionary evaluation of the Effectiveness Report for officers and airmen's performance reports can so easily become discriminatory against the Black serviceman. One then finds . . . On the other hand, those who do acquire rank seldom are given jobs that require supervision of other people in significant numbers. I am aware of the few Black squadron commanders in the Air Force and none in the operations or flying field. This is important to Black career officers because without command responsibility, it is very unlikely that you will be promoted beyond the field grade or the rank of Major.

Many Black career non-commissioned officers and airmen find it necessary to seek extra jobs to provide in an adequate manner for their families. This problem is compounded by the fact that housing is assigned by rank.

Base housing presents another variation of the problems in the minority situation. The base is often equipped so as to handle most of the essential and recreational needs of those living there. If it seems like a case of not getting satisfaction on the base or off the base as regards to housing, this is true in most instances.

I do not know the number that are pilots but percentage wise, there is 1.7 percent Black Air Force officers in the Air Force. So I would say, I would guess that it has to be less than one percent.

Congresswoman CHISHOLM. I would like to ask a question or perhaps you can give some insight here because I know that it has been very obvious that in terms of the equal employment opportunity officers on these bases, it is always a Black person that has been moved into these positions. Because I found in talking to a number of these servicemen at Fort Dix, appreciation of the human relations chairman and of the equal opportunity officer is nil. Because in many instances the title is there but in terms of really being effective and able to do the kind of job which that officer might feel deep down inside needs to be done, he is hamstrung and curtailed because of the regulations and the rules and also because of his own military career.

Major WISE. Well, I must first say I was appointed to this office and I was relieved two months later. It depends on the man under whom they work because as Equal Opportunity Officer you have direct access to the Wing Commander, and if he is a man

of integrity then you can deal directly with him and really be effective.

Congressman Dow. You indicated that housing was allotted according to rank. Well, that being the case, would not the housing be allotted on the basis, on that basis? Where does racism enter into it if housing is assigned according to rank?

Major Wise. It is because of the difference, the way punishment, discretionary punishment, and discretionary writing of Effectiveness Reports that cause a man with eighteen years of service to be a Staff Sergeant, a four-striper or a buck sergeant, a three-striper, while his counterpart is a Tech Sergeant or a Master Sergeant. It is not the housing itself, it is meted out according to regulations but you can make a difference.

Congressman Stokes. We find Article 15 being utilized for purposes of punishing those found in violation of the Afro haircut regulation, it is utilized against those who dare wear the Black arm bracelet or the Black rings, and often times we find these servicemen who, rather than face a court-martial, go ahead and submit to the non-judicial punishment under Article 15. Certainly we know it is exercised to a large degree in the Air Force where the percentage of Black servicemen in the stockades are some fifty-three percent of the total stockade population I am just wondering what your observations are.

Major Wise. There is this sophistication and this resistance to change, and anything that indicates a change is a threat to their authority, and I do not have the answer. I do not have a recommendation for this because I have seen too many commanders circumvent regulations and I do not think we need any more regulations, I do not think we need any more legislation. I think too many commanders have been relieved of their jobs under fire whereas I think they should be exposed for the bigots they are and make the people, the commanders, the supervisors realize that when they take a young airman give him, a Black airman, give him an Article 15 and for the same offense give a white a letter of reprimand, a verbal reprimand, that he is placing his career on the line.

I do not condone the policy of rule by fear but I have learned it in the military and they respect it. All people in the military respect it. And if a man knows that his career is on the line, something he has dedicated his livelihood to, he is more likely to attempt a change than he is if we put some legislation that he can circumvent . . .

Statement of Major and Mrs. Washington Hill[2]

Major Hill. First of all, one of the efforts by the military in this area and why aren't they working? The housing referral officers, better known as HRO, have been established since our long and bitter fight in mid-December of last year. The specific objectives of this program are to make more economy housing available to the United States forces which it has, not to provide equal opportunity in securing off-post housing, which it has not. The housing referral program now provides as we first recommended last November that:

a. All personnel in the military or Department of Army civilians seeking economy housing must do so through the Housing Referral Office. This is not being obeyed.

b. Tenants who find their own apartments are requested to have their landlords register with the housing referral offices, and this is not being obeyed.

c. Written assistance on non-discrimination will be obtained from the landlords or agents and retained by the housing referral offices, and this is being done. And finally,

d. Then off-limits sanction will be used against landlords who will not rent to Blacks, and this is being done.

The existing problems in the face of this "effective" program are these:

a. The housing referral offices for the most part still have an inadequate number of economy apartments listed which forces individuals to find his own housing where, if he is Black, he quickly runs into discrimination. For example, in one housing referral office there is only eight places listed on the economy.

b. All personnel do not, I repeat do not, go through the Housing Referral Office. This can be easily, and has been easily documented. Many landlords have stated to white tenants and to prospective tenants that they would not rent to Blacks. Whites do not cooperate by reporting these landlords to the housing referral offices and will rent their apartments anyway. This happens all over Germany.

Now there are several recommendations:

One, the housing allowance and station allowance received by those living on the economy be withheld until they can show that they have gone through the Housing Referral Office.

Two, more Black NCOs, officers and Department of the Army civilians and less local nationals, less Germans, assigned to the Housing Referral Office to assure compliance of the landlords and agents with the system and to decrease the behind-the-scene maneuvers of these German landlords.

Three, follow-up on landlords who sign forms to assure their full compliance.

Four, the Department of Defense should immediately proceed to assume all leasing responsibilities relating to off-base housing of American servicemen in West Germany. The Department would then be free to sublet these units of housing to American GIs without any discrimination.

Five, discussion on the subject on the treatment of Blacks must be initiated at the highest levels of the West German Government. There is no reason why, repeat, no reason, why we must tolerate racism by the Germans. There is no German organization to which the Black GI can address his grievances. He must turn to the Army which has already shown it will tolerate racism in the military.

The Black GI is frustrated and has lost faith in the military system. He is discriminated against by the Germans in housing and off-post entertainment. He is discriminated by the military in promotion, military justice, legal counsel and administrative discharges. We need no one else to come to Germany and tell the Blacks, you are subjects of racism. What we do need is your support in getting recommendations we have made previously implemented.

One, effective, compulsory human relations councils at every level, elected by the people who they are supposed to help, to meet regularly with their commanders. Equal opportunity officers are a farce, for his job his to protect the MAN and not our rights.

Two, more Blacks in the positions of responsibility such as NCO's, company and battalion commanding officers, etc.

Three, more Black judges, lawyers and MP's who can give help to the Black GI in trouble. There are only two Black JAG Corps officers out of a hundred and thirty-six.

Four, replacement of the insensitive and prejudiced NCO and officers who are making the lives of the average Black GI in Germany miserable because of his Afro or his handshake, or him saying brothers instead of soldiers when he is speaking to his commanding officer.

Five, and elimination of the harassment of the Black who attempts to change the system in a peaceful way before he attempts to do it in a militant way.

Other areas of major concern are the schools, employment and PX facilities. In the schools there is a desperate need for Black teachers, as counselors, principals and coaches. In one elementary school in Frankfurt, there are seventy teachers and only five are Black, and two of those were appointed this year. And to my knowledge there is only one Black principal in Europe and he was appointed this year after thirteen years of working in the school system in Germany.

There are many dependents who are teachers but they cannot get jobs because they are constantly being told that there are no vacancies. The majority of the teachers are hired from the States and this is one of the reasons why it is difficult for dependents to get a job, but there are many of them available and they do apply immediately upon arriving in Europe but if they are hired they are usually hired as substitute teachers and they work as substitutes year after year but many white teachers after substituting for a year are hired on a permanent basis the following year.

There is a lack of Black Studies in the schools and the schools are given a choice of whether or not they want to teach Black students and most of them have elected not to.

In regard to employment, the Status of Forces Agreement gives local nationals priority in securing jobs. Supervisory, managerial, secretarial positions are taken by the local nationals and the Americans, Black and white, must take the menial jobs if they want to work, and they need to work.

Many of the dependents are beauticians, but until five months ago there were no Black beauticians employed in Germany. They had to do hair in their homes and this is the choice that we had.

Under PX items, we thought we would start with cosmetics, but this is such a small thing. There is a lack of choice of cosmetics. There are no cosmetics by Black manufacturers available, and when we approached the officials about securing such cosmetics, we were told that this had been recommended.

Number one on the list is to clean house in the school system in Europe. From the administrators down to the teachers, the deadwood has to go.

Dependents must be given a better opportunity to secure jobs and this will probably mean a change in the Status of Forces Agreement.

Congressman Dellums. Thank you. Do you believe that it will serve any useful purpose if NCOs and commissioned officers would be numerically rated as a significant part of their proficiency rating on their ability to address equal opportunity directives handed down through the Department of Defense or through their individual branches of service?

Major Hill. Definitely.

Congresswoman Chisholm. Thank you. I would like to hear your reaction to this. Would it seem to you that we should move in the direction of the establishment of the Department of Civil Rights in Germany, staffed by Blacks both in and out of the military, to address themselves to the multitude of problems that you are confronted with there in Germany? In other words, we cannot approach this in a patchwork fashion. The problem of housing, of education and promotion.

Mrs. Hill. I would just say very definitely yes, we do need such an organization. In fact that was one of my recommendations and I don't know how I could possibly overlook that. But it is very very important.

Statement of Clarence Chisholm, a Black veteran recently returned from Vietnam

Mr. Chisholm. One of the most serious problems the Black GI is confronted with in Vietnam is the insensibility of white senior NCO's and officers. They seem to forget that the Black man is as much a part of their command as the white, and until they realize this and begin to function as true leaders, responsible and dedicated to all of their men, American forces are headed for

[2] Major Hill is a physician in the U.S. Army. Mrs. Hill is a former nurse and currently a representative for an educational consultant firm who has visited numerous Army bases.

great calamities and chaos . . . This polarization took place out of a need for psychological security and of a need for a forum from which to voice opinions of the Blacks. It was thought that strength was in numbers and that a more positive reaction could be obtained speaking as a group rather than as individuals. Further polarization led to the pseudo concept in the mind of many Blacks, whom I came in contact with, that his white counterpart was the true enemy and more of a threat than the North Vietnamese or Viet Cong. To support this change, it is a matter of record that many fraggings, which is a term used in Vietnam to describe premedicated detonation of fragmented grenades to injure or kill, and killings in Vietnam of American men which were noncombatant. I have also visited camps in Quang Tri, Phu Bai, and other areas, and a condition of terror, fear and distrust between Blacks and white existed in many if not all of the camps at which I served or visited. In or around the month of March 1971, as a result of a shooting incident involving a Black soldier and a white soldier, a very serious racial confrontation took place on Camp Baxter, DaNang. Because of the high degree of racial tensions and because of past experience of shooting incidents, weapons were issued to men only during guard duty, or to everyone if a Red Alert occurred, which is a condition of enemy attack. But when word of Blacks forming to protest the shooting incident was heard by the commanding officer of 329th Trans Company, also on Camp Baxter, the white soldiers were barricaded and armed with two to three M–60 machine guns pointed toward the center of the compound, thus creating a very paradoxical situation whereas the whites considered the Blacks their enemy and the Blacks, already polarized, considered the whites their enemy. This is a perfect example of the beginning of chaos and weakening of the so-called "world's" strongest military force. This is also an example of the day-to-day confrontation which took place in various camps throughout Vietnam. I state further that unless racism within the ranks of the military is arrested, further polarization of Blacks and whites will continue and a dangerous breach will exist, detrimental to the security of the United States of America.

I am also now a victim of unemployment. This is a very serious problem and quite a few veterans are concerned, especially Blacks. Many Blacks are unprepared to face this condition back in America. They hope that something will be done in the near future that will eliminate this problem.

Statement of Sam Barry, former Army Sergeant, who is a veteran of Vietnam and Germany, presently a student at Bowie State College, Bowie, Md.

Mr. BARRY. We request an unannounced investigation of all military confinement facilities. We request that intensive studies of pre-trial confinement procedure be initiated and acted upon. We request a review and revisement of the military inspector-general system. We request a review of job of MOS placement procedures. You see, when you are inducted into the military, one of the vehicles that they use to perpetuate racism and job discrimination is that they place Blacks in these menial type jobs and I am sure the testimony you have been hearing in the last couple of days have pointed that out.

We request a review of the need for the endless parade of unnecessary field of exercises.

We request a study of U.S. soldiers being used for labor purposes that the German labor services are supposedly being paid to do. Realizing that most GIs are in these menial type jobs supposedly eliminates the need for GIs to be used to scrap paint and et cetera around the different military installations.

We request the nationwide elimination of kitchen police. Now one of the reasons that we request, that they make this request is that a GI who is below the rank of sergeant can look forward to an extensive relationship with kitchen police.

We request an end to discrimination against soldiers in off-post housing and in civilian-social establishments.

They respond to things economical. We found that to be true.

We request an end to the requirement that GIs in civilian attire stand for the playing of the national anthem. This is a very sensitive area with most GIs E4 and below who in the first place, they do not believe . . .

We request that the special service be required to make standing policies the practice of inviting white, and especially Black notables of all political, religious and cultural persuasions to appear at nonviolent and peaceful functions.

We would like to ask the members of the Caucus to review these testing procedures and indeed the test themselves, that once given on being inducted into the military. We feel that this is a very critical area . . . . the process of, once they get us into the military, once we . . . they have a thing in the military where they will get you to sign up for an extra year or an extra two years above the normal two-year tour of duty, promising you a certain job or a certain MOS.

Far too often Northern white officers and NCOs become infected with racism after marrying into white Southern families and/or being stationed at military installations in the south where most of these large military installations are located. That is a very important point.

Congressman DELLUMS. Along with the specific recommendations of Mr. Barry, we will consider an attempt to move on additional recommendations, some of which overlap.

1. I think a need for a Federal Court jurisdiction over the military court of justice matters.

2. A need to build a reward and punishment system compliance with Equal Opportunity Directives;

3. A need to re-evaluate and restructure promotion policies regarding Black GIs.

4. A need to re-evaluate foreign policy regarding those governments that discriminate against Black GIs stationed there.

It would seem to me that to provide a foreign aid to nations blatantly involved in racism means that this country is subsidizing racism in its foreign policy. I would think that the Black Caucus would move very openly in that regard to attempt aggressively to limit and to stop foreign assistance to all nations that are involved in racism. It is one thing for a country to say to GIs "Yanks go home", because there are many countries where we should be home. I think probably one of the reasons why we have so many problems in Germany is because we don't have a damned thing to do there. But there is a very different response when you see signs saying, "Nigger go home", because that does speak to the racism of that country and that does speak to a major problem in America.

5. Involving Black social and political action groups, have race relations training in the military. I might add, synthesize the military to the fact that Blacks and Browns, Reds and Yellows, and Whites who have different political points of views are going to continue to be organized because of their own needs, values and political ideas of which they do not leave outside the gates of basic training.

6. The need to begin to see Blacks in command positions in the military. It seems disgraceful that this country that lodges itself in justice and democracy and freedom can continue to have a microscopic number of Blacks commanding anything, still having us in the position of being foot-shuffling, ministerial men and women. We have to attack that very strongly, because as long as this country considers itself a democracy, until you make maximum utilization of all races, classes, sexes and generations of this country, you are not utilizing the intellectual capacity and leadership ability and the potential of millions of people.

7. The need to evaluate Equal Opportunity programs and training procedures and restructuring them where we believe it is detrimental to Blacks and other racial minorities.

8. The need to evaluate punishment of Black GIs for such culturally-oriented gestures as handshakes and wearing our hair long and kinky.

9. The need to evaluate military regulations which have had a negative effect on Blacks and other racial minorities.

10. The need for the Caucus to follow up with the Pentagon regarding specific and general problems raised during the one-day and the three days of hearings here in Washington.

I would only say that as one Member of the Black Caucus and as Co-Chairman of these hearings, that I think the hearings have only served to dramatize and to point out something we all know, that racism exists in this country. It exists in the world and it exists in the military. There are those who are about the business of building a movement in this country and a political alternative to expedient liberalism and reactionary politics, who choose to focus on changing fundamental institutions in this country so that they relate to human pride and human dignity.

As powerful as the military is, it will change.

It cannot stand outside of change.

I will say only to Mr. Barry and others that one factor I think we have to fight against very desperately and that is the practical effect of psychological genocide, and what I mean by that is the psychology of the notion that the military-industrial complex, the government, the powerful institutions that make decisions that affect our lives are too powerful to change. Because when you destroy a human being's will to hope, will to struggle, to realize the dream that comes from his hope, you have destroyed that human being and that is genocide.

We have to turn around and start talking about our ability to come together. I appreciate Mr. Barry's statement that he understands the policies of oppressed people in this country. Because we as Blacks no longer have a monopoly on "Niggerism" any longer; that there are all colors of Niggers in America. If we can pull those oppressed forces together, it seems to me that the Blacks, the young, the women, the poor people, the people who are overworked and underpaid and overtaxed, would come together, we are not operating within the framework of a minority, we have a majority. If we are able to pull that majority together, we will not have to hold these kinds of hearings.

The last point I would like to underscore for you as well as the press, is that it seems tragic that in 1971 that the Congressional Black Caucus, a handful of Black Congressmen and women, had to try to find independent resources to hold Ad Hoc hearings when there are millions of dollars at the disposal of the United States Congress that do not go to serious issues that have been well documented in all forms of media, that have been well documented by most civilian and military personnel, that we sit here holding Ad Hoc Hearings while our colleagues are on the floor calling irrelevant quorum calls, and the Armed Services Committee not seeing fit to address the very serious problems that have been outlined during the past four days.

Congresswoman CHISHOLM. Thank you very much, Mr. Dellums. These have been hearings that should have been called by the

Armed Services Committee that has the money and the personnel and the jurisdiction and the responsibility to see that there should be a complete eradication of racism in the military, and has not seen fit to do so because this does not concern them in terms of being top-level priority. So despite the fact, we have . . .

At least now served notice to everyone here in Washington, D.C., and all over this country, that the Blacks in the military now are tired of tokenism, that together we are going to bring all of the pressures that we know how to bring to bear on the Department of Defense.

FRANKING PRIVILEGE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. HELSTOSKI. Mr. Speaker, as I had indicated and upon receiving unanimous consent Tuesday, October 10, I herewith include in the RECORD the following:

First. Verified complaint of Alfred Schiaffo, plaintiff, versus Henry Helstoski, defendant; Robert Budelman, attorney.

Second. Plaintiff's proposed findings of fact and conclusions of law.

Third. Reply of brief on behalf of Henry Helstoski, defendant; Alfred Porro, attorney.

Fourth. Brief, on leave granted, on behalf of Committee on House Administration versus House of Representatives, as amicus curia; Eugene Dinallo, attorney.

Fifth. Reply memorandum in support of application by plaintiff, Alfred Schiaffo for a permanent injunction.

Sixth. Post hearing memorandum in support of application by plaintiff, Alfred Schiaffo, for a permanent injunction.

Seventh. Transcript of proceedings before Hon. Leonard I. Garth, U.S. District Judge. Continuing oral opinion delivered in open court. Written opinion still unprepared as of October 13, 1972.

[U.S. District Court, District of New Jersey,

Civil Action No. ——]

Alfred D. Schiaffo, Plaintiff, against Henry Helstoski, Defendant.

VERIFIED COMPLAINT

Alfred D. Schiaffo, plaintiff herein, by his attorney, Robert B. Budelman, Jr., complaining of the defendant, alleges upon information and belief as follows:

1. This action is brought to enjoin defendant, Henry Helstoski, from misuse and abuse of the congressional franking privilege and for damages as a result thereof. Jurisdiction is conferred on this court by 28 U.S.C.A. Sec. 1338, Sec. 1348 and also by Sec. 1331, since the matter in controversy exceeds the sum or value of $10,000.00 and arises under the laws of the United States.

2. Plaintiff Alfred D. Schiaffo is a resident of Closter, Bergen County, New Jersey, and is presently a New Jersey State Senator from Bergen County.

3. Defendant Henry Helstoski is a resident of East Rutherford, Bergen County, New Jersey, and is presently the United States Representative for the Ninth Congressional District of New Jersey.

4. Plaintiff Alfred D. Schiaffo is the Republican candidate and defendant Henry Helstoski is the Democrat candidate for the United States House of Representatives from the Ninth Congressional District of New Jersey in the general election set for November 7, 1972.

5. On or about June 16, 1972, defendant sent unsolicited to an undetermined number of persons in the Ninth Congressional District of New Jersey as franked mail, a book entitled "The Yearbook of Agriculture 1963" in violation of the franking privilege and 44 U.S.C.A. Sec. 732.

6. On or about August 23, 1972, defendant sent unsolicited to an undetermined number of persons in the Ninth Congressional District of New Jersey as franked mail, a 1961 87th Congress publication entitled "The Capitol, Symbol of Freedom" in violation of the franking privilege and 44 U.S.C.A. Sec. 732.

7. In the latter part of August, 1972, defendant sent unsolicited to an undetermined number of young, newly registered voters in the Ninth Congressional District of New Jersey as franked mail, a "1972 Young Voter Opinion Survey". Said "survey", while stating that it was not printed at government expense, was prepared and sent at public expense in an envelope printed at government expense, which stated it to be "Official Business" all in violation of the franking privilege.

8. On or about September 1, 1972, defendant sent unsolicited in a mass mailing to an undetermined number of persons in the Ninth Congressional District of New Jersey as franked mail, a consumer product information index of selected federal publications. Said index, while stating that it was not printed at government expense and bearing the picture of defendant, was prepared and sent at public expense addressed to "Postal Patron—Local, 9th Congressional District, New Jersey" and designated on its mailing face as "Official Business" all in violation of the franking privilege.

9. On or about September 15, 1972, defendant solicited funds for a special section of a county chapter of a national charitable organization by sending to an undetermined number of persons in the Ninth Congressional District of New Jersey a letter under the heading "Congress of the United States, House of Representatives" and the signature designation, in part, "Member of Congress" and in an envelope printed at government expense bearing the address "Congress of the United States, House of Representatives, Washington, D.C. 20515, Official Business". Said letter soliciting funds was not official business of the Congress of the United States.

10. On or about September 13, 1972, defendant sent unsolicited in a mass mailing to an undetermined number of persons in the Ninth Congressional District of New Jersey as franked mail a "Washington Report". Said report, while stating that it was not printed at government expense and bearing 4 pictures of defendant, was prepared and sent at public expense in an envelope printed at government expense and was addressed to "Postal Patron—Local, 9th Congressional District, New Jersey" stating it to be a "Public Document—Official Business" all in violation of the franking privilege. A copy of said "report" and envelope are annexed hereto.

11. The aforesaid franked mailings were an abuse and illegal use of the franking privilege in violation of the Postal Reorganization Act Title 39 U.S.C. sections 3201, 3210 and 3211.

12. The sole purpose of the aforesaid mailings was to publicize and promote the political campaign of defendant.

13. The public has an overriding interest in being protected against abuses of the franking privilege.

14. The aforesaid franked mailings constitute campaign literature mailed by defendant at government expense and such mailings do not constitute "Official Business" under Title 39 U.S.C. section 3210 and thereby are not eligible for mailing without payment of postage.

15. The aforesaid mailings at government expense violate the civil rights of plaintiff and his right to run for public office in that they give defendant a distinct and unfair advantage to further his political campaign.

16. The aforesaid mailings and further similar free mailings resulting from defendant's abuse and misuse of the franking privilege, are a continuing harm to plaintiff in his effort to conduct a fair campaign.

17. The aforesaid mailings at government expense have resulted in the public and plaintiff being damaged in the amount of the cost of the items used in mailings and the cost of postage on franked mail.

Wherefore, plaintiff, Alfred D. Schiaffo, demands:

(1) That pending the final hearing and determination of this cause upon its merits, this court issue a temporary restraining order, or a preliminary injunction enjoining defendant from mailing or allowing to be mailed any additional items as above described by use of the franking privilege;

(2) That an injunction be granted during the pendency of this action, permanently restraining and enjoining defendant from mailing or allowing to be mailed any further similar mailings by use of the franking privilege;

(3) That a permanent injunction be granted restraining and enjoining defendant from mailing or allowing to be mailed any further similar mailings by use of the franking privilege;

(4) Judgment in an amount equal to the cost of the items mailed and the cost of postage on franked mail; and

(5) Such other and further relief as may be just and proper.

ROBERT B. BUDELMAN, Jr.,
Attorney for Plaintiff.

STATE OF NEW JERSEY, COUNTY OF BERGEN

Alfred D. Schiaffo, of full age being duly sworn according to law, upon his oath deposes and says:

1. He resides at 60 Anderson Avenue, in the Borough of Closter, Bergen County, New Jersey; that he is the plaintiff herein; and that he has read the foregoing complaint and knows the contents thereof and that the same are true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes them to be true.

ALFRED D. SCHIAFFO.

[U.S. District Court, District of New Jersey, Civil Action No.——; Hon. Leonard I. Garth]

PLAINTIFF'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Alfred D. Schiaffo, Plaintiff, against Henry Helstoski, Defendant.

1. Defendant, a democrat, has served eight years in the Congress, is in his fourth term, commenced his first term in February, 1965, and is running for election to the newly reapportioned Ninth Congressional District (T–7).

2. The Ninth District consists presently of the following municipalities in Bergen County (T–9).

"Ninth District—Bergen County: That portion embracing the boroughs of Alpine, Bergenfield, Bogota, Carlstadt, Cliffside Park, Closter, Cresskill, Demarest, Dumont, East Rutherford, Edgewater, Englewood Cliffs, Fairview, Fort Lee, Haworth, Leonia, Montvale, Moonachie, New Milford, North Arlington, Northvale, Norwood, Old Tappan, Palisades Park, Ridgefield, Rockleigh, Rutherford,

Tenafly, Teterboro, Wallington and Wood-Ridge, city of Englewood and Townships of Lyndhurst, Ridgefield Park, Rivervale, and Teaneck. Population (1960), 390,134; estimated to July 1969, 510,000, Congressional Directory 92nd Congress, Second Session, P. 108.

3. On April 26, 1972, the United States District Court for the District of New Jersey, in the case of *David* v. *Cahill, 342 F. Supp. 463 (1972)* Ordered, adjudged and decreed that Governor William T. Cahill and all election officials of the State of New Jersey "shall conduct the primary election on June 6, 1972 to choose candidates for membership in the House of Representatives from New Jersey and the general election on November 7, 1972, for membership in the House of Representatives from the following single member districts:"

4. As of January 1, 1973 the following towns will be included in other Congressional districts:

Montvale, North Arlington, Wallington, Wood-Ridge, Ridgfield Park, Teaneck, Bogota and the following towns will be included in the Ninth District:

Bergen County: Harrington Park, Little Ferry, Park Ridge, River Edge, Portion of South Hackensack; Hudson County: Secaucus, Union City, North Bergen.

THE YEARBOOK OF AGRICULTURE 1963

5. On or about June 16, 1972, after the primary election approximately 280 copies of a House Document entitled "The Yearbook of Agriculture 1963—A Place to Live" was mailed under defendant's franking privilege to public officials in the thirty-six municipalities he currently represents and also in the seven municipalities which will be added by Court order reapportionment and in which he is currently running for election as a candidate.

6. Approximately 230 of these nine year old books were obtained by defendant in 1964 when he hired Joseph Brzostowski as his Secretary (T–21).

7. Brzostowski had been a Secretary to Congressman Ryan of Michigan and had brought Congressman Ryan's allotment of these books with him when he became a member of defendant's staff (T–21).

8. Congressman Ryan served in the 88th Congress 2nd Session beginning February 7, 1964 but was not elected to the 89th Congress 1st Session beginning January 4, 1965, which was the beginning of defendant's first term of office. See Congressional Directories for each Session.

9. The remaining amount, about 50 books, were obtained from two other New Jersey Congressmen (T–18).

10. With the exception of some vague request for material on zoning and planning (T–26) from Councilman Tony Riccio of Little Ferry (T–27) a town not presently included in defendant's district and a town which might have received this book in 1963 from the Ninth District's former Congressman Frank C. Osmers, Jr., the mailing of 280 books was unsolicited (T–25, 26, 27).

THE CAPITAL SYMBOL OF FREEDOM 1961

11. On or about August 23, 1972, prior to the Republican convention, he sent out unsolicited (T–37) approximately 500 copies of the 1961 edition of some other edition of a picture magazine entitled "The Capitol, Symbol of Freedom" in a House document.

12. The magazines were mailed under defendant's franking privilege to Republican County Committee people in the 36 municipalities he currently represents and also in the 7 municipalities which will be added to the District in January 1973 and to which he is currently running for election as a candidate (T–33).

13. Defendant had some of the Our Capitol magazines "left over" (T–32) and they were "laying around" the office (T–32).

14. They were sent only to Republicans because the Democrats got them last year (T–32).

15. Defendant's office stamped these magazines "Best Wishes Henry Helstoski, Congressman New Jersey Ninth District" (T–34).

16. Defendant did not know when he had obtained the magazines (T–33) or how many copies of the 1961 edition were mailed out (T–34) and he did not know if the 1961 edition had been mailed out of his office with the letter of August 23, 1972.

17. Defendant mailed these magazines "only to Republicans because they work in *political matters,* in civic matters and the Democrats got a prior mailing from me. The Democrats—naturally, I am a little biased in that respect and I did it first" (T–36); and that the reason why defendant did the Republicans second was "because if I did the Democrats second, it would probably be something with *greater political overtones"* (T–40, 42).

18. Sometime on or about August 23, 1972 (T–46), defendant prepared a letter on an automatic typewriter (T–47) and mailed out the letter and magazine prior to the Republican convention (T–45) "to tie in with the fact that they might be going down to the convention" (T–46). (T(2)–35)*

19. In contradiction to this testimony defendant admitted at a continuation of the hearing on September 29, 1972 that other similar letters were prepared on September 16, 1972 and sent out with the magazine.

20. When asked about his prior statement that they were mailed out prior to the Republican convention defendant stated that the statement was correct because there would be a convention in 1976. (T(2)–43)

21. Mr. Gynn resides in North Bergen, a town not presently represented by defendant; is a Republican County Committeeman, and he received the letter dated August 23, 1972 about that date at his home in North Bergen. Both the capitol magazines were shown to Mr. Gynn and he identified the 1961 magazine as being the one received by him. (T(2)–166)

1972 YOUNG VOTER OPINION SURVEY

22. In February and March of 1972 defendant sent his annual legislative questionnaire to each postal patron in the 36 municipalities he currently represents. This resulted in 180,000 questionnaires being distributed to each household and mailing address in the existing Ninth District. (Defendant's Exhibit D–5)

23. In May, 1972 after the court's order reapportioning the district, defendant mailed out a supplementary edition to the seven added municipalities. This resulted in 26,000 more questionnaires being distributed to each household and mailing address in the 7 added municipalities which defendant is running for election as a candidate. (T(2)–71)

24. As a result of these two mailings, 31,812 completed questionnaires were returned (Defendant's Exhibit D–4).

25. Shortly after June 28, 1972 and after the primary the defendant mailed under his franking privilege 206,000 copies of the results of the questionnaire which he had printed in the Congressional Record on Wednesday, June 28, 1972. These items were also sent to the 36 municipalities he currently represents and also to the 7 newly added municipalities in which he is now running for election. (T(2)–74)

26. After having surveyed his entire district and the newly added municipalities and after having reported the results of the questionnaires, which resulted in 360,000 pieces of postal patron mail being sent unsolicited into his current district and 52,000 pieces of postal patron mail being sent unsolicited into the newly added municipalities, defendant then mailed under his franking privilege 15,000 more questionnaires (T–59) which state that they are "not printed at government expense" (Plaintiff Exhibit P–3).

27. These questionnaires were mailed in envelopes marked "Official Business" (T–53) but said envelopes were allegedly purchased by defendant (T–53) and the address labels were also purchased by defendant (T–57).

28. After June 1972, defendant's office started compiling the lists of graduates (T–48) and two summer interns prepared the questionnaire (T–48). One of these interns was employed under a Congressional Intern Fund (T–51). The survey was sent to the printer in the beginning of August and it was mailed out in the latter part of August (T–48). The questionnaires were mailed out by the House folding room (T–49).

29. Of the 10 questions which appear on the 1972 Young Voter Opinion Survey, 2 questions are substantially similar and 2 questions are identical to 4 questions which appear in the 1972 Legislative Questionnaire (Plaintiff's Exhibit P–3 and Defendant's Exhibit D–4(a).

30. Question No. 9 in the 1972 Young Voter Opinion Survey is "Do you plan to vote in this year's election?" (Plaintiff's Exhibit P–3).

31. Unlike the earlier questionnaire the result from 15,000 surveys mailed in August 1972 will not be mailed out unless a specific request is received (Plaintiff's Exhibit P–3).

32. These results will not be mailed out because they will not be tabulated until just prior to election day when Congress is in recess (T–61, 62).

33. Defendant targeted these 15,000 questionnaires to new young voters in the communities he currently represents and in the 7 newly added towns where he is running for election because the young voter is a prime target for both political parties in this year's election. (T(2)–86).

CONSUMER PRODUCT INFORMATION INDEX

34. On or about September 1, 1972 defendant began a mass mailing under his franking privilege of 206,000 consumer product information index to each postal patron in the 30 municipalities he currently represents and the 7 municipalities added by court ordered reapportionment in which he is now running as a candidate. (T(2)–47).

[U.S. District Court, District of New Jersey, Civil Action No. ——]

Alfred D. Schiaffo, Plaintiff, against Henry Helstoski, Defendant.

PLAINTIFF'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

35. With regard to the Consumer Product Information Index marked Defendant's Exhibit D–5, sometime in July or August 1972, defendant received an allotment of 20,000 (T–69) from the Consumer Product Information Coordinating Center of the General Services Administration (T–71).

36. The front of the outside page was in blank (T–69, 70) and the address side was also in blank except for the words "Consumer Product Information an index of selected Federal Publications on how to buy, use and take care of consumer products" (T–69).

37. The material content of the item, contrary to the statement "not printed at government expense", was printed by the Executive Department at government expense (T–70).

38. Defendant printed at his own expense and by his own printer a "Dear Friends" letter with picture on one side and "Congress of the United States, House of Representatives, Official Business, Henry Helstoski m.c., Postal Patron—Local 9th Congressional District, New Jersey" on the address side (T–73).

*T(2) refers to the Transcript of testimony taken on September 29, 1972.

39. Defendant mailed out his allotment of 20,000 under his franking privilege (T–73).

40. Because of the good response to this item defendant printed 30,000 more at his own expense (T–72) which were returned to his office and sent to the House folding room (T–73) with identification tags indicating the municipality where they would be sent (T–74) to be mailed under the franking privilege (T–73).

41. When asked if defendant was having any more printed he testified "No. If I raise additional monies for this purpose, then I'll mail them" (T–76), and when asked what he was referring to when he said "raise additional monies" defendant testified "well personal friends, associates, parents, my brother." (T–76).

42. Defendant was asked if he solicited funds and he stated that he solicited funds for printing but not mailing because it was "free" (T–76).

43. Prior to the aforesaid testimony defendant filed with this court an affidavit which, in contradiction of his oral testimony, states:

"In the case of the consumer product information, this document is a U.S. Government Printing Office Publication and was sent from my official allotment as a Congressman."

44. At the continuation of the hearing on September 29, 1972 defendant further contradicted his earlier testimony stating now that the 50,000 were from his allotment, that he had printed an added 30,000 and that he was now printing 126,000 more. (T(2)–47).

45. Between defendant's testimony on September 25, 1972 and September 29, 1972, he apparently was able to solicit funds for this added printing of 126,000 more indexes.

46. This item is prepared quarterly and defendant is now sending out the edition for the "Summer 1972" (Defendant's Exhibit D–5).

47. Defendant has changed the manner in which he is mailing these items. They now appear as they come from the Executive Department but stamped "Compliments of Henry Helstoski" and inserted in a brown envelope stating "public document" and bearing his frank. (Plaintiff's Exhibit P–12)

48. At this court's request defendant agreed to restrain from any further mailings of this item from 4:00 P.M. on Friday, September 29, 1972 until this court finally determines this matter on October 10, 1972.

WASHINGTON REPORT

49. On or about September 13, 1972 defendant sent unsolicited in a mass mailing as franked mail 206,000 items so called "Washington Report". Said report, while stating that it was "Not Printed at Government Expense" was prepared and sent at government expense in an envelope printed at government expense addressed to "Postal Patron Local, 9th Congressional District, New Jersey" and being stamped "Public Document, Official Business". (Exhibits D–6 and P–4)

50. The "Washington Report" was prepared sometime prior to August 29, 1972. (T(2)–100)

51. The "Washington Report" was mass mailed to postal patrons in the 36 municipalities defendant currently represents and to the postal patrons in the 7 municipalities which will be added by court ordered reapportionment and which he is currently running for election as a candidate. (T(2)–97)

52. Postal Patron mailings go to each household as well as each mailing address in the municipality.

53. The "Washington Report" contains the following bold headlines: "Economy Sluggish . . . Cost of Living continues to Rise", "The Vietnam War Continues", Helstoski Supports Revenue Sharing", "Communication with Congressman Helstoski" and "Helstoski Active in Legislative Role" and has four separate pictures of defendant.

54. The "Washington Report" in four pages contains political statements such as:

(1) "Congressman Helstoski has been actively involved in writing legislation. . . ."

(2) "Here are some of the legislative gains supported by Congressman Helstoski. . . ."

(3) "Some of the major bills passed by this Congress, with the strong support of Congressman Helstoski, are. . . ."

(4) "Helstoski Honored"

(5) "Helstoski has also introduced various plans that would aid our Senior Citizens. . . ."

(6) "Congressman Helstoski has opposed the war since coming to Congress. . . ."

(7) "Congressman Helstoski's Commerce Committee is concerned with several major areas including the environment. . . ."

(8) "Congressman Helstoski has also been pressing for action on other bills he has filed. . . ."

(9) "Congressman Helstoski has continued to play an active role in the lawmaking process. . . ."

(10) "The Administration's policy of massive bombing of North Vietnam is costing billions"

(11) "The administration has consistently overestimated the size of tax revenues. . . ."

(12) "Were the administration to adopt such a bargaining position . . . this tragic conflict could at last be brought to a close."

55. The "Washington Report" attacks the plaintiff, a Republican State Senator, indirectly when it indicates the reapportionment was the result of a 3 Judge Court adopting a bill "sponsored by Republican State Senator J. Turner." (Defendant's Exhibit D–6).

56. A prior "Washington Report" issued by defendant several years ago clearly indicates that not all his reports qualify for the franking privilege under the opinion issued by the Postal Department in 1963. (Defendant's Exhibit D–16.) That report in four pages of pictures of the defendant (Plaintiff's Exhibit P–14).

57. Defendant intends to mail under his franking privilege (a) 206,000 copies of a brochure on the drug problem which will be prepared by private individuals and printed at his own expense (T(2)–99); (b) 5,000 copies of the Declaration of Independence together with a statement he will insert in the Congressional Record which have been printed at his own expense and have been in his office since August 1, 1972 (T(2)–109, 114); (c) 126,000 copies of the Consumer Product Information Index which he is printing at his own expense (T(2)–72); (d) 500 copies of a report on Revenue Sharing which he will print at his own expense; and (c) a survey to be sent to police chiefs. (T(2)–100).

58. The aforesaid intended franked mailings will be sent as official business to communities he currently represents as well as the 7 newly added municipalities in which he is now running for election. T(2)–107, 114).

59. From the primary until September 29, 1972, defendant has mailed under his franking privilege more than ½ million items, more specifically 507,780 tiems referred to in the complaint and at the hearing of this matter.

60. Defendant now seeks to mail under his franking privilege about 337,500 more items. This will result in about 845,000 items being mailed during a four month period while a political campaign is in progress into the district he currently represents and the 7 newly added municipalities in which he is now running for election as a candidate.

61. The purpose of the aforesaid mass mailings was to publicize and promote the defendant during a political campaign.

DEFENDANT'S PROPOSED COMPULSIONS OF LAW

1. This court has jurisdiction of the parties and the subject matter of this action.

23 U.S.C.A. Sec. 1339.

28 U.S.C.A. Sec. 1348.

28 U.S.C.A. Sec. 1331.

2. The Postal Service no longer provides advisory opinions on the frankability of matter and on the general use of the franking privilege to members of Congress.

Law and Regulations Regarding Use of the Congressional Frank, Committee Print No. 14, November 11, 1971 at (1).

3. Though Postal Service regulations provide that official correspondence transmitted under frank of a member of Congress must be on "Official Business", the Postal Service will not detain said mail even though there are indications of abuse of official mailing privileges.

39 C.F.R. sections 137.1 and 137.9

4. The Congress has taken the position that both its statutory enactments and the regulations are vague and not entirely satisfactory and that a member must determine for himself whether specific actions are proper.

"Law and Regulations Regarding Use of the Congressional Frank" Committee Print No. 14, November 11, 1971 at (1).

5. Postal patron mailings to communities added to a congressional district may not be made prior to the effect date of the new reapportioned district. 1963–77 Stat. 818

6. A member of Congress may send as franked mail, i.e., mail transmitted under an autographic or facsimile signature of said member, only the following:

(a) matter, not exceeding 4 pounds in weight, upon official business to a government official;

(b) correspondence, not exceeding 4 ounces in weight upon official business to any person;

(c) all public documents printed by order of Congress;

(d) the Congressional Record, or any part thereof, or speeches or reports therein contained; and

(c) seeds and agricultural reports emanating from the Department of Agriculture.

39 U.S.C.A. sections 3210, 3211, 3212 and 3213.

7. A comparison of the franking privilege of a member of Congress and a former President indicates that the former's franking privilege is restricted as to use.

39 U.S.C.A. section 3214.

8. Public documents printed by order of Congress are those publications being a series of documents consecutively numbered in a continuing unbroken sequence throughout the entire term of a Congress.

44 U.S.C.A. section 719.

9. The items entitled "The Yearbook of Agriculture 1963—A Place to Live" and "The Capitol, Symbol of Freedom 1961" are public documents.

10. The items entitled "1972 Young Voter Opinion Survey", "Consumer Product Information Index" and "Washington Report" are not public documents within the meaning of 39 U.S.C.A. section 3211.

11. The item entitled "Consumer Product Information Index" is not one of the particular documents enumerated under Chapter 13 of Title 44.

12. The Congressional allotment of public documents printed after the expiration of the term of a member shall be delivered to his successor.

44 U.S.C.A. section 731.

13. Public documents to the credit of a member of Congress at the expiration of his term of office unless taken by June 30th next following the date of expiration is forfeited to his successor in office.

44 U.S.C.A. section 731.

14. Defendant was not entitled to possession of about 200 copies of an item entitled "The Yearbook of Agriculture 1963—A Place to Live" since those books properly belong to the successor in office of Congressman Ryan of Michigan, and were not to his credit or the credit of district.

44. U.S.C.A. section 731, 732.

15. Since Defendant was not entitled to possession of about 200 copies of an item en-

titled "The Yearbook of Agriculture 1963—A Place to Live" the transmission of said items by mail under the frank was improper.

16. 39 U.S.C.A. section 3201 (3) and (4) is not to be interpreted as to eliminate all protections against the abuse of the franking privilege.

Rising vs. Brown, 313 F. Supp. 824 (1970).

17. Material is not "Official Business" when it is closely related to campaign material i.e. when it is substantially devoted to other matters which strongly lends itself to the suspicion that it is promotive of getting votes for the sender.

Rising vs. Brown, 313 F. Supp. 824 (1970).

18. The public has an overriding interest in being protected against abuses of the franking privilege and the court has the injunctive power to prevent the abuse.

Rising vs. Brown, 313 F. Supp. 824 (1970).

19. Defendant's franked mailings were an abuse and illegal use of the franking privilege in violation of the Postal Reorganization Act, Title 39 U.S.C. sections 3201, 3210 and 3211.

20. Defendant's franked mailings constitute campaign literature mailed by defendant at government expense and such mailings do not constitute "Official Business" under Title 39 U.S.C. section 3210 and thereby are not eligible for mailing without payment of postage.

21. Defendant's mass mailings at government expense violate the civil rights of plaintiff and his right to run for public office in that they give defendant a distinct and unfair advantage to further his political campaign.

White v. Snear, 313 F. Supp. 1100 (E.D. Penn. 1970).

22. Defendant's mass mailings into the 7 communities he currently does not represent and in which he is running for election as a candidate is an abuse of the franking privilege.

Hoellen v. Annunizo, 72 Civ. 1302 (N.D. Ill. 1972).

23. Defendant's so-called "Washington Report" was used as a means of developing support in this election and being political in nature was not entitled to the franking privilege.

U.S. v. Brewster, 92 S.Ct. 2531 (1972).

24. Defendant's mailings and any further similar free mailings during the remaining 28 days of this campaign are a continuing harm to plaintiff in his effort to conduct a fair campaign.

ROBERT B. BUDELMAN, Jr.,
Attorney for Plaintiff.

[U.S. District Court, District of New Jersey, Civil Action, No. ——; Hon. Leonard I. Garth]

REPLY BRIEF ON BEHALF OF HENRY HELSTOSKI, DEFENDANT

Alfred D. Schiaffo, plaintiff, against Henry Helstoski, defendant

Alfred A. Porro, Jr., On the Brief.

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COUNTER STATEMENT OF FACTS

The defendant an incumbent Congressman of eight years, four terms, for the Ninth Congressional District of New Jersey is sued in this action by the plaintiff, his political opponent in the pending election. The plaintiff alleges in his Complaint and attempted to embellish in his testimony a theory that his civil rights and rights to run for public office is being violated by the plaintiff in his use of the Congressional franking privilege. (T II–178 through 179). The Complaint was filed on September 19, 1972 and served upon the plaintiff at the Court House on the return day of an application for a temporary restraint on September 25, 1972. The Motion for a temporary restraining order was denied and the matter immediately proceeded to final hearing. The final hearing was on September 25 and September 29, 1972.

The specific matter complained about and the subject matter of this action are three publications of the federal government, a survey of young voters in the Ninth Congressional District conducted by the defendant relating to various timely federal matters, a newsletter entitled "Washington Report" distributed to persons within the Congressional District regarding matters before Congress and pertaining to subjects relating to the Congressional Office and lastly a mailing soliciting funds for the March of Dimes on the letterhead of the Congressman. The defendant Congressman testified voluntarily and fully as to all of the items in question.

The first of the publication in question is the Agricultural Yearbook entitled "A Place to Live". (Exh. p–1). The Congressman explained that this publication of the Department of Agriculture was and has been made available to Congress for distribution under the frank. (T I–13 through 29; T II–8 through 23 and T II–110 through 111; and T II–125 through 137). He explained that the practice and procedure with regard to this publication and others of similar nature was to "mail them to all the high school libraries, the public libraries, and college libraries. After that, we mailed them based on a determination of ours in certain specific interest area mailings, public officials, mostly; but they take other forms."

"Then there are specific requests from constituents and we try to meet each of those requests". (T II–135 through 136). Specifically with regard to the Yearbook in question it was explained that due to the subject matter of this Yearbook they were mailed to all municipal public officials within the

District, regardless of party affiliation. (T I–11 and T I–20). This particular publication contained articles relating to the environment, water resources, planning and other similar subject matter.

The second publication of the government is one entitled "The Capitol, Symbol of Freedom". (Exh. P–2) With respect to this publication the Congressman testified that the same procedure with regard to priority mailings to libraries and then to specific interest areas was followed (T II–135 through 136). The specific interest area that was mailed to in this instance was that of Democratic and Republican County Committee people "without distinction to party" (T II–137). The content of this particular publication relates to the structure and operation of the Federal Government. The county committee people were chosen as the special interest group in that "they are one of the prime moving forces of the total operation of the structure of the two party system and I think that they, at least, should have some knowledge of the availability of some knowledge in terms of this kind of booklet, 'Our Capitol'." (II–137). The nature of the publication related directly to the county committee position and their interest (T II–137).

The last publication is the Consumer Product Information publication (Exh. P–5). The Congressman explained that these were mailed Postal Patron, due to the widespread interest in the subject matter (T I–69 through 83 and T II–138 through 140). He explained that this was the practice and custom of other Congressmen with respect to this particular publication (T II–140).

As to the surveys of the constituency in question (Exh. P–3 and P–4A) the Congressman testified that the practice of surveying one's constituency on public issues, questions and matters of a federal nature is a common practice of his and other Congressmen. (T II–140). He testified that the function of these particular surveys was to obtain "an indication of what the people are thinking. It gives me an opportunity to form judgments and exercise my opinion on various matters of a legislative nature on the floor, and to provide the basis and foundation perhaps of a new legislation that could respond to a certain problem or problems that might be evident in my Congressional District" (T II–141). The results of such surveys are by practice submitted into the CONGRESSIONAL RECORD (T II–44) and the data collected will then make "other Congressmen aware as to the feeling and tempo on the issues within your district" (T II–145).

With respect to the "Washington Report" (Exh. P–6) the Congressman testified that the purpose and function of the Report was "informational to my constituents, so they are aware of some of the problem areas, what Congress has done, and what some of the intentions are." In this particular case, this one marked in evidence, D–6—it's a brief explanation of what occurred in two of my committees to which I am assigned, how to get some benefits out of the flood relief program that was instituted by Congress. How to apply for Academy examinations or how to communicate with a Congressional Office. What yearbooks are available. What other publications are available. That kind of information that goes through or they take a special form as the other one that was submitted in evidence or as a problem of drugs, for example. (T. I–46 through 147.) The Congressional Newsletter or Report is a common practice and mode of informing a constituency utilized by many Congressmen (See Exh. D–12 through 15). (T II, p. 147 through 153).

As to the letters soliciting funds on behalf of the March of Dimes it was established that in fact the letters were not sent out under the franking privilege; they were individually stamped by the March of Dimes and on stationary paid for by the Congressman (See Affidavit of Ruth Novich and T I–187 through 189).

The documents, surveys and reports unequivocally were established and admitted to be non-political in content and not of a campaign nature. (T I–43 and and T II–87.)

The plantiffs testimony consisted of an identification of his party affiliation, the office that he was running for, a reaffirmation that he has seen the documents in question, a declaration that "Viet Nam" is an issue in his campaign and the presentation of a legal argument why he feels that his civil rights are being infringed upon by the mailings in question (T II–172 through 184). When questioned by the Court whether or not an inquiry to the constituency by a Congressman as to whether or not he should vote for particular bills immediately prior to election "on November 1" he indicated that the "intent" is "controlling". (T II–182 through 183). The plaintiff also produced the executive director of his political campaign who stated where their campaign office is and that he received Exhibit P 12, The Consumer Product Information Index. (T II–169 through 171). He further produced a running mate from Hudson County who established his party affiliation, position in the party and that he received Exhibit P2 (T II–164 through 168).

At the conclusion of the hearing the Court granted permission to John T. Walker, Chief Counsel, Congressman of the United States, House of Representatives Committee on House Administration, to file a brief amicus curiae. (T II–193 through 194).

POINT I

The legislative history, administrative interpretation and case law regarding the congressional franking privilege dictate that a congressman has broad latitude in the utilization of that privilege and that the court should not interfere with the utilization thereof where it has been exercised within its broad boundaries and where it has not clearly been shown to have been outrightly abused.

A. The franking privilege—A statutory grant

The statutory grant of the franking privilege to all Members of Congress is found in the Postal Reorganization Act 39 U.S.C.A. 3201, et seq. The "frank" is the "autographic or facsimile signature" of the Congressman and may "transmit matter through the mail without payment of postage". 39 U.S.C.A. 3201(3). The pertinent sections of the Act and the pertinent questions in the case at bar deal with the subject matter of *what* and *where*. The inquiry of this Court should be directed similarly i.e., what is the document or correspondence being transmitted under the frank and where is it being transmitted to. Attempts by the plaintiff to delve into speculative motivations, collateral effects and timing are nowhere contemplated nor can they be read into the clear statutory language of the statute. Nowhere does the statute limit the privilege where possible motivation and possible collateral effect of properly utilizing the same might be during election of a dedicated Congressman fully utilizing the statutory mode granted to his office. Nor, can it be read into the statute in any way whatsoever that there is a restriction on the utilization of the frank during an election year. It should be pointed out however that the record is clear in the case at bar that no such motivation or timing existed here. It is clear from the testimony that Congressman Helstoski has exercised this privilege and transmitted the matter permitted thereunder to the benefit of his constituency, regardless of party affiliation, during his four terms, eight years, as a Congressman without distinction to whether or not it was an election or nonelection year—the frequency of such mailings remained consistent. (T II–156.)

The statutory grant can be summarized as allowing the utilization of the frank for official correspondence, 39 U.S.C.A. 3210, public documents printed by order of Congress, 39 U.S.C.A. 3211, matter appearing in the Congressional Record, 39 U.S.C.A. 3212, and reports from the Department of Agriculture, 39 U.S.C.A. 3213.

It is interesting to note that there is absolutely no limitation with regard to the number of such sanctioned matters that may be mailed. The plaintiff attempts to confuse the issue by arguing that the provisions of 44 U.S.C.A. 719, 731, 732 and 733 place restrictions upon the privilege. Clearly an exaggerated and stretched interpretation of the sections in question. Title 44 of the U.S. Code deals strictly with the matter of public printing and documents, their classification and numbering, 44 U.S.C.A. 719, the free allotments (without charge) to Members of Congress, 44 U.S.C.A. 731, the time for distribution of these documents, 44 U.S.C.A. 732, and the ordering of additional documents "on prepayment of the cost" and the "request and printing" upon franks or envelopes used for mailing public documents. 44 U.S.C.A. 733.

B. Legislative history of the franking privilege

The most comprehensive document compiling the legislative history of the franking privilege appears to be found in a publication entitled *"The Franking Privilege of Members of Congress"*, Congressional Research Service, January 1971. The establishment of postal facilities was one of the first problems taken up by the Continental Congress when it began to exercise sovereign powers. The Congress resolved that a committee be appointed to consider the best means of establishing a post and on November 8, 1775 enacted a "free franking" privilege for Members of Congress. On October 18, 1782 the franking privilege was extended to letters, packets and dispatches to and from Members of the Continental Congress. The first Congress by Act approved on September 22, 1789, (1 Stat. 70) established the same regulations promulgated under the resolution of the late Continental Congress. The policy with respect to permitting various government officials to use the frank varied. There were years when restrictions did occur (Act of 1845, 5 Stat. 739) but a review of the development of the privilege to the present time shows a constant trend of liberalization of the franking laws.

In 1875, members and delegates were permitted free mailing of the Congressional Record, speeches or reports made in Congress and reports from the Department of Agriculture. In 1877, official stamps were abolished and official envelopes were substituted. The weight limitation was increased to four ounces in 1904.

The plaintiff in the case at bar cites at length at page 11 and 12 of his brief an excerpt from the Congressional Record—House October 20, 1893, at 2748 and 2749. The 1893 discussion occurred at a time immediately following the resurrection of the franking privilege, after its demise for such abuses as members utilizing the same "to send their washing home under the franking privilege". The 1893 discussion among some of the Members of Congress at that time, although interesting indeed, has since been very specifically clarified and expanded throughout the many years that have elapsed since 1893. The notions, conjecture and ambiguities expressed in that discussion have been clarified by extensive postal service regulations, administrative rulings, memorandum and the

like throughout the many years that have elapsed since.

On July 29, 1916, a very pertinent presentation entitled "The Franking and Newspaper Privileges" was given by the Hon. Thomas B. Schall of Minnesota which is published in the Appendix to The Congressional Record for that day at page P1608 through 1611. Congressman Schall expressed the more liberal interpretation of the franking privilege and its essential role in the day to day functioning of a Congressman. It is respectfully submitted that the legislative interpretation from the July 29, 1916 presentation has continued to be one of great liberalization. Schall's remarks are truly pertinent in the case at bar.

"The problem of the endurance of our democracy is the problem of having all the people understand the questions upon which legislation is proposed, and in order that all the people might have the fullest opportunity to know what is going on in their Government Congress has very wisely provided what is known as the franking privilege, by which system any public document, letter or information *pertaining in any way* to the business of the Government can be mailed free to *any citizen* throughout the country. * * * This so-called franking privilege is one of the bulwarks of the people's liberties, upon which the foundation of our Republic must stand, for it is upon the education and understanding of our people that our republican institutions must rely for their perpetuation. Every citizen has a right to know what laws are proposed, what are enacted, what are defeated, the attitude of the Congressman or public officials upon each of these and their reasons for or against them. The franking privilege is expressly given the people, and it is the Congressman's duty, through his frank, to see that the people are informed as to the public business, and the closer he keeps in touch with them the more efficient and democratic will be his vote. * * * The franking privilege is at times abused, no doubt, as is also the mailing privilege given to newspapers. But the occasional evil is so far outweighed by its necessity and benefit in both instances that they should remain lasting institutions."

More recently, on April 11, 1962, in the *Congressional Record* House at page p. 6356 and 6357 the Congress discussed the matter of simplifying the form of address under the franking privilege, i.e. "Patron", mailings. In this context Congressman Weaver, referring to the privilege, stated that "this privilege is extended to the Congress as one branch of the Government, but in our case it goes even further. Any Member of Congress, can, under the present law and with the appropriations contained in this bill, blanket every home in the nation with his own personal point of view. It may be called a questionnaire or it may be a letter on a farmers' bulletin list, but it accomplishes the same purposes. * * * It is not confined to our own districts, nor is it confined to our own states. If one Member opposes another Member's position on some bill, he could, under this privilege, flood every city with mail, outlining his position and critical of the position someone else may have taken."

It will be noted, however, that since then through subsequent regulations imposed by the postal service and the guide lines issued by the sub-committee on postal service of the committee on post office and civil service, House of Representatives, that postal patron mass mailings have been self-restricted by the Congress through the "geological designated district" of the Member and "to such other areas of the State as may be encompassed in his district under a reapportionment" as "finally determined". *Law and Regulations Regarding Use of the Congressional Frank, Sub-Committee on Postal Service of the Committee on Post Office and Civil Service, House of Representatives,* November 11, 1971, at page 1–2.

Thus, it must be concluded that the history of the interpretation of the fanking privilege as it was reflected on the floor of Congress has been one of considerable liberalization from the 1893 discussion quoted by the plaintiff.

Since 1893 the Post Office and now the House of Representatives have published extensive guide lines, interpretations, memorandum and rulings clarifying the 1893 notions. A modern society, a growing Congress and an extensive new gamet of social federal problems, legislation and programs demanded it.

C. Postal Service and House of Representatives Guide Lines, Rulings and Memorandum

A wealth of material has been published throughout the years in the form of postal service and House of Representatives guide lines, rulings and memorandum to provide a clear and conclusive interpretation of the questions involved in the case at bar. These items are controlling. These items have documented the practice and custom of Congress. These items provide the expertise on the subject. These items, it is respectfully submitted, should be conclusive.

The January 11, 1971 compilation entitled *"Franking Privilege of Members of Congress"*, supra, provides an extensive compilation of relevant data, rulings, guide lines, memorandum and the like on the subject. Likewise, the aforementioned November 11, 1971 compilation entitled *Law and Regulations Regarding Use of the Congressional Frank,* supra, provides similar mandates. It is interesting to note that in the recent memorandum from Morris K. Udall, Chairman, Postal Service Sub-Committee, House Post Office and Civil Service Committee, the problem of the re-apportioned district was specifically dealt with. This memorandum expressly permitted use of the frank in that portion of a revised district where the same was "finally determined". However, it should be noted that this restriction only applies to "postal patron mass mailings". Individually addressed letters "may be sent under the frank to any address in any of the fifty states." Other guide lines can be culled from Exhibit D–16 *The Congressional Franking Privilege,* a publication of the Post Office Department, POD publication 126, April 1968, particularly the postal manual, section 123.44–2(a) which expressly permits mailing into the portion of a newly re-apportioned district.

Excepting the proposition for purposes of argument that the Court has jurisdiction to rule on a legislative management matter such as is involved in the case at bar, it is respectfully requested that that ruling should strictly adhere to the guide lines, rulings, publications, memorandum of the postal service and House of Representatives. In this respect the Court should give full and due respect to Exhibit D7, the letter and ruling of September 28, 1972 of the Committee of Standards of Official Conduct, U.S. House of Representatives, addressed to the defendant, Honorable Henry Helstoski, specifically ruling on each and every item being challenged now before the Court, including the letters of transmittal. This House Committee, specifically endowed with the function of reviewing such material, specifically "found nothing in these (all materials in question here) which appears to be beyond the scope of "official business".

D. Judicial Interpretation

Although it is the position of the defendant that the Court should not accept jurisdiction in the case at bar, assuming arguendo the acceptance of such jurisdiction, it will be helpful to review the four cases on the subject matter that research has disclosed. They are *Straus* vs *Gilbert* 293 F. Supp. 214 (S.D. New York 1968); *Rising* vs *Brown* 313 F. Supp. 824 (C.D. Cal. 1970); *Hoellen* vs *Annunzio* Docket No. 72 C 1302 (N.D. Ill. 1972) and *Austin* vs *Nediz* Docket No. 38488 (E.D. Mich. 1972).

The *Straus* case, much like the case in question, involved an attack by a candidate running against the incumbent defendant Congressman seeking injunctive relief. He complained that the Congressman sent franked mail into areas recently incorporated within his district as a result of re-apportionment. He complained that the matter sent, a portion of the *Congressional Record,* was not reprinted exactly and without variation in that the Congressman's picture appeared on the same. He complained that the inserted material was primarily for purpose of campaigning. The Court denied relief on all complaints. The strict statutory construction was applied by the Court. The language of the statute was taken as "dispositive of this controversy". It is extremely relevant to note that the Court also held:

"Neither do we believe that inserting a cover letter nor the addition of a picture removes the reprint from the ambit of the statute." *Straus,* supra at p216.

The Court pointed out that the statute contained no such prohibition regarding campaigning purposes, letters that do not mention the campaign or any restriction as to what Congress can print in its journal. The Court also decreed the utilization of the frank for mailing material into the new municipalities re-apportioned in the district. Finally the Court expressed its hesitancy to "intrude on a political dispute in any event". It is respectfully submitted that the decision in *Straus* should provide a strong guideline for similar disposition in the case at bar. The facts are strikingly similar and the issues the same.

In the *Rising* case, quite a different factual situation existed. A Congressman running for U.S. Senate attempted to utilize his franking privilege to disseminate material throughout the whole state. Note: Not within the new communities incorporated within his present district as a result of re-apportionment, but rather throughout the whole state of California. The materials were prepared by a public relations office which was managing his Senate campaign. The envelopes were stuffed by volunteer campaign workers. The materials were not sent out throughout his whole term, as in the case at bar, but merely and solely two weeks before election. Obviously, the Court here held that the public relations brochure was not "official business" within the statute. The case is so different and so extreme as compared to the case at bar that little guidance can be gained from it in the determination of this case. It is interesting to note, however, that the Court relied for its guidance as suggested here, on the postal service publication, the *Congressional Franking Privilege,* supra.

The Court also distinguished the *Straus* case. Likewise, the *Hoellen* case factually is extremely different from the case at bar. There the Congressman was not mailing into new communities made a part of his old district, but rather was utilizing his franking privilege to run in a completely different district. He was a candidate for office in a new district and not an incumbent Congressman, as here, who had some additional or different communities incorporated in his old district. The lack of over-lapping of districts and the fact of being a candidate in a completely new and distant district constituted the gravamen of the Court's decision to deny the use of the franking privilege in the foreign district. It is also interesting to note that the Congressman there had never sent questionnaires before, as compared to the defendant here who testified that he had con-

tinuously through his eight years as a Congressman utilized the questionnaire method as a mode of obtaining data important to him in performing his official functions as a Congressman. (T II–141). The Court, but for the fact that the defendant was the present congressman in the Seventh Congressional District, now running as a candidate for Member of Congress in the Eleventh Congressional District, would have upheld the subject matter of the materials sent. It expressly recognized as proper the reprinting of the picture of the Member of Congress on the materials.

Lastly, the *Nedzi* case involved an attack, similar to the case at bar, where the franking privilege was utilized to send materials to new municipalities incorporated in the old district. Here the Court utilized as its primary guide, as in *Straus*, the postal regulations. The Court pointed out that it is these regulations and guidelines that the Congressional staffs follow—it is "their Bible". The material in question in the *Nedzi* case was a "report from Congress" similar in nature to those sent out by Peter H. D. Frelinghuysen (Exh. D 12), Congressman Ed Forsthye (Exh D 13) and Congressman John E. Hunt (Exh D 14).

It is respectfully requested that the plaintiff's attempt to apply the *Rising* and *Hoellen* cases to the factual situation at bar is much strained. Ironically the plaintiff's brief in discussing those decisions at page 13–14, is surprisingly silent with regard to the factual situations involved there. It is respectfully requested and submitted that the *Straus* and *Nedzi* cases are more pertinent factually and certainly better guides for the Court in this case.

POINT II

The public document entitled "A Place To Live" is a Department of Agriculture Year Book frankable under 39 U.S.C.A. 3213.

The plaintiff attacks specifically the sending of the agricultural Year Book published by the Department of Agriculture entitled "A Place to Live" (Exh P–1) (T I–13 through 29; T II–8 through 23 and T II–110 through 111; T II–125 through 137).

Public Law 92–399, 92nd Congress, H.R. 15690, August 22, 1972 "An Act Making Appropriations for Agriculture—Environmental and Consumer Protection Programs for the Fiscal Year Ending June 30, 1973, and For Other Purposes" specifically appropriated the necessary funds and authorized the printing of the Year Book of Agriculture which shall be available to be delivered to or sent out under the addressed franks furnished by the Senators, Representatives and delegates in Congress. The Act further provided that "* * * not less than 232,250 copies for the use of the Senate and House of Representatives". This Act is similar to acts passed every year authorizing the printing of the Year Book of Agriculture as a Department of Agriculture report.

There can be no argument—this Year Book (Exh D–1) is expressly frankable as a report from the Department of Agriculture under 39 U.S.C.A. 3216. Plaintiff argues that this publication is a "public document" under 39 U.S.C.A. 3211. It is respectfully submitted that even if that were the case, the same is expressly and specifically frankable under that section. The arguments advanced with regard to the provisions contained in Title 44 of the U.S. Code, as stated above, are extremely stretched and untenable.

POINT III

The public documents entitled "The Capitol" and "The Consumer Product Information" are frankable under 39 U.S.C.A. 3211.

The plaintiff alleges a misuse of the frank in the mailing of two publications, namely "The Capitol" (Exh P–2) and "The Consumer Product Information" (Exh P–5).

Pursuant to H. Con. Res. 193, 91st Congress, first session, passed by the U.S. House of Representatives on April 1, 1969, the publication in question was authorized for reprinting and distribution for the Members of the House of Representatives. That Resolution specifically provided:

"That there be printed as a House document with illustrations, a revised edition of "The Capitol", compiled under the direction of the Joint Committee on Printing; and that four hundred and sixty-nine thousand additional copies shall be printed, of which four hundred and thirty-nine thousand copies shall be for the use of the House of Representatives and thirty thousand copies shall be for the use of the Joint Committee on Printing."

Further, see Report Number 91–173, House of Representatives, 91st Congress, first session, April 29, 1969, appropriating the funds for the estimated cost of printing of the same. Also see *Congressional Record*—House, April 29, 1969 (Exh D–8).

There appears to be little doubt that the publication entitled "The Capitol" is a public document specifically frankable under 39 U.S.C.A. 3211. To attempt to read into this section of the Statute any limitation as proposed by the plaintiff on page 18 of its brief because some of the publications "were eleven years old", is extremely outside the scope of the granting of the privilege under 39 U.S.C.A. 3211. It is interesting to note also that so long as this publication was specifically addressed, as the case is here, it could be mailed to anyone pursuant to the memorandum of the postal service sub-committee, November 11, 1971, supra. Postal Patron mass mailings would be limited to mailings within the old and newly expanded district.

Likewise the "Consumer Product Information" publication must be deemed a public document within the scope of 39 U.S.C.A. 3211. By executive order, October 1970, the same was authorized under the General Services Administration. See letter of June 19, 1972, from General Services Administration to Honorable Henry Helstoski. Similarly no such restrictions, as the plaintiff attempts to read into 39 U.S.C.A. section 3211 exists.

It is interesting to note that the mailing of this document by Congressman Helstoski was not at all novel; in fact it was the practice and custom of other Congressmen who similarly get this relevant data to their constituencies. (T II–140).

POINT IV

The survey polling the opinions of young constituents and the "Washington Report" advising the constituency as to matters pending before Congress and matters occurring in the Congressional office are frankable as official correspondence under 39 U.S.C.A. 3210.

The plaintiff urges that the surveys polling opinions of young constituents (Exh P–3 and P–4a) and "The Washington Report" (Exh P–6) were not frankable. Both must be tested under the criteria of "official correspondence" and whether or not the same are relevant to the customary official operation and business of a Congressional office.

The role and function of a Congressman is wide, indeed. The umbrella of "official business" of his office cannot be readily envisioned by a meticulous student of the legislature approach of memorizing all of the pertinent constitutional provisions, statutes and procedural rules. In practice and in fact the essence of the office is a "constituent-representative" relationship. A Congressman is a representative of the people on an apportioned area. It is these people who comprise constituency, representing different interests, aggregations, as well as individual interests whose deeds must be acknowledged. In order to best understand these deeds, the Congressman must have a direct relationship with them. He must know and feel the tempo of the district. He must go to them, inform them and advise them regarding laws pending, enacted, defeated—programs, policies and issues of the day. He must, as a duty solicit from them advice and suggestions, i.e., questionnaires and surveys concerning legislation and federal matters. He must find out what his constituents want and do not have. All of this is best accomplished by corresponding directly to the people. Congressman Helstoski's testimony in this action emphasized the function and purpose of the particular surveys and Washington reports that he has utilized for eight years in serving his constituency:

"Well, it gives me an indication of what the people are thinking. It gives me an opportunity to form judgments and exercise my opinion on various matters of a legislative nature on the floor, and to provide the basis and foundation, perhaps, for new legislation that could respond to a certain problem or problems that might be evident in my Congressional District." (T II–141)

Congressman Steed of Oklahoma stated in debate in the House in considering H.R. 6868 concerning the franking privilege "these questionnaires . . . are of the best methods devised for Members of Congress to advise themselves on how the people back home feel on various public issues." (Dec. 17, 1963) the franking privilege, supra.

The correspondence between the representatives and the constituents is not only the best tool but, in fact, the only feasible tool available to extract constituent views.

The franking privilege, as granted by Congress, facilitates the maintenance of this relationship and nourishes its growth as the growth of the relationship occurs. It means that a Member of Congress does not bear the burdening costs of carrying mail to his constituent. In essence it "frees" the flow of correspondence between him and his constituent. To attempt to restrain the surveys and reports in question would be tantamount to isolating and insulating Congressman Helstoski from his constituency.

In a House debate of July 29, 1916, the Honorable Thomas D. Schall alluded to the "franking privilege as one of the bulwarks of the people's liberties, upon which the foundation of our republic must stand, for it is upon the education and understanding of our people that our republican institutions must rely for their perpetuation."

Also significant in this respect is the ever increasing and more highly complex workload of the Congressman. He, too, must be equipped to joust with a civilization of specialists and professionals. For an extremely interesting and enlightening discussion of the expanding official role of a Congressman see *The Congressman*, A Doubleday Anchor Book by Charles L. Clapp (1964). In aiding the Congressman to relate more extensively and thoroughly with his constituents Congress has enacted certain laws to aid this communication, the primary one being franking privilege. Charles L. Clapp calls the franking privilege the "most valuable service" provided the Legislator, permitting him to send free any official communication. Clapp notes that the Post Office Department reports that the franked mail increased from 44.9 million pieces in 1955 to 63.4 million pieces in 1958 and 111 million pieces in 1962. Compare statistics gathered in publication of franking privilege of Members of Congress, supra, at page CRS–47.

Thus, it is respectfully submitted that the survey in question and the Washington report in question must be deemed to be an integral part of the effective functioning of the role of Congressman Helstoski and deemed "official correspondence".

POINT V

The Federal District Court is without jurisdiction in an action for injunctive relief regarding the congressional franking privilege and for the recovery of postage on frank mail

where: A. The question involved is of a political nature"; B. The discretion exercised by the congressman is protected by congressional immunity; C. The determination of "official business" as the same relates to the franking privilege is a legislative matter not subject to judicial review; D. the plaintiff has not established a standing to sue.

In the alternative, it is respectfully submitted that this court has no jurisdiction in the action in question. Although it is recognized that other Federal District Courts have accepted jurisdiction such as the cases of *Straus*, supra., *Rising*, supra., *Hoellen*, supra., and *Nedzi*, supra., it appears that the jurisdictional question should be discussed and determined.

A. *The question involved is of a "political" nature*

The Court in the case at bar is without jurisdiction to act in that the questions presented are "of a political" nature. The gravamen of the Complaint and the further amplification thereof by the plaintiff is purely political in nature. (T II 176 through 184). The judicial test to be employed to determine whether a case involves a political question is found in *Baker* v. *Carr* 369 U.S. 186 (1962) and *Powell* v. *McCormick* 395 U.S. 486 (1969):

"For a case to be held to involve a political question it must have one of the following: a textually demonstrable constitutional commitment of the issue to a coordinate political branch; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy by determination of a kind of clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

Clearly there is a lack of judicially discoverable and manageable standards for resolving the issues at bar. A determination of "official business" without such judicially discoverable and manageable standards would constitute a usurping of the jurisdiction of the legislature. Any policy determination in this regard must be legislative. Any corrective measure must be determined by the legislature and not the judiciary. The performance of official duties are duties designated by Congress. c.f. *Vehel* v. *Johnson* 287 F. Supp. 846 (1968) where the court refused to question the action of the president in performance of his duties. Due respect for coordinate branches of government is a principal of highest significance which must be maintained here. In *League of Nebraska Municipalities* v. *Marsn* 209 F. Supp. 189 (1962) the Court pointed out that "A controversy dealing with an election should not be considered by a federal court unless absolutely necessary." Specifically referring to injunctive relief in *Caren* v. *Clark*, 78 F. Supp. 295 (1948) the court stated "In the case of a political controversy, federal courts of equity have no jurisdiction to grant an injunction."

Thus it is respectfully submitted that due to the "political nature" of the questions submitted in the case at bar this court should not accept and does not have jurisdiction to hear the same.

B. *The discretion exercised by Congressman Helstoski is protected by congressional immunity as provided by the speech and debate laws of the Federal constitution Article I, Section 6*

The Speech or Debate clause of the United States Constitution provides that "for any speech or debate in either House, they (Senators or Representatives) shall not be questioned in any other place". The Supreme Court has held that the protection of this clause was confined to members acting in the fear of "legitimate legislative activity". (*Powell*, supra and *United States* v. *Brewster* U.S. 92 S.Ct. 2531 (1972). The conduct of Congressman Helstoski in the within action is within the penumbra of that protection. The franking privilege to communicate with the public is within that sphere of direct legislative activity for which a Congressman's motivation is immunized from judicial inquiry. Clearly the Congressman's activity, i.e. mailings under the franking privilege is within the immunity afforded by the Constitutional provision. Any motivational inquiry is foreclosed by that clause and this court is unable to entertain the complaint in the action at bar. It should be noted that the *Brewster* holding is restrictive to disallowing that immunity where the question raised is of a criminal nature and well beyond the intent and scope of Article I Section 6. That action involved the power of the court to entertain a prosecution on a federal bribery charge. There the court speaks of purely legislative activities and legitimate errands performed for constituents. It affirms the protection of purely legislative activities and states that other errands performed are not immuned from a prosecution of bribery and thus not afforded the same protection of immunity. However the court in no way applied or intended to hold that the veil of immunity should be pierced in a purely civil action. Nor did *Brewster* imply or intend to hold that Congressional discretion could be interfered with. The case at bar does not involve Congressional action constituting a criminal abuse and releases. In no way did the *Brewster* case intend to give the judiciary power to set up standards and delineate guidelines or prescribe allowable and nonallowables for the House of Representatives.

It is well established that a Congressman has a duty to disseminate news of legislative activity to his constituents. The exercise of that duty is within his judgment and discretion. Thus, Congressman Helstoski in disseminating news regarding pending, proposed or even passed legislative proposals, federal programs and policies, surveying the tempo of the opinion of his District and disseminating data contained in public documents was zealously pursuing the duty and responsibility bestowed upon him by the office to which he was elected.

Any attempt of the judiciary to saddle the exercise of those duties would be in direct violation of the immunity granted under the Article I, Section 6 of the United States Constitution. No where in the case at bar is it alleged or has it been established that the actions of the Congressman were outside of the broad scope of his legislative duties, functions and errands.

In the case of *Tenney* v. *Brandhove* 341 US 367, 376–377 (1951) actions of State legislators in the course of their activities as member of a legislative committee of the California State Legislature were attempted to be attacked. The plaintiff alleged, much like plaintiff in the case at bar, that he had been injured by the actions of the legislative committee and attempted to hold the legislators libel for civil remedies under the federal civil rights statute. (8 USC Section 43, 47 (3)). The Supreme Court there held that the legislatures had acted within the wide scope of their legislative duties and that the federal law was not intended to afford a judicial remedy in such cases. Although the District Court in *Hoellen* v. *Annunzio*, supra, accepted jurisdiction and dismissed the argument of the immunity granted by the Speech and Debate clause, it did so relying solely and exclusively on the *Brewster* case. This was error. The *Brewster* case in no way and in no manner involved, nor could its doctrine be extended to matters involving the use of the franking privilege for "entirely legitimate activities".

The Court in Brewster expressly acknowledged and recognized the wide scope of non "purely legislative activities" as being within the gamet of "entirely legitimate activities" of a legislator. It is interesting to note that in *Annunzio* the court did not find that the sending of franked mail is not a part of the direct legislative process itself. In this regard motivation of the legislator is immaterial and motivational inquiries foreclosed. *Tenney* v. *Brantove*, Supra at p. 377. The court in *Annunzio*, Supra, found that the sending of questionaires under the franking privilege is not within the protection of the Speech and Debate clause in that it is not part of the legislative process, citing *Brewster* as decisive.

C. *The determination of "official business" as the same relates to the franking privilege is a legislative matter not subject to judicial review*

Congress created the franking privilege for the use in "official business" by its members. 39 USCA, Section 3210 (1972 cum. supp.). The administration of this privilege is closely involved with the conduct of legislative business and therefore a matter of importance to the Committee on House Administration and to the US House of Representatives as a whole. The ascertainment as to what is official business and how that business is to be conducted by duly elected Congressman is, within broad limits, a matter which is exclusively reserved to the legislative branch of government.

As a general rule equity does not undertake the revision or supervision of governmental action lawfully exercised through the legislative branch of the government (42 Am. Jur 2nd 172). Equity will not attempt by injunction to substitute its own discretion for that of such official in matters belonging to their proper jurisdiction. (*Louisiana v. McAdoo* 234 U.S. 677, 58 L.ed 1506, 34 S. Ct. 938 (1914).)

Thus, even if the mailings in question are categorized as "legislative errands" they are still "official business" protected under 39 U.S.C.A. 3210. Judicial intervention in this regard is inherently inconsistent with the basic governmental principle of separation of powers of government. A judicial attitude of restraint is essential, particularly, as in the case at bar, where the House Committee on Official Standards has formerly and officially ruled and sanctioned the materials in question. Timing and motivation are of no import.

Every member of the United States House of Representatives is elected for a term of only two years. In the process of performing his official duties and in the governing process is the inevitable task of disseminating data relating to public matters, soliciting the opinion of his constituency and setting before the district his record of action on their behalf. Dangerous indeed would be the concept of judicial intervention based upon timing of the performance of these duties or the intangible concept of alleged motivations. Dangerous indeed would be the concept of intervention and judicial interference in each and every election year. Thus historically, the matter in question has been one left to the regulation and interpretation of the Postal Service and now the U.S. House of Representatives. An unwarranted intrusion of one branch of government upon another in the case at bar would result in a direct conflict of interpretation of the exercise of the Congressional privilege.

The franking laws are matters truly of interest to the Congressional branch. It has meticulously set its own guidelines and it should be the judge of any violation of them. Any complaints with respect to these laws should be made with the House on Standards of Official Conduct and not the Federal District Court. An acceptance of jurisdiction, at this time, in this particular case, would be

an open invitation to a bombardment of political actions not only regarding the franking privileges but other rules, standards and procedures of the House of Representatives. As said in the *Powell* case this would set forth the seeds for "the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

D. The plaintiff has not established a standing to sue

(i) There is no Civil Rights to appeal opportunity in a political campaign

The gravamen of the Complaint of the plaintiff in a weak attempt to establish standing is that the mailings involved "violate the civil rights of plaintiff and his right to run for public office in that they give defendant distinct and unfair advantage to further his political campaign". When given the opportunity to amplify on this vague allegation the plaintiff stated "any abuse of an official power I think violates my civil rights, your Honor, in terms of I am not being given the same equality, the same opportunity to make the same statements to the same people whom we are both attempting to represent a new district which does not—for which, as I remember a court decision, says we can run for a primary and general election and is kind of silent with respect to when that new district began". (T 178) A vague, unfounded and wild theory.

The law regarding civil rights and the protection hereof is much clearer than the plaintiffs distortion. In dealing with "voting rights" the protection of equality relates to race, color or previous condition not to affect right to vote. (42 USCA 1971). No where, but absolutely no where, does this Act or any interpretation of it encompass the wide umbrella attempted to be open here. Also see 28 USCA 1342 relating to civil rights and elective franchise.

The plaintiff is challenged to set forth his basis in law to the wide allegations he puts forth to this court.

It is axiomatic that equity cannot be invoked to protect the right of a citizen to be voted for at an election or his right to be candidate for any office. 26 Am. Jur. 2nd, Elections, Sec. 369; Also see 42 Am. Jur. 2nd, Injunctions, Sec. 86.

(ii) Plaintiff has no standing to institute an action for damages which would inure to the general treasury of the United States.

The plaintiff in the complaint and in oral argument urges that he has standing to press for damages which would inure to the benefit of the United States. (T II 195–196). No legal basis can be found to support this allegation.

In the case of *Massachusetts v Mellon* 292 U.S. 447, 43 S. Ct. 597, 67 L.Ed. 1078 (1933) the court stated that "the general interest of the citizen to have government administered according to law and not to have public funds wasted, does not give standing to a private citizen to challenge the constitutionality of statutes by which he is not injured."

CONCLUSION

It is respectfully submitted that on the basis of the foregoing reasoning the action of the plaintiff should be dismissed.

PORRO, CONAGHAN & MURRAY.

[U.S. District Court for the District of New Jersey, Docket No. 1571–72]

BRIEF, ON LEAVE GRANTED, ON BEHALF OF THE COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, AS AMICUS CURIAE

Alfred D. Schiaffo, Plaintiff vs. Henry Helstoski, Defendant.

Eugene L. Dinallo, Esq., Appearing for John T. Walker, Esq., Chief Counsel of Committee on House Administration.

Malcolm Blum, Esq., on the Brief.

PRELIMINARY STATEMENT

This brief is filed with the Court, with the Court's permission, as amicus curiae on behalf of the Committee on House Administration, United States House of Representatives. Due to the fact that Counsel for the Committee did not participate in the trial hereof, and in an effort not to be redundant, the Committee shall rely upon the Statement of Facts as set forth in the brief submitted by the defendant.

However, the Committee feels, that prior to the argument portion hereof, an explanation of the Committee's position regarding this controversy is in order.

The administration of the law involved herein is closely involved with the conduct of legislative business and, therefore, is a matter of importance to the Committee on House Administration and to the United States House of Representatives as a whole. The Committee believes that the ascertainment of what is official business and how that business is to be conducted by duly elected Congressmen is, within very broad limits, a matter which must be reserved to the legislative branch of government.

The creation of the franking privilege by a statute which defines the material to be covered is indicative of a congressional intention that the privilege not be unlimited, and, of course, the Committee does not urge that statutory interpretation. Nevertheless, the Committee believes that, in general, the regulation of the privilege is a congressional and not a judicial matter. The Committee further believes that only this approach is consistent with the basic governmental principle of separation of powers and therefore takes the position that the federal courts should adopt an attitude of restraint in passing upon usages by members of Congress of the franking privilege.

Members of Congress participate in a political process in both the narrow sense of standing in contested elections and the broad sense of governing once elected. Elections are the test of the effectiveness of a Congressman's performance, and the things he does in the day-to-day conduct of his official business are inevitably and properly part of both the governing process and the record he puts before the people when he seeks re-election. Since every member of the United States House of Representatives is elected for a term of only two years, a substantial part of each term of office is a campaign period for any member who plans to seek re-election. Therefore, legal proceedings which seek to inquire into political motivations of what is otherwise official business, even if confined to campaign periods, raise the real possibility of impingement on the powers and functioning of Congress.

The Committee believes that the Court should not in any event adopt an approach which will subject Congressmen to detailed inquiries regarding their motives and purposes in the conduct of their offices. This would be an absolutely unwarranted intrusion of one branch of government upon another and would serve to chill the exercise of the Congressional privilege.

Finally, the Committee is concerned that plaintiff has requested an injunctive remedy directed toward future franked mailings. The Committee believes that injunctive relief would be improper and would impair proper utilization of the franking privilege.

As the Court is aware, there are few cases challenging uses of the franking privilege by Members of Congress. Resort to the Courts by political opponents of Congressmen to attack the use of the frank is a recent development. The United States House of Representatives through its Committee on House Administration considers the issues raised regarding the administration of the Congressional franking privilege as potentially significant for all members of the House and for proper administration of the privilege. The Congress also has concern respecting the intervention by the Judicial Department in the affairs of the Legislative Department. Therefore, the Committee on House Administration requested that the Court permit it to file this present brief.

ARGUMENT—CONGRESSMAN HELSTOSKI HAS NEITHER ABUSED NOR MISUSED HIS FRANKING PRIVILEGE

By virtue of 39 U.S.C. Sec. 3210, et seq., a privilege or right, known as the "franking privilege" has been conferred on certain persons, by virtue of which they may transmit certain matters through the mail free of postage. Clearly the franking privilege, as accorded by the aforesaid statutory provisions, applies to a Member of Congress; and, equally clear, is the fact that defendant is an incumbent Member of Congress entitled to same.

A. Legislative history

The earliest mention of the franking privilege, as it applies to Members of Congress, that counsel's research can uncover is located at 18 *U.S. Statutes at Large* 343 (43rd. Cong., Sess. II. Ch. 128, 1875). This early statutory provision provided, at Sec. 5:

"That from and after the passage of this act, the Congressional Record, or any part thereof, or speeches or reports therein contained, shall under the frank of a member of congress, or delegate, to be written by himself, be carried in the mail free of postage . . . and that public documents already printed, or ordered to be printed, for the use of either House of Congress may pass free through the mails upon the frank of any member . . . of the present Congress. . . ."

Section 7 of the same stautory provisions permitted seeds, together with agricultural reports of the Department of Agriculture, to pass through the mails free of charge when sent by a Member of Congress.[1]

The franking privilege was referred to again by Congress in 19 *U.S. Statues at Large 336* (44th Cong., Sess. II, 1877). It was reiterated therein that Members of Congress may send and receive through the mail, all public documents printed by order of Congress, free upon their frank.

Thus, clearly the franking privilege initially granted to Congressman only applied to the Congressional Record (or exceprts therefrom), public documents ordered printed by the Congress, and reports emanating from the Department of Agriculture.

It is this background that must be kept in mind when we review the debate referred to in Volume 25 *Congressional Record pgs.* 2748 and 2749, also referred to in plaintiff's brief at pages 11 and 12. This debate covers the then proposed extension of the franking privilege to cover "correspondence . . . upon official or departmental business". Undoubtedly, as suggested in that Congressional debate and as underscored by plaintiff in his brief. there had been, prior to the debate, abuses of the franking privilege. But, then it must be remembered that Congresmen had not, up to that time had their franking privilige extended to "correspondence".

History shows that, subsequent to the aforesaid 1893 debate, rather than annul the congressional franking privilege to do away with any alleged abuses thereof, the Congress reacted by extending the privilege. Thus, by virtue of 28 *U.S. Statutes at Large* 622 (53rd. Cong., Sess. III, Ch. 23, Sec. 85, 1895), the forerunner of the present 39

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[1] It should be noted that by virtue of 18 *U.S. Statutes at Large* 237 (43rd Cong. Sess. I Ch. 456, 1874), Congressman could mail out all publications printed by order of Congress at a reduced rate (not free) as long as they franked the matter mailed.

U.S.C. Sec. 3210 was enacted into law. By its provisions, Congressmen were given the privilege of sending "correspondence . . . upon official or departmental business" free through the mails upon their frank.

Congress, thus, answered any questions relating to the expansion or contraction of the franking privilege by obviously expanding it. Plaintiff's excerpts from the Congressional Record, which are reprinted in his brief, are best rebutted by the words of Congressman Thomas D. Schall, who in a speech to the House, dated July 29, 1916, stated:

"This so-called franking privilege is one of the bulwarks of the people's liberties, upon which the foundation of our Republic must stand, for it is upon the education and understanding of our people that our republican institutions must rely for their perpetuation.

Every citizen has a right to know what laws are proposed, what are enacted, what are defeated, the attitude of the Congressman or public officials upon each of these, and the reason for or against them. The franking privilege is expressly given the people, and it is the Congressman's duty, through his frank, to see that the people are informed as to the public business, and the closer he keeps in touch with them the more efficient and democratic will be his vote . . ." *Appendix to the Congressional Record* 1608 (1916).

Hence, the intent of Congress, then and now, has been to accord the greatest latitude to its Members to communicate with their constituents. The only limitation being that Congressmen communicate on official business as opposed to private concerns. This is the attitude Congress adopted subsequent to the 1893 debate pointed out by plaintiff, and continues to countenance today. This intent is readily perceived by Congress' readoption of the franking privilege, without diminishment, when it overhauled the postal department structure in 1970, and established the United States Postal Service. 39 U.S.C. 101, et seq.

As has been provided for several decades, a Congressman may send through the mails, without charge, and upon his frank, as franked mail:

(A) Matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, 39 U.S.C. Sec. 3210 (1);

(B) Correspondence, not exceeding 4 ounces in weight, upon official business to any person, 39 U.S.C. Sec. 3210 (2);

(C) All public documents printed by order of Congress, 39 U.S.C. Sec. 3211;

(D) The Congressional Record, or any part thereof, or speeches or reports therein contained, 39 U.S.C. Sec. 3212; and

(E) Seeds and agricultural reports emanating from the Department of Agriculture, 39 U.S.C. Sec. 3213.

It is, therefore, respectfully submitted that this legislative history portrays an intent by Congress to expand the franking privilege to include anything reasonably relating to a Congressman's work; that aside from the Congressional Record, public documents ordered printed by Congress and agricultural documents, a Congressman may correspond with anyone (especially his constituents) concerning his work in Congress, or Congress' work as a whole.

The legislative history of this matter warrants a liberal interpretation as to what matter may be considered franked mail. It is submitted that only private mail of a Congressman, or such mail as cannot reasonably be denominated as correspondence relating to the Congressman's work in Congress, or Congress' work as a whole, (e.g., blatant campaign literature), should be held to be without the category of franked mail. Unquestionably, every piece of mail challenged by plaintiff herein directly pertains to either Congressman Helstoski's work as a Congressman, to Congress' work as a whole, to the Congressional Record, or public documents printed by order of Congress.[2]

No document sent out by Congressman Helstoski requests that the recipient vote for him, nor do they contain partisan political messages. The message and intent of each document is information; official information on the working of Congress, Congressman, Helstoski's committee in Congress and his work as a Congressman, and publications made available to the citizenry by Congress. It is also of vital importance to note at this time that the record is uncontradicted that Congressman Helstoski has sent these documents and information sheets throughout his tenure in office, and not just before election.

Under these circumstances, it is submitted that plaintiff's suit merits dismissal.

B. Judicial history

There is an obvious dearth of judicial history affecting the Congressional franking privilege. In fact, diligent search by counsel can uncover only three (3) cases covering this topic; and all three (3) are of recent vintage.

The first decision on the franking privilege was *Straus* v. *Gilbert*, 293 F. Supp. 214 (S.D. N.Y. 1968). In this decision, the Court, echoing the words of Congressman Schall, supra, held that Congressmen undoubtedly have a responsibility to inform their constituents, and that the provisions of 39 U.S.C. Sec. 3210 (2) allow the use of the frank to supply such information. The Court in *Straus* even went further and stated that the statutory provisions, relating to the franking privilege of Congressmen, have no limitation preventing the insertion of campaign material when the material sent is otherwise legitimate franked mail.

The efficacy of the *Straus* decision was to make any literature sent by an incumbent Congressman "correspondence . . . upon official business", as long as some part of it pertained to congressional business. The attitude of the Court in *Straus*, one which the House of Representatives supports, was that the question of abuse or misuse of the franking privilege lies predominantly in the political sphere; it is a question that must be regulated by the Congress itself.

A step away from the hands-off decision of *Straus* was taken in the decision in *Rising* v. *Brown*, 313 F. Supp. 824 (C.D. Calif. 1970). In the latter case the Court found that a brochure sent by the defendant under his frank was an obvious campaign pamphlet, and was not correspondence pertaining to official business of Congress. However, the decision in *Rising* was not a radical departure from the *Straus* decision because the literature involved in *Rising* was a blatant electioneering brochure, not primarily dedicated to informing the constituency of congressional work: it was mailed to constituents not in the incumbent congressman's district, was mailed two weeks prior to the election, and was primarily devoted to extolling the Congressman's personal thoughts and attitudes.

A review of the documents involved in the matter subjudice reveals an entirely different situation than existed in *Rising*. Congressman Helstoski's mailings are overwhelmingly addressed to residents of his present district, the materials have been sent out periodically during his entire term (not just before the election), and the subject matter of his franked mail is devoted to the Congressman's committee, the decisions of Congress, how Congressman Helstoski participated in these decisions, matters, relating to the Congressional Record, and publications printed by order of Congress. In no way can the printed matter involved herein, and challenged by the plaintiff, be categorized as campaign literature as the materials in *Rising*.

The third decision rendered on September 15, 1972, was *Hoellen* v. *Annunzio*, 72 Civ. Doc. No. 1302 (N.D. Ill.). In this decision the Court appears to take an intermediate course between *Straus* and *Rising*. The defendant was the incumbent congressman in the Seventh Congressional District of Illinois. However, due to reapportionment, defendant was running for re-election in the new Eleventh Congressional District of Illinois: in this latter district he was an incumbent.

Congressman Annunzio sent out a questionnaire requesting opinions from the recipients. This questionnaire was sent out under his frank during the election campaign and contained the Congressman's picture. The overwhelming percentage of the mailing went to the new Eleventh District, while a small percentage went to his old Seventh District, the districts did not overlap. Congressman Annunzio had not sent out a prior questionnaire during his four terms in Congress. As a result of the foregoing, his opponent requested that he be enjoined from any such further mailings.

The Court held that the mailing was proper as to the Seventh District wherein the defendant was the incumbent. In so holding, the Court decided that the questionnaire, even though it contained the defendant's picture and contained public relations features, was official business between the Congressman and his constituents.[3] It was only where the questionnaires were sent to the new Eleventh District, where the Congressman was not the incumbent, that the Court held the very same questionnaire was not entitled to be sent as franked mail undoubtedly the Court felt the use of franked mail in a district where the defendant was not an incumbent was unfair, and here it enjoined any further such mailings until the defendant became the Congressman elect for the new Eleventh District. Clearly the facts, that the overwhelming percentage of the mailing went to the new Eleventh District, and that this was the first questionnaire sent out in four terms by the defendant, led the Court to make the decision it did. Likewise, the decision in *Rising* appears to have been primarily prompted by the fact that the franked mailing went outside the Congressman's district.

Contrariwise, the franked mailings involved in the present controversy were overwhelmingly sent to the incumbent's present district and were part of a series of similar mailings sent by Congressman Helstoski since 1965.[4]

It is, therefore, respectfully submitted that the official business character of the mailings involved herein merit a holding that they were entitled to receive the franking privilege. Accordingly, plaintiff's complaint warrants dismissal.

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[2] It must be pointed out at this juncture, that the text "The Yearbook of Agriculture 1963—A Place to Live" was sent to only governmental officials, 39 U.S.C. Sec. 3210(1), albeit local government officials.

[3] The Court in *Hoellen* v. *Annunzio* also held that three press releases sent to the defendant's old district, where he was still the incumbent, were official business correspondence because they contained references to official matters. The Court held thusly even though they contained pictures of the Congressman and referred to his personal stance on Congressional business.

[4] Another recent case which involved the franking privilege, though not precisely on point here, was *Austin* v. *Nedzi*, Civ. Act. No. 38488 (E.D. Mich. 1972), wherein a newsletter containing a Congressman's picture was challenged as improperly franked in an election year suit, was dismissed upon defendant's motion.

C. Executive and administrative history

As set forth in the decision of *Hoellen* v. *Annunzio*, supra, prior to 1968, the Post Office Department, as part of the Executive Branch of Government, undertook the responsibility of determining whether mail was sent improperly under the frank.

In *Post Office Department Publication* No. 126 (April 1968), entitled "The Congressional Franking Privilege", the Post Office Department set out what, in its opinion, was proper use of the franking privilege (this opinion is also set out at length in *Rising* v. *Brown*, supra, at p. 827). Basically, it provides that "correspondence upon official business" is:

" . . . that in which the member deals with the addressee as a citizen of the United States or constituent, as opposed to the relationship of personal friend, the relationship of candidate . . . and voter, or when the member writes in the capacity of a member of a political party of faction."

Clearly, the mailing materials which are the subject of this suit cannot be classified as though they were sent to a personal friend, as though they were campaign literature sent by a candidate, nor as though they were the correspondence of a member of a political party. They obviously fall into the category of all such prior mailings sent by Congressman Helstoski to his constituents; they all are information materials notifying citizens of the work of their Congressman or their Congress.

The aforesaid Post Office Department Publication goes on to say that:

"Appeals for political support, reference to what a member expects to do in the next Congress sent out before an election, discussion of a prior political campaign, and reference to campaign opponents as such are all matters beyond the official business concept." A mere perusal of the challenged materials verifies that none of them violate the above criteria.

The aforegoing is advanced to this Court for the purpose of showing what the agency previously designated to review charges of abuse or misuse of franked mail, determined to be such abuse or misuse. In 1968, and again in 1971, the Post Office Department determined that it, as a unit of the Executive Department, should not become involved in the business of the Legislative Branch of the government.

Pursuant to the decision of the Post Office Department, the General Counsel wrote a memorandum in December 1968, wherein he stated:

"The Congress has by statute (39 U.S.C. Sec. 3210) determined the nature of material which a congressman may send free of charge under his congressional frank. This statute simply says that the privilege is available for 'correspondence . . . upon official business'. This statute . . . is really . . . a guideline for the conduct of its own members . . ."

Thus it appears that by decision of the Executive Department, and obviously by decision of the Legislative Department, the Legislature of the United States has the necessary expertise and background to determine for itself what constitutes abuse and misuse of the franking privilege. The issues before this Court could readily have been brought before the House Committee on Standards of Official Conduct, see Yadlosky, *The Franking Privilege of Members of Congress*, or the Committee which is arguing on this brief. As an aid to this Court, there is attached hereto a letter from the Chairman of the House Committee on Standards of Official Conduct which illustrates that Committee's determination on the articles and materials involved herein. The letter clearly states that the Committee staff and the Chairman, after review of the items in question, found them to be totally compatible with P.O.D. Publication No. 126, supra, and in keeping with the accepted definition of "official business".

It is, therefore, respectfully submitted that the items in question are within the franking privilege, that the determinations of the two other equal branches of our federal government hold these materials to be entitled to be sent free as franked mail, and that, accordingly, this Court ought give due regard to these determinations in deciding this matter.

CONCLUSION

The legislative, judicial, executive, and internal administrative history of the franking privilege mandates a conclusion that Congressman Helstoski has not abused or misused his franking privilege. At a minimum, the history of franked mail makes it unquestionable that only a clear abuse of the privilege should move this Court to restrain an incumbent congressman's use of the privilege. Every benefit of doubt should be given to support the free use of franked mail.

Nowhere has plaintiff shown an abuse or misuse of the franking privilege, within all of its definitions and decisions, by Congressman Helstoski. Hence, plaintiff's suit merits dismissal.

Respectfully submitted.

EUGENE L. DINALLO,
Attorney for Committee on Housing Administration.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., September 28, 1972.

Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR HENRY: Along with the Committee staff, I have reviewed copies of the several mailings you left in the Committee office some time ago, and found nothing in these which appears to be beyond the scope of "official business".

The items reviewed were: letters of transmittal for two Yearbooks of Agriculture, The Capitol-Symbol of Freedom, and Consumers Product information—all government publications; a newsletter dated August 1972; and two editions of a new-voter questionnaire. Each of these was examined against the illustrative rulings on determinations of "official business" contained in P.O.D. Publication 126, dated April 1968.

As you know, this Committee has no specific jurisdiction over the congressional franking privilege; however, we are always happy to respond to such inquiries as yours with our best advice, based on the above, which is the best—if not only—source of opinion in this area.

I trust this is responsive to your inquiry. With kind personal regards.

Sincerely yours,

MELVIN PRICE,
Chairman.

[U.S. District Court, District of New Jersey, Civil Action No. ——; Hon. Leonard I. Garth]

Alfred D. Schiaffo, Plaintiff, against Henry Helstoski, Defendant.

REPLY MEMORANDUM IN SUPPORT OF APPLICATION BY PLAINTIFF, ALFRED D. SCHIAFFO, FOR A PERMANENT INJUNCTION

Robert B. Budelman, Jr., John J. Cudas, Jr., on the Brief.

Robert B. Budelman, Jr., Attorney for Plaintiff; Alfred D. Schiaffo, Office and P.O. Address, 510 Howard Street, Westwood, New Jersey 07675, (201) 666-2188.

STATEMENT

At the conclusion of the hearing, this court ordered that findings of fact, conclusions of law and memoranda be filed and exchanged by plaintiff on Tuesday, October 3, 1972, and by defendant on Thursday, October 5, 1972 (T(2)–190 [1]). An amicus curiae brief by John T. Walker, Chief Counsel, Congress of the United States, House of Representatives, was to be filed on Wednesday, October 4th, 1972 (T(2)–198). Plaintiff was given an opportunity to respond by Friday, October 6th, 1972 (T(2)–197).

Plaintiff was served with defendant's brief on Thursday, October 5th, 1972, but was not served with any proposed findings of fact or conclusions of law.

Plaintiff understands that local counsel not John T. Walker will file a brief on Friday, October 6th, 1972. Thus, at the time of preparation of this brief plaintiff has not had the opportunity to review, consider, or respond to the amicus curiae brief.

FACTS

Contrary to defendant's statement the items complained about, in part, are not "three publications of the federal government."

"The Yearbook of Agriculture 1963—A Place to Live" and *"The Capitol, Symbol of Freedom 1961"* are both public documents printed by order of Congress. An examination indicates the term of Congress, the session and the particular House Document number.

The other item *"Consumer Product Information Index—Summer 1972"* is a publication printed by Executive Order of the President. This item is not a public document printed by order of Congress within the meaning of 39 U.S.C.A. section 3211 nor is it one of the particular documents enumerated under Chapter 13 of Title 44. In any event defendant received only an official allotment of 20,000 (T–69) or 50,000 and is now printing at his own expense 126,000 more (T(2)–47). Thus, by defendant's own testimony the 30,000 he already has printed at his expense and the 126,000 he intends to print are *not being printed by* order of Congress (T(2)–47).

Defendant states on page 1 of his brief that those items mentioned in the complaint which are the subject of this section were "distributed to persons within the Congressional District". It is clear from a reading of the testimony that defendant has and is mailing within and *outside* of his Congressional District.

With regard to the distribution of public documents defendant testified as to practice and customs and specifically testified as follows:

"The first thing we do is mail them to all the high school libraries, the public libraries, and college libraries."

"That is what my staff does" (T(2)–135, 136).

When asked if he had mailed the 1963 Yearbook to libraries, defendant testified:

"A. Oh yes. I think we sent that out in 1965 or 1966".

"Q. '65 or '66".

"A. That's correct". (T–18)

The distribution of documents is governed by law 44 U.S.C.A. section 730 and contrary to defendant's testimony it is the Superintendent of Documents, not defendant's staff, who distributes the documents to libraries named to him by Representatives.

Since defendant was not in Congress in 1963, it is fair to assume that the prior Congressman for the Ninth District, Frank C. Osmers, Jr., would have given the Superintendent of Documents a list of libraries in his District as is the alleged custom. (T(2)–135).

As to the *Yearbook* an examination of this item reveals that it is nine years old and was prepared primarily for rural areas. (Exhibit D–1)

Defendant says he mailed the picture magazine *"The Capitol—Symbol of Freedom"* either the 1961 edition or some other edition (T–34) to Democratic and Republican County Committee people "without distinction to party" and because the nature of the

[1] T refers to Transcript of hearing on September 25th, and (T(2)) refers to Transcript of hearing on September 29th.

publication "related directly to the county committee position" (D.B.–3 [2])

Thus, while defendant admits that "the persons receiving the items were chosen by political affiliation and the time of sending was determined by political overtones" (T–40, 42) he does not state how a 1961 or later magazine mailed to Republicans "to tie in with the fact that they might be going down to the convention" (T–40; T(2)–35) directly relates to his county committee position. As to those mailed after the convention defendant stated they still had value because there would be "another one coming in '76" (T(2)–43).

With regard to the 1972 young voters opinion survey, defendant states that it is the practice of "surveying *one's constituency* on public issues" and that it gives him a basis for new legislation on problems "that might be evident in *my Congressional District*". (D.B.–4) While it is true that defendant surveyed *his* Congressional District, he fails to mention that he also surveyed seven municipalities he *does not represent* (T(2)–69); that he had sent out 180,000 questionnaires to survey all households in *his* Congressional District in February and March 1972 and 26,000 questionnaires to survey seven municipalities he does not represent in May, 1972 (T(2)–74); and that he mailed out 206,000 results after June 28th, 1972 (T) 2–74). The young voter is a prime target for both political parties in this year's election (T(2)–86) and defendant especially targeted 15,000 similar questionnaires to new young voters and graduates in his Congressional District and the seven municipalities he does not represent and in which he is running for election.

When asked why he had sent out the survey to young voters, after he had surveyed each household, defendant responded:

"There is a different category of people that has been added to the body of the electorate specifically as a result of the constitutional amendment. It wouldn't be valid last year". (T(2)–81)

When defendant was asked if his testimony would be changed if the constitutional amendment was certified as valid in July 7th, 1971, he answered:

"It has nothing to do with it". (T(2)–83)

With respect to the *"Washington Report"* defendant states that the purpose and function is "informational to my constituents" (DB–4). If that is so, why were 26,000 copies of the so-called report sent to persons in municipalities where he is only running for election and who are not his constituents. (T(2)–97) It is respectfully submitted that the contents of this document with four pictures of defendant and headlines such as "Helstoski Honored" and "Helstocki Active in Legislative Role" is less informational and more in the nature of political campaign material being sent about sixty days prior to the general election. (T(2)–100)

The facts show that defendant, since February or March of this year, has to date sent as franked mail *at least* the following:

1. Washington Report No. 1 [3]	180,000
2. Questionnaire	206,000
3. Congressional record results	206,000
4. 1972 Young and Graduate Voter Opinion Survey	15,000
5. Yearbook of Agriculture 1963	250
6. The Capitol	500
7. Consumer Product Information Index	80,000
8. Washington Report No. 2	206,000
Total	893,750

Defendant intends to send out the following:

9. Consumer Product Information Index	120,000
10. Drug Brochure	206,000
11. Declaration of Independence	5,000
12. Revenue Report	500
13. Police Chief's Survey	41
Total	331,541

Thus, the total mailing under the franking privilege during an eight to nine month period until the general election would be *1,225,291* items. If the six month period from the date of the court's order reapportioning the District to the election be considered then the mailings would total *865,291* items of which about *130,000* items would be sent into municipalities defendant does not represent and is only running for election. These *1,225,291* items, of course, do not include all the free mailing defendant would have completed during this period.

It is respectfully submitted that to allow defendant to dump 331,541 more items of questionable value, which he is printing himself into his District and those municipalities he does not represent by "Postal Patron" free mailings would be an abuse of the franking privilege and give defendant a distinct and unfair advantage to further his political campaign.

POINT I—CONTRARY TO DEFENDANT'S POSITION THAT THERE IS A "TREND OF LIBERALIZATION OF THE FRANKING LAWS", THE LAW INDICATES THAT THE FRANKING PRIVILEGE IS RESTRICTED

(*a*) *Test:*

Defendant contends that the test is *what* and *where*. (DB–7). Assuming that this is a correct test, the defendant is abusing the franking privilege. He has or intends to mail free 1,225,291 items into a Congressional District he represents and other municipalities where he is now running for election. His operation is to saturate the entire area with material as a means for developing support for this election.

An examination of the *"Washington Report"* shows that it is, as the Supreme Court said in *U.S. vs. Brewster*, 92 S. Ct. 2531 (1970), "political in nature".

The young voter and graduate survey is a duplication of a survey previously sent to all households.

The *"Consumer Product Information Index"*, now out of date, the drug brochure and copies of the Declaration of Independence are all printed by defendant but mailed free. These items are not public documents printed by order of Congress.

Where are these items going? By "Postal Patron" mail to every household within and *outside* of the current congressional district.

(*b*) *Frequency:*

Defendant says that "The frequency of such mailings remained consistent". (DB–8). The record does not support that statement. The question was only were the *surveys* and *newsletters* sent out in non-election years in the same frequency as election years and the defendant answered: "Yes. More or less." (T(2)–156).

If defendant sends out 1,225,291 items each year the franking privilege is still being abused but on a more consistent basis. It would then seem that, as the court stated in *U.S. v. Brewster, supra*, the defendant is saturating his Congressional District by mass mailing as a means of developing "continuing support for future elections".

(*c*) *Title 44 Public Printing and Documents:*

Defendant says that plaintiff "attempts to confuse the issue by arguing the provisions of 44 U.S.C.A. sections 719, 731, 732 and 733 place restrictions upon the privilege". (DB–8).

Title 44 does place restrictions upon the privilege. An examination of 28 Stat. 622 (53rd Congress—1895) indicates that prior to codification of Title 44 and 39 the franking privilege was included within "An Act Providing for the Public Printing and Binding and Distribution of Public Documents". This Act later became part of Title 44 and the franking privilege provided under Section 85 of said Act became 39 U.S.C.A. sections 3210 and 3211.

On pages 10, 11 and 12 of plaintiff's "Post Hearing Memorandum" the debate on the franking privilege as included in this Act is set forth. Volume 25 Congressional Record P. 2748, 2749.

(*d*) *Postal Service and House Rulings:*

Defendant contends that the Postal Service and House of Representatives guide lines, rulings and memorandum "are controlling" (DB–13); that this court should "strictly adhere to the guide lines" (DB–14); and that this court should specifically follow the ruling on each item by the Committee of Standards of Official Conduct (DB–14).

In *Law and Regulations Regarding Use of the Congressional Frank*, Subcommittee on Postal Service, Committee Print No. 14, November 11, 1971, Morris K. Udall, as Chairman of the subcommittee states:

"Both the statute and the regulation are *vague* and not entirely satisfactory. In large part, the member and member-elect must determine *for himself* or Committee on Standards and Ethics whether specific actions are proper.

* * * * *

"I emphasize that in some cases there is *doubt* that these are *my own* informed judgments on legality and propriety.

* * * * *

"The Post Office Department, through the General Counsel, attempted to *police* in some fashion the use of the frank . . . the Postal Service explained that it no longer would perform this function as the responsibility was primarily a matter for Congress to resolve if disputes occurred. The result is that each member must decide what is frankable.

* * * * *

"What constitutes official business must be decided by the member." (P.1) (Emphasis added).

It is difficult to follow defendant's proposition that this court should "strictly adhere" to the past rulings and guide lines of the Postal Service and the House because they are controlling when the leading member of the House on this subject says that the Postal Service will not "police" this matter; that he finds the statute and regulations "vague" and each member must make determination "for himself".

It is plaintiff's position that these rulings and memoranda are not controlling on this court in any manner but are useful to this court in arriving at the proper interpretation of the statutes involved.

As to the letter from the Committee on Standards of Official Conduct dated September 28, 1972, after this hearing commenced, it was admitted that certain items were not sent to the Committee (T(2)–132, 133).

The letter indicates that the Committee examined whatever was presented against former post office rulings and states that the committee "has no *specific* jurisdiction over the Congressional franking privilege."

In *Hoellen* vs. *Annunzio*, 72 Civ. 1302 (ND Ill. 1972) the U.S. House of Representatives, Committee on House Administration, submitted a memorandum as amicus curiae which indicated that the Postal Service Subcommittee had reviewed the questionnaire and found it to be official business which could be mailed into the new Congressional District. (A copy of the amicus curiae brief is submitted with this Memorandum for the assistance of this court). The court rejected the Postal Service Subcommittee's finding and the House's position and found that the "mass mailing" of questionnaires into a district which the Congressman did not represent but in which he was running for election was not "official business".

[2] D.B. refers to Defendant's Brief.

[3] The "Washington Report" in evidence indicates it to be the second this year.

(e) *Liberalization:*

It is difficult to understand defendant's position. He first says that there is a "constant trend of liberalization of the franking laws" (DB–9) and then argues for strict statutory construction (DB–15).

Plaintiff contends that the legislative history of the franking privilege shows the intent that the privilege be restricted as to items and use.

POINT II—THE FRANKING PRIVILEGE

There is a rather good historical survey of the franking privilege in *"The Franking Privilege of Members of Congress"*, Congressional Research Service, Library of Congress, Yadlosky, 71–35, 497/218, a copy of which was furnished to this court by plaintiff.

An Act approved by the Second Congress on February 20, 1792 (1 Stat. 237) stated that "All letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives" could be conveyed "free of postage".

In 1845 the Twenty-Eighth Congress repealed an Act of 1825 regarding free postage and specifically provided that "Members of Congress . . . shall be . . . authorized to transmit, free of postage, to any post office . . . any documents which have been or may be printed by order of either House of Congress". (5 Stat. 735 sec. 7); that "each member of the House . . . may . . . **send, and receive** through the mail, free of postage, any letter, newspaper, or packet, not exceeding two ounces in weight . . ." and that they had the "right to frank written letters . . . as now authorized by law." (5 Stat 735 sec. 8); and that one half of any penalty under the Act would go to informers and the other half to the Postmaster General and that "all causes of action arising under the Act" may be prosecuted in the United States District Courts (5 Stat. 738, 739 sections 17 and 20).

In 1873, the Congress abolished the franking privilege because of abuses and then within the next thirty years restored the privilege to what it is today.

1873—17 Stat. 421.

"CHAP. LXXXII.—An Act to abolish the franking Privilege.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the franking privilege be, and the same hereby is, abolished from and after the first day of July, anno Domini eighteen hundred and seventy-three, and that thenceforth all official correspondence, of whatever nature, and other mailable matter sent from or addressed to any officer of the government or person now authorized to frank such matter, shall be chargeable with the same rates of postage as may be lawfully imposed upon like matter sent by or addressed to other persons: *Provided,* That no compensation or allowance shall now or hereafter be made to senators, members, and delegates of the House of Representatives on account of postage.

APPROVED, January 31, 1873."

1874—18 Stat. 237.

"SEC. 13. That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department shall be ten cents for each bound volume, and on unbound documents the same rate as that on newspapers mailed from a known office of publication to regular subscribers; and the words "Public Document" written or printed thereon, or on the wrapper thereof, and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department shall be deemed a sufficient certificate that the same is a public document; and the term "public document" is hereby defined to be all publications printed by order of Congress, or either House thereof: *Provided,* that the postage on each copy of the daily Congressional Record mailed from the city of Washington as transient matter shall be one cent.

Approved, June 23, 1874."

1875—18 Stat. 343.

"For official postage stamps for the Post Office Department, nine hundred and eighty-six thousand dollars.

* * * * *

SEC. 5. That from and after the passage of this act, the Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress, or delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster General may prescribe; and that public documents already printed, or ordered to be printed, for the use of either House of Congress may pass free through the mails upon the frank of any member or delegate of the present Congress, written by himself, until the first day of December anno Domini eighteen hundred and seventy-five.

* * * * *

SEC. 7. That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress or delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates.

Approved, March 3, 1875."

1877—19 Stat. 336.

"SEC. 7. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives, may send and receive through the mail, all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the first day of December following the expiration of their respective terms of office."

1891—26 Stat. 1079.

"SEC. 3. That the members and members elect of Congress, shall have the privilege of sending free through the mails, and under their frank, letters to any officer of the Government when addressed officially.

Approved, March 3, 1891."

1895—28 Stat. 612, 622.

"SEC. 72. Any Senator, Representative, or Delegate having public documents to his credit at the expiration of his term of office shall take the same prior to the convening of the next succeeding Congress, and if he shall not do so within such period be shall forfeit them to his successor in office."

* * * * *

"Sec. 85. The Vice-President, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of the Vice-President, Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the first day of December following the expiration of their respective terms of office.

The Vice-President, members and members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence not exceeding one ounce in weight, upon official or departmental business."

1904—33 Stat. 441.

"Sec. 7. That hereafter the Vice-President, Members and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding four ounces in weight, upon official or departmental business."

POINT III—DEFENDANT MAY NOT SERVE "POSTAL PATRON" MAIL TO THE SEVEN MUNICIPALITIES HE DOES NOT CURRENTLY REPRESENT

The history of the extension of the "Postal Patron" or "junk mail" privilege indicates that a majority of the Senate and some members of the House opposed the extension of "Postal Patron" mail for only Congressmen in the cities and limited this use only to the District the member of the House currently represents.

The following are excerpts from the Congressional Record:

"I am not speaking of the trouble and expense that it is to the Members, but I am talking of the expense to the Post Office Department in handling this mail. You will send out a batch of mail of, perhaps, 2,000 or 3,000 pieces. Five or ten percent of that mail will come back to you because of a wrong address. The Post Office Department has had to handle it."

* * * * *

Mr. BAILEY. Is there any way to limit the use of the frank by Members of Congress?

Mr. THOMAS. No. I think it encourages them to use it.

Mr. BAILEY. I am thinking of an incident that occurred here some 2 or 3 years ago where one Member of Congress mailed out 840,000 pieces of mail in opposition to proposed legislation.

Mr. THOMAS. Mr. Speaker, I ask for a vote. (Vol. 107 Congressional Record P. 21528, Sept. 26, 1961).

On November 27, 1963 the Senate voted 88 to 2 against the extension of Postal Patron mail to the cities stating in debate:

"Mr. ROBERTSON. As a matter of policy, the Senate has consistently objected to what it regarded as an improper expense to the taxpayers of the Nation of permitting Members of Congress, *primarily for campaign purposes to send franked mail into the cities,* to be distributed without addresses, only to boxholders.

As the Senator from Georgia has said, in a legislative appropriation bill, not a bill dealing with the Post Office Department, again the Senate is confronted with a similar provision in the conference report. What is desired is to have the Senate agree that only the House may send such mail, but not the Senate. Is that correct?" (Emphasis added.)

* * * * *

"Mr. ROBERTSON. I am relying on the statement of one of the conferees that the issue is one that applies to the Senate. If the House gets the privilege, the Senate gets it too.

I wish to emphasize that, as a matter of public policy, the Senate for a number of years, starting with the bill that I handled in 1960, has stood practically unanimously, so far as I can recall, against this practice." (Vol. 109 Congressional Record P. 22891)

On December 18, 1963 the Senate again debated this matter and this time it narrowly passed with Senator Case of New Jersey voting against the extension of Postal Patron mail and Senator Williams of New Jersey voting for it.

"Mr. WILLIAMS of Delaware. Mr. President, I hope the Senate will again reject the House amendment which would allow *junk mailing privileges* for Congressmen. As the Senator from Nebraska has pointed out, in New York

City there are several Representatives. It is physically impossible for this proposal to be administered. One Representative could circularize the entire city of New York. How could the postman in the State which I represent in part or in any State tell where the mail should properly be delivered?

There are many post offices in towns that are adjoined in Maryland and Delaware, and in Pennsylvania and Delaware. The address may be Delaware. The Representative could circularize box holders in that whole area. How would he know whether the mail would go to people in Maryland or across other State lines? In States in which only one Representative is elected, that Representative could circularize the entire State. The Senator from that State would enjoy no such privilege.

The only basis for the argument in favor of the proposal is to give Members of the House of Representatives an opportunity to circulate in their congressional districts tons of *political propaganda in the* 1964 *election.* Congress has always had the same rule for both the House and the Senate. I do not know of a single instance in which there has been a different rule. Why should the taxpayers be required to pay the postage on *political propaganda* of a Member of the House? Let them pay their own postage.

Two years ago the Senate by a vote—the House later concurred—abolished that privilege and limited both Houses to using the frank for the purpose of answering legitimate mail only. Now the House wants to reinstate this junk mail provision for their Members.

I believe the Senate amendment should be adopted and the conference report rejected.

Mr. MILLER. Mr. President, I concur in what my colleague, the Senator from Delaware, has said.

It has been mentioned in the newspapers that one of the reasons for the difficulties over the mailing controversy is that some Members of the Senate are concerned that Members of the House might be able to take *unfair advantage* in a possible future contest, particularly a primary election. This is not the reason why I feel as I do against the adoption of the House amendment to the Senate amendment.

Congress has been subjected to much criticism already, and much of it I believe is unjustified. We should not invite further criticism by agreeing to the House amendment.

Many people get the idea that if a House Member is allowed to do something, everyone in the Congress—all Members of the Senate and the House alike—are doing the same.

I venture to say that if the *junk mail* privilege is extended to House Members, even within their own congressional districts, soon Senators will receive mail suggesting that Senators are doing the same. This will only add fuel to the fire which is already spreading around the country with respect to some of the 'loose' operation in which I fear a few of our colleagues may have been engaged.

We should not be a party to permitting the *junk mail privilege* to anyone, either Senators or Members of the House. Both should be treated alike.

We should be thankful for the franking privilege Senators now enjoy, without running the risks of abuse.

Mr. LAUSCHE. Mr. President, I shall vote against the House amendment to the Senate amendment. I shall do so because I am convinced that at present the Congress is receiving lacerating condemnation. My mail indicates that clearly. The letters are of a character difficult to answer.

I agree with what was said a moment ago, that we now enjoy a privilege in the franking rights which is great. I do not believe we have any right to load the mail boxes of citizens against their will. That is being done with *junk mail.*

For my own protection and for the protection of the honor of Congress, I do not believe we should in any way in the Senate give approval to the flooding of the mail with propaganda.

It is argued that it is for the service and enrichment of the knowledge of the citizenry. That, in my opinion, is not the fact. It is used for political purposes and for *political purposes alone.* (Vol. 109 Congressional Record P. 25026) (Emphasis added)

POINT IV—PUBLIC DOCUMENTS

Defendant says that *"The Yearbook of Agriculture, 1963"* is frankable as a report from the Department of Agriculture, yet he cites the specific statutory provision by Congress for the printing of this document. Defendant apparently has failed to look inside the front cover of the document where the House Document number appears. It is clearly a public document and as indicated under Point I of Plaintiff's Post Hearing Memorandum defendant was not entitled to possess or distribute this public document. Defendant does not argue this point in his brief.

"The Capitol—Symbol of Freedom" is recognized as a public document by defendant, but here again, he was not entitled to possess or distribute an 11 year old book. In any event, they were used for political purposes.

The *"Consumer Product Information Index—Summer 1972"* is clearly not a public document *printed by order of Congress,* since as defendant indicates (DB–22) it was printed by Executive Order. Plaintiff has not seen the letter of June 19, 1972 referred to in defendant's brief.

With regard to this item and the Declaration of Independence which defendant has or is printing at his own cost, the House in the past has ordered printed the United States Constitution Sec: 87th Congress, 1st Session House Document No. 206 and Senate Document No. 49.

POINT V—THIS COURT HAS JURISDICTION

In the *Law and Regulations Regarding Use of the Congressional Frank,* supra, the Chairman of the Subcommittee on Postal Service recognized that an "Opponent or interested citizen" could seek injunctive relief in the U.S. Courts and ask for an interpretation of pertinent law. (P. 2).

What was said by the court in *U.S. v. Brewster,* supra, is applicable here.

". . . but Congress is ill-equipped to investigate, try, and punish its Members for a wide range of behavior that is loosely and incidentally related to the legislative process." (CCH B4183) (Emphasis added).

"The *process of disciplining a Member* in the Congress is not without countervailing risks of abuse since it is not surrounded with the panoply of protective shields that are present in a criminal case. An accused Member is judged by no specifically articulated standards 13 and is at the mercy of an almost unbridled discretion of the charging body that functions at once as accuser, *prosecutor, judge, and jury from whose decision there is no established right of review."* (CCH B4184) (Emphasis Added).

"The only reasonable reading of the Clause, consistent with its history and purpose, is that *it does not prohibit inquiry into activities which are casually or incidentally related to legislative affairs but not a part of the legislative process itself."* (CCH B4194) (Emphasis added).

[U.S. District Court, District of New Jersey, Civil Action No. ——; Hon. Leonard I. Garth]

Alfred D. Schiaffo, Plaintiff, against Henry Helstoski, Defendant.

POST HEARING MEMORANDUM IN SUPPORT OF APPLICATION BY PLAINTIFF, ALFRED D. SCHIAFFO, FOR A PERMANENT INJUNCTION

Robert B. Budelman, Jr., Attorney for Plaintiff; Alfred D. Schiaffo, Office and P.O. Address: 510 Howard Street, Westwood, New Jeresy 07675, (201) 666–2188.

Robert B. Budelman, Jr., John J. Dudas, Jr., on the Brief.

STATEMENT

By this action, plaintiff, Alfred D. Schiaffo, seeks a permanent injunction restraining and enjoining defendant from mailing or allowing to be mailed the items described in the Complaint and any further similar mailings by use of the franking privilege; a judgment in an amount equal to the cost of the items mailed and the cost of postage on mail which this court finds to have been improperly franked and for such other and further relief as may be just and proper to protect plaintiff's right to run for public office in a fair campaign.

FACTS

On September 19, 1972, plaintiff commenced this action against defendant seeking injunctive relief and damages as a result of defendant's abuse and misuse of the franking privilege to publicize and promote his political campaign.

On September 25, 1972, a motion was made before this court (1) for a temporary restraining order, (2) for an order for a hearing on a preliminary injunction, (3) for leave to take depositions, and (4) to shorten time to answer interrogatories.

On September 25, 1972, upon the hearing of the motion this court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, commenced a hearing of an application for a permanent injunction as prayed for in the verified complaint and consolidated the trial of the action with the hearing on the application.

The complaint alleges, in part, that the franked mailings mentioned in paragraphs "5", "6", "7", "8" and "10" of the verified complaint were an abuse and illegal use of the franking privilege; that the sole purpose of the aforesaid mailings was to publicize and promote the political campaign of defendant; that the public has an overriding interest in being protected against abuses of the franking privilege; said franked mailings constitute campaign literature mailed by defendant at government expense and do not constitute "official business"; that said mailings at government expense violate the civil rights of plaintiff and his right to run for public office in that they give defendant a distinct and unfair advantage to further his political campaign; and that said mailings are a continuing harm to plaintiff in his effort to conduct a *fair campaign.*

The plaintiff produced four witnesses, including testimony of the plaintiff and defendant, in support of his application for a permanent injunction. The defendant produced no witnesses but requested permission, which was granted, to allow the United States House of Representatives Committee on House Administration to submit a memorandum as amicus curiae.

After taking of evidence, but before the conclusion of the hearing, plaintiff moved this court, pursuant to Rule 15(b) of the Federal Rules of Civil Procedure, to amend the pleadings to conform to the evidence, which motion was granted by this court. Thus evidence given concerning other franked mailings or intended franked mailings shall be treated in all respects as if those issues had been raised in the pleadings.

The first witness to be called was the defendant, an adverse party within the meaning of Rule 43 of the Federal Rules of Civil Procedure. He testified about each of the items referred to in the complaint and also

about other items he had mailed or intended to mail under the franking privilege.

A detailed statement of the facts developed at the hearing of this matter are submitted with this brief as Plaintiff's Proposed Findings of Fact.

STATEMENT OF QUESTIONS INVOLVED

The following questions are raised in this matter:

(1) Whether the franked mailings pleaded in the complaint, as filed and amended by this court to conform to the evidence, are an abuse and misuse of the franking privilege in violation of the Postal Reorganization Act, Title 39 U.S.C.A. sections 3201, 3210 and 3211.

(2) Whether the franked mailings pleaded in the complaint, as filed and amended by this court to conform to the evidence, have the purpose and effect of publicizing and promoting the political campaign of defendant and as such are not eligible for mailings under the franking privilege without payment of postage.

(3) Whether the franked mailings pleaded in the complaint, as filed and amended by this court to conform to the evidence, violate the civil rights of plaintiff and his right to run for public office in that mass mailings of hundreds of thousands of unsolicited items shortly before a general election give defendant a distinct and unfair advantage to further his political campaign.

(4) Whether continued franked mailings of 337,000 unsolicited items just prior to the general election are a continuing harm to plaintiff in that they would result in an unfair campaign and therefore a misuse of the franking privilege.

(5) Whether defendant should be required to pay as damages the cost of the items used in mailings and the cost of postage required on mailings where there has been an abuse or misuse of the franking privilege.

POINT I—THE FRANKING PRIVILEGE EXTENDS TO THOSE PUBLIC DOCUMENTS CREDITED TO A MEMBER OF CONGRESS OR HIS DISTRICT

All public documents printed by order of Congress may be sent as franked mail by a member of Congress. 39 U.S.C.A. section 3211.

Documents printed by order of Congress are in a consecutively numbered series continuing in unbroken sequence throughout the entire term of Congress. 44 U.S.C.A. section 719.

The book entitled *"The Yearbook of Agriculture 1963—A Place to Live"* is a public document under section 719 of Title 44.

However, defendant was not entitled to possession of about 200 1963 Yearbooks he had acquired since these books had been alloted to Congressman Ryan of Michigan and should have been delivered to Congressman Ryan's "successor in office". 44 U.S.C.A. section 731.

Defendant was only entitled to distribute under his franking privilege those public documents he had to his credit or the credit of his district. 44 U.S.C.A. section 732.

Since the statute relating to distribution of public documents indicates that a member may distribute "documents to their credit, or the credit of their respective districts . . . until their right to frank documents ends" it is questionable whether defendant could allegedly trade documents and send out documents which he never had to his credit or the credit of his district. 44 U.S.C.A. section 732.

It is clear that defendant was not entitled to use his franking privilege on the 200 or 210 1963 Yearbooks he had acquired (T–17 [1]) and he probably should not have used the franking privilege on the remaining 70 books he obtained from other Congressmen.

[1] T refers to the Transcript of the Hearing in this matter.

Defendant cannot rely on the "official correspondence" statute 39 U.S.C.A. section 3210(2) because the article mailed exceeds the 4 ounce limitation.

POINT II—THE FRANKING PRIVILEGE EXTENDED TO MEMBERS OF CONGRESS IS RESTRICTED TO CERTAIN ITEMS

Title 39, United States Code, was revised and reenacted on August 12, 1970 under the Postal Reorganization Act 39 U.S.C.A. section 1 et seq. At that time and in view of the court decision in *Rising* v. *Brown* 313 F. Supp. 824 (Calif. 1970) the Congress could have enacted a broadly worded statute but instead reenacted the same statutory provisions that were in existence under the prior Postal Service law.

The franking privilege extended to Members of Congress is restricted to the following:

(1) *matter*, not exceeding 4 pounds in weight, upon official . . . business, to a Governmental officials, 39 U.S.C.A. section 3210 (1).

(2) *correspondence*, not exceeding 4 ounces weight, upon official business to any person. 39 U.S.C.A. section 3210 (2).

(3) *public documents* printed by order of Congress. 39 U.S.C.A. section 3211.

(4) *Congressional Record*, or any part thereof, of speeches of reports therein contained. 39 U.S.C.A. section 3212.

(5) *Seeds* and *agricultural reports* emanating from the Department of Agriculture. 39 U.S.C.A. section 3213.

The fact that members of Congress are restricted in their use of the frank can easily be seen by comparing the above sections with 39 U.S.C.A. section 3214 which provides that a former President may send "all his mail" within the United States and its territories and possessions as franked mail.

A debate in the House of Representatives on October 20, 1893 indicates that the franking privilege formerly existed to an almost unlimited extent and that by reason of abuses the privilege was practically entirely done away with. Volume 25 Congressional Record p. 2748, 2749.

The matter before the House was Bill H.R. 2650 providing for the public printing and binding and distribution of public documents. Section 88 of said bill provided that Representatives could send and receive through the mail as franked mail "all public documents printed by order of Congress", that members of Congress could send as franked mail "any mail matter to any Government official", "or to any person, correspondence not exceeding 2 ounces in weight, upon official or departmental business". These provisions are similar to 39 U.S.C.A. sections 3210 (1) and (2) and 3211.

The following is excerpted from that debate with regard to the amendment to permit as frank mail *correspondence* to any person upon *official business* (at 2748, 2749):

"Since then it has been allowed to send letters to Government officials, but no provision has been made for sending what we get from the Departments to the persons to whom the letters or documents are to be sent, and it is by no means universal that penalty envelopes are sent for that purpose by the Departments. It seems to me this ought to be made to cover that deficiency, and it is so worded as to guard it against abuses, limiting it to departmental and official business, and also limiting the weight to 2 ounces.

* * * * *

Mr. MCMILLIN. I was going to ask the gentleman where it varies from the present law? We now have the right to send letters to the heads of Departments.

Mr. HAYES. Yes; but there is no provision made in the law for sending what you get from the Departments to those for whom you make the inquiry; and the return letters are not sent in all instances They are generally from the Pension Office, but not from the other Departments.

* * * * *

Mr. MCMILLIN. But what I was calling the attention of the gentleman to was that when the franking privilege was abolished the present stationery account was given in lieu of that, as I have been informed, although I have not made an examinat'on of the fact.

Mr. HAYES. There is no doubt about that.

Mr. MCMILLIN. And the Stationery account remains still if this amendemnt is adopted.

Mr. HAYES. There is no reason to change that, because this only relates to letters from the Departments; and the franking privilege was for all purposes. I do not know how true it is; but to illustrate what was said about the franking privilege, I have heard it said a dozen times that members used to send their washing home under the franking privilege. (Laughter.) Perhaps that was really meant as an illustration of the extent to which it was used.

* * * * *

Mr. MCMILLIN. This would not include a letter addressed to a constituent in connection with that business.

Mr. HAYES. Yes, sir.

Mr. MCMILLIN. It is intended only that when you get a response from a Department to inclose it in an envelope and send it to the party?

Mr. HAYES. That is the way I illustrated it; that it was governmental and official business.

Mr. SIBLEY. Would it preclude me from inclosing a letter in respect to the official and departmental business?

Mr. HAYES. I think it would not . . ."

It appears from the above quoted debate that Congress intended that the statute be given a restrictive interpretation in view of the fact that it had established the stationery account for mailing purposes Defendant testified that he has a statonery account in the amount of $3,000

Thus it is necessary to determine in each instance whether a particular item mailed by defendant is within one of the four sections indicated above.

POINT III—THE FRANKING PRIVILEGE MAY NOT BE USED FOR POLITICAL OR CAMPAIGN PURPOSES

Correspondence in which a Member of Congress deals with the addressee in the relationship of candidate and voter or when he writes in the capacity of a member of a political party or faction may not be franked. *Rising v. Brown*, 313 F. Supp. 824 (Calif. 1970).

In *Rising* the court found that the public had an overriding interest in being protected against abuses of the franking privilege; that the brochure contained at least 50% of matters which "strongly lends itself to the suspicion that it is promotive of getting votes"; that it was significant that the 300,000 copies of the brochure were privately prepared and paid for by the Congressman; and that of "critical importance" was the fact they were being sent out just before election day and were not "confined to persons within his congressional district".

In *Rising* the court rejected *Strauss v. Gilbert*, 293 F. Supp. 214 (S. D.N.Y. 1968) on the basis that it did not believe that 39 U.S.C.A. section 3212 could be interpreted as abuse of the frank, also a congressman could cause undisputed campaign material to be inserted into the CONGRESSIONAL RECORD for the sole purpose of allowing him to disseminate it among the people of his district or state by using the franking privilege" 313 F. Supp. at 827.

In *Hollen v. Annunzio*, 72 Civ. 1302 United States District Court (N.D. Illinois 1972) the court granted an *injunction against* "mass mailings" including questionnaires, into a

district which the congressman did not represent but was running for election in, stating:

"Whether a mailing is 'upon official business' depends not only upon its contents but upon the purpose for which it is sent, which may be inferred from the circumstances" P. 18

"The only reasonable inference that can be drawn is that the mailing into the Eleventh District was for the purpose of advancing his candidacy, and that, therefore, it was not 'upon official business' ". P.19

". . . in determining whether the business of the mailing was 'official' the Court cannot close its eyes to the obvious inferences which can be drawn from the persons and the locale to which the franked mail was sent, in addition to what is contained within the four corners of the mailing itself." P.20, 21

It is clear from *Rising* and *Hollen* that even if the matter to be mailed is by definition within the restricted items set forth in Title 39, that they may not be mailed under the franking privilege if the purposes of the mailing from an examination of the contents of the matter or the inferences drawn from the manner or persons or locale involved are determined to be political or in furtherance of the sender's campaign for election.

Aside from the contents of the items mailed by defendant, this court must also consider the inferences which naturally arise from the facts (1) that defendant mailed some items only to members of the Democratic party first one year and then to members of the Republican party the following year; (2) that defendant admitted that the mailing to Republicans had political overtones; (3) that defendant targeted 15,000 questionnaires to voters in communities he had recently surveyed with 206,000 questionnaires going to each household; (4) that from the primary until September 29, 1972 defendant has mailed under his franking privilege more than ½-million items; (5) that defendant now seeks to mail 337,500 more items resulting in about 845,000 items being mailed during a four month period while a political campaign is in progress; (6) that defendant testified he had mailed no campaign literature to date; and (7) that defendant has been mass mailing into communities he does not represent.

POINT IV—GOVERNMENTAL POWER MAY NOT BE USED IN SUCH MANNER AS DIRECTLY EFFECT THE OUTCOME OF AN ELECTION

In *White* v. *Snear*, 313 F. Supp. 1100 (E. D. Penn. 1970) the court held that the conduct of county commissioners in recording employees present at their posts on primary election day when in fact they were away electioneering and performing valuable services for endorsed candidates had the effect of favoring a certain segment of a political party in perpetuating its power through an abuse of authority, the result of which was to discriminate against all other segments and candidates. The court issued an injunction stating (at 1103):

"What plaintiff does attack is the abuse of the patronage system whereby the weight of state power (here municipal power) is brought to bear directly to effect the outcome of an election."

In *Rising*, supra, the court in commenting on the abuse of the franking privilege by inserting campaign material into the Congressional Record said (at 827, 828):

"In instances where persons possessing the franking privilege were running for public office against persons not possessing this privilege, the former would be given a distinct and unfair advantage ". . . but the public has an overriding interest in being protected against abuses of the franking privilege especially where, as here, the size of the mailing is so large."

White, Rising and *Hoellen* stand for the principle that governmental power, by use or abuse of the franking privilege, may not be used in such a manner as to directly effect the outcome of an election and deny a person his right to run for public office in a *fair campaign*.

The evidence before this court indicates that defendant by abuse of the franking privilege has gained a distinct and unfair advantage to further his political campaign. If defendant is allowed to continue more mailing of 337,500 more items unsolicited into the district he is running for election, it would irreparably damage plaintiff in his effort to conduct a fair campaign.

POINT V—DEFENDANT'S MAILINGS WERE AN ABUSE OF HIS FRANKING PRIVILEGE

As indicated under Point I of this memorandum defendant was not entitled to use the franking privilege for mailing nine year old *"The Yearbook of Agriculture, 1963—A Place to Live"*.

As indicated under Point III of this memorandum defendant was not entitled to use the franking privilege for mailing *"The Capitol, Symbol of Freedom"*, some of which were 11 years old, because said mailing was to Republicans, persons chosen by political affiliation.

The "1972 Young Voter Opinion Survey" was printed at defendant's own expense and sent in envelopes stating the matter to be "official business". Since defendant had surveyed the entire district he currently represents and the 7 newly added communities as late as May, 1972, with 206,000 questionnaires and since the young voter is clearly a target of this campaign by both major political parties, the inference this court should draw is that the mailing of 15,000 surveys to "young voters" and recent graduates was an attempt by defendant to further his political campaign among that particular segment of the population. Though questionnaires have been sent by members of Congress at various times, a proper reading of the "official correspondence" section of Title 39 would indicate that this item may not be sent franked.

The commencement on about September 1, 1972 of an unsolicited mass mailing of 206,000 "Consumer Product Information Index" in envelopes printed at government expense and bearing the designation "Public document—Official Business" to the communities defendant represents and the 7 newly added communities where he is now running for election, is an attempt by defendant to obtain support for his political campaign. In any event, the item is not (1) matter sent upon official business to a governmental official; (2) correspondence upon official business (the later consumer index being stamped "Compliments of your Congressman"); (3) a public document printed by order of Congress.

In *U.S. v. Brewster*, 92 S. Ct. 2531, (1970), the court stated that "so called 'Newsletters' to constituents" were a means of developing "continuing support for future elections" and although an entirely legitimate activity it was "political in nature". An examination of defendant's 1966 Newsletter (P–14 in evidence), a year in which he was also running for election, shows that it is by any standard un-frankable. Though it would appear that under the Supreme Court's Statement the "Washington Report" issued about September 1, 1972 is un-frankable because it is "political in nature", it is respectfully submitted that the only inference that can be drawn, from the time, the persons and places to which it was directed and from an examination of the contents of said item, is that it is a means for developing support for this election—and thereby un-frankable.

CONCLUSION

Plaintiff's request for relief and damages should be granted in all respects.

Respectfully submitted,

ROBERT B. BUDELMAN, Jr.,
Attorney for Plaintiff.

[U.S. District Court District of New Jersey, Newark, N.J., October 10, 1972]

TRANSCRIPT OF PROCEEDINGS

Alfred D. Schiaffo, Plaintiff, vs. Henry Helstoski, Defendant.

Before: Hon. Leonard I. Garth, U.S.D.J.

Appearances: Robert B. Budelman, Jr., Esq., (New York bar), Attorney for the plaintiff; Alfred A. Porro, Jr., Esq., Attorney for the defendant; and Eugene L. Dinallo, Esq., Attorney for House of Representatives of the United States.

The COURT. Gentlemen, I have read your briefs, your initial briefs, your supplemental briefs, your brief submitted in response of questions that I had, your brief submitted with respect to the 1895 legislative history that we turned up and the various issues that have been presented. Is there argument that is not covered in your brief, Mr. Budelman, in your numerous briefs, Mr. Budelman, that you feel that you must necessarily make at this time?

Mr. BUDELMAN. Your Honor, in view of the Court's statement I have an affidavit which I served on my adversary this morning.

The COURT. Well, I have not seen that one, have I?

Mr. BUDELMAN. No, Your Honor.

The COURT. Why am I getting an affidavit after we have left the starting gate and are practically approaching the finish line?

Mr. BUDELMAN. Well, first of all, Your Honor, on Friday afternoon, September the 29th was the conclusion of the hearing; subsequent to the conclusion of the hearing we came into possession of another document which has been sent out by the Congressman.

The COURT. When did you come into possession of that?

Mr. BUDELMAN. It was the latter part of the week. Your Honor, it must have been—I did not physically get possession of this document, I guess, until Thursday or Friday.

The COURT. All right. Let us see what you have, Mr. Budelman. The reason I ask you as to whether or not either counsel have anything further to say is that I have a draft of a memorandum that has been prepared on the basis of your respective briefs, but there is no point, if you have something else which might influence my thinking or decision then I obviously will hold that until after I have heard from you gentlemen, if not then I will be prepared to announce my decision at this point.

Mr. BUDELMAN. Your Honor, here is the affidavit I have, the affidavit also includes, Your Honor, the copy of a face page of a booklet called *"The Constitution"* which was printed by order of Congress and also includes a copy of a statute which deals with the distribution of an article called *"The Declaration of Independence,"* and I bring both of these to the attention of the Court on the question of public document.

The COURT. With exception of the affidavit is there anything else you desire to address the Court on?

Mr. BUDELMAN. Your Honor, I would like to limit myself on one item that was not questioned in the brief and that was on a question of the postal patron mailings, Your Honor, and I would like to limit my comments to that.

The COURT. I am not restricting you, but I just want to know, sir.

Mr. BUDELMAN. Your Honor, I think from the legislative history of the postal patron mailings it indicates that prior to 1963 that the members of Congress could send out postal patron mailings in rural areas, whereas they did not have that privilege in city areas, and that after 1963 they were given the privilege to send it out to city areas. But the public is not given that privilege, insofar as the regulations are concerned postal patron mailings can still only be sent by the public into rural areas. So that when you talk about a candidate for public office he is not on equal footing insofar as——

The COURT. Isn't the issue before me on the terms of what is known as official business and isn't it so that the postal patron mailings do not lend any gloss to the definition of official business, do not restrict or expand it but say whatever is official may or may not be sent by postal patron mailings, is that correct?

Mr. BUDELMAN. Yes sir. But with the further caveat that postal patron mailings cannot be sent into an area which is not encompassed in the Congressman's district. One of the problems here is the extent of the amount of mail which is going into seven municipalities which are not encompassed within the district and as I understand this Court's decision in the Reapportionment Case that the district is set up for elections and in the dissenting opinion the Court indicates that "These districts are created only as an interim change which will be changed apparently by the Legislature after November."

So that, Your Honor, I think that the constituents of the Ninth Congressional District as it existed prior to this Court's decision had the right of representation by Congressman Helstoski. I think the Court, insofar as I had understood the decision, changed this only insofar as of January 1, there would be elections held which would then encompass a new district, but the Court did not intend to disinfranchise people who were already members of the Ninth Congressional District. And for that part, Your Honor, we say that those mailings which went into the seven municipalities which were not in the Ninth Congressional District as of January 1 of this year are entirely improper and not provided for by the postal regulations.

The COURT. All right. I have some questions I would like to put to you, Mr. Porro, if I may, and I just want to clear my mind on something. It is conceded, is it not, that of the 50,000 consumer index pamphlets alloted to Congressman Helstoski that they have all been distributed, is that not correct?

Mr. PORRO. Yes, sir.

The COURT. Is it also the fact, is it not, that the "Declaration of Independence" which the Congressman wanted to send out was on a partial basis and not actually in the Congressional Record. Is that correct?

Mr. PORRO. The Congressional piece I have with me, Your Honor, does not reprint, so to speak, the Declaration itself.

The COURT. All it has is comments of the Congressman?

Mr. PORRO. Yes, sir.

The COURT. I do not think that appears in the exhibits.

Mr. PORRO. I did not consider it as part of the subject matter of the case.

The COURT. That came out in the colloquy toward the end of the hearing when I inquired of other matters, and I would like to have that marked as C–2, it troubled me at the time I made my findings of fact and I thought this would be the case, but I wanted to be absolutely certain, sir.

(Reprint of September 21, 1972 Congressional Record, Number 148, marked Exhibit C–2 in evidence.)

The COURT. C–2 in evidence is a reprint of a September 21, 1972 Congressional Record, Number 148, of the proceedings and debates of the 92nd Congress, Second Session, and it reflects comments by Mr. Helstoski, but it does not reflect the exact verbiage of the "Declaration of Independence", it just refers to it.

Mr. PORRO. The record should show, however, I do not think there was much question that the "Declaration of Independence" has in fact not only been referred to, but cited in whole and in part many and many times throughout the Congressional Record.

The COURT. But it is not that which the Congressman expects to distribute, he expects to distribute about 5,000 facsimile copies?

Mr. PORRO. Yes, sir.

The COURT. I have two questions that I desire to direct to the both of you: I have furnished to you either the citations or a copy of the 1885 Act which had not initially been referred to by either of you gentlemen pertaining to the franking privilege and I should like your views as to whether or not you regard that, and on what you base your views, as being a restrictive act and as to whether or not it should or can control the determination of the Court. Who wants to start? I will hear either of you or both of you or you may submit just on your papers of what you have already given me; because I have some views of my own in that regard.

Mr. BUDELMAN. Your Honor, I think the 1895 Act has to be taken into consideration with the debate which occurred in 1893 which definitely shows the intention by the House at that time, which is the only portion of the debate which I had in the Congressional Record, shows the intention to limit the word "Correspondence" to——

The COURT. I am familiar with the debate, that is the one I cited to you, is it not?

Mr. BUDELMAN. Yes, sir.

The COURT. You contend that it is controlling npon the Court?

Mr. BUDELMAN. Yes, sir. And I think if the Congress intended to expand the item of correspondence it could have done so at any particular time.

The COURT. What about you, Mr. Porro?

Mr. PORRO. Quite frankly, Your Honor, I am looking for the section you are talking about. I think that we here today are bound by one thing: The statutes as they read today. The legislative history gives us the indication of interpretation over the years and the reason for certain changes; I have found nothing either in the citation or in the discussion, that discussion that was referred to was not a legislative history kind of discussion as I see it. But, as we said in our brief, and I will rest on that, that since that point of discussion many of the details of the franking privilege has been clarified. And I think Your Honor must decide this case on the backdrop of those clarifications throughout the years.

The COURT. Thank you, gentlemen. I do not think that the material submitted to me this morning, although I will direct that they be filed, the affidavit that is Mr. Budelman's, that Mr. Budelman submitted, I do not think that they are controlling with respect to the issues which I intend to discuss with you. By virtue of the fact that we have had a relatively short period of time between the conclusion of the testimony this morning, that time I might parenthetically note has been shortened by the imminence of election and the activities which both parties should or may desire to utilize for their own benefit, I do not have as yet a written opinion for you gentlemen so I am going to have to trespass upon your time in reading into the record, you may have the transcript, of course, the decision that I have reached with respect to the submissions made and my own research and my own views of the matter. To the extent that I may eliminate in the reading of this some of the citations then you may get them from the final opinion. I do not think they are going to be essential to you for the purposes of any review that you may desire to make of my decision, and my own thought was it was more important to get this immediately out to you than it was to wait for the refinements and the polished, hopefully polished opinion that you might otherwise expect.

First, let me deal with the findings of fact that I have made as a basis of my opinion.

Defendant, a Democrat, has served eight years in the Congress, is in his fourth term, commenced his first term in February, 1965, and is running for election to the newly reapportioned Ninth Congressional District.

Plaintiff, a Republican, is presently a State Senator in the New Jersey State Senate and is his party's candidate for the defendant's Congressional seat in the November, 1972 election.

The Ninth District consists presently of the following municipalities in Bergen County:

"Ninth District—Bergen County: That portion embracing the Boroughs of Alpine, Bergenfield, Bogota, Carlstadt, Cliffside Park, Closter, Cresskill, Demarest, Dumont, East Rutherford, Edgewater, Englewood Cliffs, Fairview, Fort Lee, Haworth, Leonia, Montvale, Moonachie, New Milford, North Arlington, Northvale, Norwood, Old Tappan, Palisades Park, Ridgefield, Rockleigh, Rutherford, Tenafly, Tererboro, Wallington and Wood-Ridge, City of Englewood and Townships of Lynhurst, Ridgefield Park, Rivervale, and Teaneck. Population (1960), 390, 134; estimated to July 1969, 510,000, Congressional Directory 92nd Congress, Second Session, P. 108.

For ease in reference throughout this opinion I shall refer to the aforesaid district as area A.

On April 26, 1972, the United States District Court for the District of New Jersey, in the case of *David B. Cahill*, 342 F. Supp. 463 (1972) Ordered, adjudged and decreed that Governor William T. Cahill and all election officials of the State of New Jersey "shall conduct the primary election on June 6, 1972 to choose candidates for membership in the House of Reperesentatives from New Jersey and the general election on November 7, 1972, for membership in the House of Representatives from the following single member districts, which districts were thereafter designated and resulted in a redistricting of the Ninth District, as well as other Congressional districts."

By reason of the redistricting decree the following municipalities will be included in Congressional districts other than area A: Montvale, North Arlington, Wallington, Wood-Ridge, Ridgefield Park, Teaneck, Bogota. And the following municipalities will now be included in the new Ninth District: Bergen County: Harrington Park, Little Ferry, Park Ridge, River Edge, Portion of South Hackensack. Hudson County: Secaucus, Union City, North Bergen.

The additional towns to be included in the Ninth Congressional District will be referred to as Area B.

With respect to the particular mailings and publications brought into issue by the complaint and hearing I will refer to four different groups.

GROUP I: *The Yearbook of Agriculture, 1963.* On or about June 16, 1972, after the primary election, approximately 280 copies of a Department of Agriculture Publication which is also a House Document entitled "The Yearbook of Agriculture 1963—A Place to Live" was mailed under defendant's franking privilege to specifically-addressed public officials in Areas A and B. Enclosed between the cover and the first page of each Yearbook was a brief "cover" letter explaining the purpose of the book and identifying its sender. With the exception of three or four requests, the mailing of these 280 books was unsolicited. Defendant intends to continue distribu-

tion of various editions of this publication under his frank.

The Capitol, Symbol of Freedom. On or about August 23, 1972, defendant sent out unsolicited approximately 500 copies of the 1961 edition or some other edition of a magazine entitled "The Capitol, Symbol of Freedom" a House document printed by order of Congress. Defendant had made similar mailings of this magazine for the past eight years. The magazines involved in the 1972 mailing were mailed under defendant's franking privilege to Republican County Committee people in Areas A and B. They were sent only to Republicans because (1) defendant had previously mailed similar publications to Democratic Committee persons the year before, and (2) defendant had copies of the magazine left over in his office.

Defendant's office stamped these magazines "Best Wishes Henry Helstoski, Congressman New Jersey Ninth District" and enclosed with them a cover letter explaining the purpose of the distribution as well as inviting the recipients of the magazine to call upon the defendant any time they had need of other Federal publications made available to him for distribution. Defendant intends to continue mailing these publications in various editions as before.

Consumer Product Information Index. On or about September 1, 1972, defendant began a mass mailing under his franking privilege of 50,000 copies of a publication entitled "Consumer Product Information" to postal patrons in the Areas A and B. The publication is an index of pamphlets available from the Consumer Product Information Coordinating Center of the General Services Administration (GSA) and contains on its inside back cover order forms for such pamphlets on which postage has been paid by the GSA. The Index itself is printed by the GSA.

With regard to this Index, marked Defendant's Exhibit D–5, sometime in July or August 1972, defendant received an allotment of 50,000 from the Consumer Product Information Coordinating Center of the General Services Administration.

The front of the outside page of the Index as received was in blank and the address side was also in blank except for the words "Consumer Product Information, an index of selected Federal Publications on how to buy, use and take care of consumer products."

On certain copies of the GSA publication (D–5) defendant printed at his own expense and by his own printer a "Dear Friends" letter reproducing his letterhead which letterhead displayed his picture on one side and "Congress of the United States, House of Representatives, Official Business, Henry Helstoski m.c., Postal Patron—Local 9th Congressional District, New Jersey" on the address side. As to the rest of the 50,000, GSA Publications, defendant stamped one side of the brochure with the legend "Compliments of Your Congressman Henry Helstoski 9th District, New Jersey" and enclosed the pamphlet in a brown envelope marked "public document" and bearing his frank. Defendant has already distributed his 50,000 allotment of these GSA publications throughout Areas A and B under his franking privilege.

There is no prospect of defendant distributing any further of these particular allotted pamphlets as his entire allotment has already been distributed.

Group II: Consumer Product Information Reprints. In addition to the allotted 50,000 GSA Index's already distributed, defendant has printed or is in the process of printing 156,000 additional copies of the Consumer Product Information Index at his own expense which copies of the Index are to be mailed unsolicited under the franking privilege as postal patron mail to Areas A and B. These additional 156,000 copies of the Index have not been provided to defendant by any official allotment, either from the Executive or the Congress, nor has their printing been in any way officially authorized.

Newsletters. On or about September 13, 1972 defendant sent unsolicited in a mass mailing as postal patron mail under his frank 206,000 newsletters entitled "Washington Report" to Areas A and B. These newsletters were addressed to "Postal Patron Local, 9th Congressional District, New Jersey" and the envelopes in which they were sent were stamped "Public Document, Official Business." Other copies of the newsletter have been sent to specific addressees outside Areas A and B.

The "Washington Report" was prepared sometime prior to August 29, 1972 at defendant's own expense. Its publication was not authorized by order of resolution of Congress. Various editions of the "Washington Report" have been distributed on a regular and unsolicited basis to defendant's constituents. Defendant intends to continue sending to postal patrons in Areas A and B copies of the "Washington Report" on an unsolicited basis.

February or March Questionnaire

From February, 1972 through May, 1972, the defendant mailed his annual legislative questionnaire to each postal patron in Areas A and B. The questionnaire had not been solicited by any of the postal patrons. It had been printed at defendant's own expense and was mailed under his frank.

Young Voter Questionnaire: In or about August, 1972, defendant mailed under his franking privilege to 15,000 specifically addressed young voters, and/or graduating students in Areas A and B, a Young Voter Opinion Survey. This questionnaire was printed at defendant's own expense and had been unsolicited.

Drug Brochure: Defendant intends to mail unsolicited under his franking privilege 206,000 copies of a brochure on the drug problem which will be prepared by private individuals and printed at defendant's expense; the mailing will be sent to postal patrons in Areas A and B.

Group III: *Results of February or March Questionnaires.* Shortly after June 28, 1972, the defendant mailed, unsolicited to postal patrons in Areas A and B under his franking privilege, 206,000 copies of the results of the questionnaire which result had been printed in the Congressional Record of Wednesday, June 28, 1972. The copy of these results had been printed at defendant's own expense.

Declaration of Independence. Defendant intends to mail unsolicited under his franking privilege, prepared on parchment for framing purposes, 5,000 copies of the Declaration of Independence together with a statement inserted in the Congressional Record by defendant in the early part of September, 1972, both of which have been printed at his own expense. This mailing will be sent to the Republican and Democratic County Committee people, officials, schools and libraries with a letter indicating that more copies will be available upon request.

Group IV: *Revenue Sharing Report.* Defendant has mailed 280 copies of a report on Revenue Sharing printed at his own expense to public officials in Areas A and B and will mail unsolicited six or seven hundred updated versions of these mimeographed reports to public officials in Areas A and B. These reports will be mailed under defendant's frank.

GUN CONTROL SURVEY

Defendant intends to send an unsolicited Gun Control Survey to 40 police chiefs in Areas A and B under his franking privilege. These surveys will be printed at defendant's own expense.

General Findings. I find that as a result of advisory opinions issued by Congressional Committees and previously by the post office department that defendant had reasonable cause to believe that all his mailings under discussion to date and all his intended mailings would be permitted under the distribution of these materials could not be characterized as the type of electioneering aids which were found in Rising v. Brown, 313 F. Supp.

Jurisdiction. This is an action alleging abuse by the defendant of his Congressional franking privilege in violation of defendant's civil and Constitutional rights.

Plaintiff, Alfred Schiaffo, presently a State Senator of New Jersey, and the challenger in the current election scheduled for November 7, 1972 for the seat presently held by the defendant as Representative of the Ninth Congressional District, filed his complaint against the defendant on September 26, 1972.

Essentially, the complaint addressed itself to various types of franked mailings and activities on the part of the defendant which plaintiff asserts are not permitted and which he, the plaintiff, wishes to be enjoined. It should be noted here that the charges with respect to paragraph nine of the complaint dealing with the defendant's participation in the March of Dimes Solicitation have been withdrawn.

A temporary restraining order sought by plaintiff was denied by the Court by reason of disputed matters of fact and law and within about four days hearings were commenced respecting the issuance of a preliminary injunction; both parties then agreed that the hearings when concluded would suffice as and constitute the final hearing for permanent relief. The testimony and evidence resulted in the findings of fact hereinbefore noted. Although not asserted in the complaint as a jurisdictional basis, jurisdiction with respect to a claim that the franking privilege has been violated rests with this Court by virtue of 28 U.S.C. 1339 which provides:

The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to the postal service.

See Christian Beacon v. United States, 322 F. 2d 512 (3rd Cir. 1963); Straus v. Gilbert, 293 F. Supp. 214 (D.C.N.Y. 1968). Jurisdiction may also be found in 28 U.S.C. 1331 insofar as a question concerning more than $10,000 arising under the alleged violation of Federal statutes 39 U.S.C. 3210, 3211 is involved.

Despite these specific jurisdictional statutes, this Court would be without jurisdiction to entertain plaintiffs complaint if plaintiff could not show that he was standing so as to present a case or controversy to this Court under Article III, section 2 of the Constitution. To establish his claim to standing, plaintiff asserts that by virtue of defendant's abuse of the franking privilege, 39 U.S.C. 3210, 3211, 3212 and and 3213, defendant has and will continue to communicate without costs of postage with all of his present constituents as well as with voters in those towns of the newly formed Congressional district which defendant seeks to, but does not currently represent. Such impermissible communication, plaintiff contends, unfairly enhances defendant's election chances by affording defendant broad access to the electorate without having to pay for postage. Although plaintiff claims that he is thereby injured, the harm allegedly to be suffered by him as the opposition candidate is not only a personal one, but also rather a harm to the detriment of the voters whom plaintiff seeks to represent. But the fact that plaintiff may not be asserting only his own personal right in this matter does not necessarily bar him from standing. See Bullock v. Carter, 40 U.S.L.W. 4211 (U.S. Feb. 24, 1972). As the candidate of a major political party whose campaign is allegedly disadvantaged by the opponent's use of the frank in alleged violation of the statutory standard, plaintiff

sufficiently demonstrates the necessary qualification for standing, i.e., the requisite adversity of interest and strong personal stake in the outcome of the litigation. Thus, the Court is insured that it will be presented with concrete rather than abstract propositions of law. Association of Data Processing Service Organizations v. Camp, 397 U.S. 150, (1970); Baker v. Carr, 369 U.S. 186, 204 (1962).

Plaintiff has also alleged (in paragraph 15 of his complaint) a violation of his civil rights and his right to run for office. This claim rises to the level of the constitutional claim asserted by the plaintiffs in Bullock v. Carter, supra, in which the Supreme Court assumed that the plaintiffs who were candidates for political office had standing to challenge the constitutionality of an election practice which placed them at a severe disadvantage vis-a-vis other candidates. Plaintiff thus has standing to assert that defendant's use of the franking privilege violates plaintiff's constitutional rights.

Plaintiff finally asserts the right to challenge defendant's receipt of government publications allegedly in violation of Federal statutes such as 44 U.S.C. 732 (complaint, paragraphs 5 and 6), which regulate the distribution of government publications among members of Congress. As to this last claim, plaintiff does not possess the strong personal stake sufficient to warrant standing. Plaintiff has not shown in what manner he will be demonstrably injured by virtue of the fact that Congressman Helstoski may have received more than his authorized allotment of government publications from the Government Printing Office. The injury which plaintiff alleges, and which he has standing to assert, derives from the distribution of materials by defendant, not from the manner in which such materials were received by him.

Plaintiff has not asserted taxpayer status in his complaint. The effect of plaintiff's possible status as a taxpayer on standing with respect to the relief sought has therefore not been considered.

Justiciability. Having determined that this Court has jurisdiction over the subject matter of plaintiff's complaint insofar as it relates to the distribution of materials under the Congressional frank, I must now determine "Whether the claim presented and the relief sought are of the type which admit of judicial resolution," and

"Whether the structure of the Federal Government renders the issue presented a 'political question'—that is, a question which is not justiciable in federal court because of the separation of powers provided by the Constitution." Powell v. McCormack, 395 U.S. 486, 516, 517 (1969).

Under the standards set forth in Baker v. Carr, supra, at 198, the claim presented admits of judicial resolution. First, the duty asserted, that which consists in proper use of the frank, can be judiciary identified. Since the duty here is prescribed by statute, its identification involves merely statutory interpretation and construction, a task traditionally within the province and competence of the courts. Second, a breach of that duty can be judicially determined. Having established the general standard of frankability, the Court can, with respect to the mailings alleged, determine by its fact-finding process which mail is not frankable. Finally, the right asserted, that of plaintiff to be free from the deletorious effects of defendant's alleged abuse of the frank is susceptible to judicial protection. As was the situation in J. I. Case Co. v. Borak, 377 U.S. 426, 433 (1964), the existence of a general right of civil action here under 39 U.S.C. 1339 can give rise to a private right of action with appropriate remedies that serve to deter abuse of the federally-created privilege. See Hoellen v. Annunzio, Civ. No. 1302–72 (D. ILL. 1972); Rising v. Brown, 313 F. Supp. 824 (C.D. Calif. 1968). Effective relief can be rendered here in the form of damages or injunctive relief. The Speech and Debate Clause which affords immunity to certain kinds of Congressional conduct, does not apply here and will not bar relief against the defendant, if otherwise appropriate. United States v. Brewster, 40 U.S.L.W. 4996 (U.S. June 29, 1972); Powell v. McCormack, Hoellen v. Annunzio, supra.

Under the second prong of inquiry as to justiciability, I find that no political question is involved. Again the standards set forth in Baker v. Carr, supra, at 217, are controlling. The resolution of what constitutes permissibly franked mail does not involve a basic question as to the structure of the government or the interplay of its branches. At stake is simply the propriety of the individual actions of a Congressman, a considerably lesser "political" involvement that was the case in Powell v. McCormack, supra, in which the Supreme Court rejected the motion of nonjusticiability on political question grounds. At any rate, any possibility of interference with interbranch regulation of the frank that may at one time have existed has since ceased to exist by virtue of the current express policy of the U.S. Postal Service not to be involved in "determinations as to what is or is not the 'official business' of a Member of Congress." Letter of August 12, 1971, from David A. Nelson, Senior Assistant Postmaster General and General Counsel to Thaddeus J. Dulski, Chairman, Committee on Post Office and Civil Service, in Subcommittee on Postal Service of the Committee on Post Office and Civil Service, laws and regulations regarding use of the Congressional frank 6, 7 (1971).

Finally, I reject defendant's contention that ("The ascertainment as to what is official business and how that business is to be conducted by duly elected Congressman is, within broad limits, a matter which is exclusively reserved to the legislative branch of government.") not only does this last contention of defendant ignore the fact that it is the Court's role and not that of the Congress to interpret legislation, but also it ignores the fact that the appropritae Congressional Committee has not sought to exercise any official control over the matter. In his letter to his House Colleagues, Morris K. Udall, Chairman of the Postal Service Subcommittee of the House Post Office and Civil Service Committee acknowledges that opinions he is rendering as to the scope of the frank are only to be general guidelines: "I emphasize that in some cases there is doubt and that these are my own informed judgments on legality and propriety." Letter in Id. at 1. As a matter of fact Udall suggests the very situation that has here occurred—that "an opponent or an interested citizen could seek injunctive relief in the U.S. courts and ask for an interpretation of pertinent law or regulation." Congress has not in fact created any internal policing mechanism by which relief can be afforded to those, such as the plaintiff, who allege injury by virtue of defendant's violation of the franking privilege.

I do not decide today whether or not the existence of such an internal policing method would have any effect on the disposition of the Court as to justiciability.

On the merits, I consider first plaintiff's contention that defendant violated federal law in distributing government documents, those described in Group I in my findings of fact, specifically, the Yearbook of Agriculture, "Capitol, Symbol of Freedom," and the "Consumer Product Information Index." Distribution of public documents printed by order of Congress is authorized by 39 U.S.C. 3211 which provides in pertinent part: Members of Congress, until the thirtieth day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

Then again in 1958, Congress extended the franking privilege for public documents to the Secretary of the Senate. Act of July 25, 1958, P.L. 85–560, S3 (a) 72 Stat. 420. The legislative history, as far as can be ascertained, indicates no substantive change whatsoever as to the scope of the public document franking privilege. 1968 U.S. Code and Cong. Adm. News 3155 (1968). In 1960, S85 of the 1895 Act as amended in 1934 and 1958 was codified as 39 U.S.C. § 4162. Act of Sept. 2, 1960, P.L. No. 86–682, 74 Stat. 758. Although the precise wording of the provision was modified, there was no intent to change the provision's meaning. 1960 U.S. Code & Cong. Adm. News, 86th Cong., 2d Sess. at 863–67. For example because "members of Congress" was defined in 39 U.S.C. § 4151 to include Senators, Representatives, Delegates and Resident Commissioners, explicit reference to these persons was omitted. Also omitted, but without explanation, was the provision requiring the persons sending out public documents under the frank to write their . . . them to libraries or constituents except at their own expense. See 16 Op. Atty. Gen. 511 (1880); 17 Op. Atty. Gen. 264 (1882). As a result, large stockpiles of valuable Government documents appeared to have accumulated in the Congressional basement. The granting of the frank to Congress for the purpose of distributing such documents to the public at large was seen as necessary to clear out this burgeoning inventory and thereby to bring to the public the benefit of information contained in the documents. House Debates on H.R. 2650, 53rd Cong., 1st Sess., 25 Cong. Rec. 1463 (Sept. 13, 1893); 25 Cong. Rec. 2626 (Oct. 17, 1893); 25 Cong. Rec. 2667 (Oct. 18, 1893); 53rd Cong. 3rd Sess., 27 Cong. Rec. 34, 35 (Dec 4 1894.)

Subsequent amendments to the 1895 Act did not change its substance. By the Act of June 18, 1934, ch. 606, § 2, 48 Stat. 1018, the franking privilege was extended to Resident Commissioners in Congress, and the date of expiration of the privilege was extended from December 1 to June 30 following the expiration of the respective terms of office of the Congressmen and other officials encompassed under the Act.

This statute has its genesis in the Act of June 12, 1895, Section 85, ch. 23 28 Stat. 622 which provided, in pertinent part: Representatives may send and receive through the mail all public documents printed by order of Congress and the name of the Representative shall be written thereon, with the proper designation of the office he holds. Members of Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person upon official or departmental business.

Section 85 was part of a comprehensive Act providing for the public printing, binding and distribution of public documents. The first paragraph alone is relevant for preparation purposes. It is intended to confer the franking privilege upon Congressmen and others for distribution of public documents. Prior to the passage of this Act, it appeared that Congressmen could receive public documents from the various departments responsible for their publication, but could not distribute name and office upon the documents. In view of the explicit statement in the Report from the Committee of the Judiciary concerning the codification of this provision that anything departing from existing law was precluded from consideration in the bill, Id. at 865, by omitting the language, Congress could not have explicitly intended to extinguish the "name and office" requirement.

The final amendment to the public documents franking provision occurred in the Postal Reorganization Act of 1970, Act of Aug. 12, 1970, P.L. 91–375, Section 66, 84 Stat. 719, in which the franking privilege was further extended to the Sergeant at Arms of the House of Representatives. Again

the legislative history reveals no substantive change as to the scope of the public document franking privilege. See 116 Cong. Rec. 20445 (June 18, 1970) (House Debate on H.R. 17070); see also 1970 U.S. Code & Cong. Adm. News 3469.

The final version of the public document franking provision as it now appears in 39 U.S.C. S3211 is thus identical with the original statute of 1895 as respects public documents sent out by Congressmen during their terms. Since no change in substance of Congressional intent has occurred since the original enactment, the original Congressional intent has occurred since the original intent and purpose behind the statute is controlling.

The Government publications, "The Yearbook of Agriculture" and "Capitol, Symbol of Freedom" distributed by defendant clearly come within the purview of the 1895 Act, and thus within the scope of 39 U.S.C. 3211. Each has been printed by express Congressional authorization and thus comes within the category of "public documents printed by order of Congress."

I have been unable to ascertain the specific authorizations for each of the editions of the publications sought to be enjoined. However, I find that the appearance upon each government publication of a government document number is prima facie evidence that each is a government document authorized by Congress.

As to the Consumer Product Information Index, it appears that this document was printed by Executive Order. It may well be that the Executive has been empowered by Congress to effectuate the printing of this publication, but I so far have been unable to discover the source of the Executive's authority here nor have counsel offered me information in this regard. However, in view of the fact that I find today that the 50,000 copies of the Index printed by Executive order and alloted to defendant have already been distributed and in view of the disposition I shall reach as to possible damages, I need not and do not decide whether distribution of documents printed by order of the Executive comes within the scope of 39 U.S.C. 3211. Definitely not included, however, under Section 3211 is the 156,000 copies of the Consumer Product Information bulletin which defendant had reprinted from the Government Publication, at his own expense, and which he is in the process of distributing by mass mailing throughout his district and throughout the municipalities which are in the district in which he is presently a candidate. I find that since these particular documents were not printed "by order of Congress," but rather at defendant's own expense and initiative, they cannot be distributed under authority of 39 U.S. Sec. 3211. Although it may be argued that distribution of such unauthorized reprints which contain the identical information as authorized government publications serves the broader purpose of informing the public, this view does not accord with the restricted scope given to the public document franking privilege by the framers of S85 of the 1895 Act. Whether or not such reprints may be frankable under another section of the franking statutes is a matter which will be taken up shortly.

Plaintiff contends that even though public documents may be distributed under the frank, such distribution must be limited to a Congressman's constituency. Plaintiff thus seeks to enjoin public documents sent to municipalities in the new district which are not in defendant's current district. I find that the 1895 Act makes no such distinction between a Congressman's constituency and any other persons. Thus, a Congressman can distribute section 3211 documents under his frank to any person.

With respect to the Agricultural Yearbooks, an additional reason exists for finding that their distribution is not in violation of the Congressional franking privilege. Contrary to the Plaintiff's contentions such publications of the Department of Agriculture, do come within 39 U.S. 3213, which provides that Agricultural Reports emanating from the Department of Agriculture may be mailed "until the thirtieth day of June following the expiration of their terms of office, as franked mail by Members of Congress."

Plaintiff's last contention is that although government documents may be distributed under the frank, defendant's inclusion of cover letters in the Agricultural Yearbooks and other publication render the mailings unfrankable under 39 U.S.C. 3211. (See e.g., Plaintiff's exhibit, P–I (a)). I find that the inclusion of such letters that serve to identify the Congressmen and explain briefly the reason for the distribution of the particular document is in accordance with the spirit of the requirement in the original statute of 1895, namely that distributors of such documents stamp their name and office upon them. Such a cover letter also is permitted under 39 U.S.C. S3210, as discussion of the statutory history of that provision will soon reveal. Since Congressional intent as revealed by the statutory history, section 3211, has not varied from that expressed in the 1895 Act, the inclusion of such letters does not disqualify defendant from ending out public documents under 39 U.S.C. S3211.

I shall next consider the propriety of defendant's distribution of materials included in Group II, i.e., the Consumer Product Information reprints, the newsletters, the voter survey questionnaires, and the Drug Brochures. Defendant contends that such distributions are authorized by 39 U.S.C. 3210 which provides in pertinent part: Members of Congress, until the thirtieth day of June following the expiration of their respective terms of office, may send as franked mail correspondence not exceeding 4 ounces in weight, upon official business to any person. At issue here is the meaning of "official business" in section number 2. To determine what Congress meant by this term, I must examine into the statutory history of section 3210.

The forerunner of section 3210 is to be found in the second paragraph of section 85 of the Act of June 12, 1895, ch. 23, 28 Stat. 622 which I cited in full earlier. That second paragraph reads: "The Vice-President, members and members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, and mail matter to any Government official or to any person, correspondence not exceeding one ounce in weight, upon official or departmental business."

As has already been seen in the discussion of the public document franking privilege, section 85 was a part of a comprehensive Act concerning the printing, binding and distribution of public document. When originally reported to the House, the second paragraph of section 85 (then being considered as section 88 of H.R. 2560) read as follows: "The Vice-President, members and members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government officials." 25 Cong. Rec. 2748 (Oct. 20, 1893). On October 20, 1893, Congressman Hayes of Iowa introduced on the floor of the House an amendment to that second paragraph, adding the following: "Or to any person, correspondence, not exceeding 2 ounces in weight, upon official or departmental business."

The dialogue which followed is set forth in 25 Cong. Rec. 2748, 2749. See Appendix A. It demonstrates that in proposing the amendment, Congressman Hayes in no way intended to reinstate the formerly broad franking privilege that had been entirely revoked for members of Congress in 1873. (Act of January 31, 1873, 17 Stat. 421, ch. 82.)

Although neither party brought this dialogue of history to the Court's attention, after discovery by the Court in its own research the citations thereupon were afforded counsel for comment in supplemental briefs. The restrictive nature of this franking privilege was emphasized by the ready acceptance by Hayes of Congressman Richardson's motion to reduce the maximum weight limitation from two ounces to one. When asked how this Amendment would change the existing law under which the franking privilege of Congressmen had been restricted to a $150 stationery account, Hayes explained that formerly, Congressmen who were receiving letters or documents from departments intended to be forwarded to non-government persons, could not forward such correspondence under their own frank. See, e.g., 16 Op. Atty. Gen. 511 (1880); 17 Op. Atty. Gen. 264 (1882). The Amendment would cover that deficiency, Hayes explained, by allowing Congressmen to forward to the intended addressees all such correspondence—that is, less than one ounce in weight—under the Congressmen's own frank. The privilege accorded by the Amendment was so restricted that Hayes deemed it would not even include an independent letter addressed to a constituent in connection with the departmental business from which had originated the departmental communication in need of forwarding. However, under the amendment, a Congressman would be allowed, Hayes further explained, to enclose his own letter with the correspondence or document originating from the department.

The Amendment was then adopted by a close vote of 42 to 40, and receiving no further discussion in the House or Senate, it became a permanent part of the Act of 1895 as the end of the second paragraph of section 85.

The explanation given by Hayes as to the restrictive nature of the amendment, along with the one ounce limitation, and the specific problem to which the amendment was addressed—i.e., the inability up to that time of Congressmen to forward departmental communications to constituents under their own frank conclusively establish that the provision was by no means intended to grant a general franking privilege which would permit the distribution of unsolicited correspondence or mailings to constituents or other non-government officials on topics considered by individual Congressmen to be of general public interest.

Although it is certainly true that comments made by individual Congressmen as to the meaning of particular provisions need not necessarily be afforded any particular weight in construing a statute, statements by sponsors of provisions have traditionally been used by courts as persuasive as to Congressional intent. See, e.g., Mitchell v. Kentucky Finance Co., 359, U.S. 290 (1959); United States v. International Union, 352 U.S. 567, 585–87 (1957); United States v. Wrightwood Dairy Co., 315 U.S. 110, 125 (1942). And of special importance are statements made by sponsors of provisions in the House where the provisions originated. See, e.g., Steiner v. Mitchell, 350 U.S. 247, 254 (1956); United States v. McKesson & Robbins, 351 U.S. 305, 313, 14 (1956).

Without deciding where the actual line of demarcation between permissible and impermissible mailings under the 1895 Act lies, I conclude that under that Act, the unsolicited mailings of other than section 3211, 3212 or 3213 documents or correspondence to other than government officials made by defendant would violate that Act. The question then remains: Has Congress changed the scope of the franking privilege in subsequent amendments and reenactments of this provision?

The first Amendment of the 1895 Act was adopted in the Post Office Appropirations Bill of 1898, Act of June 13, 1898, ch. 446, 30 Stat 443, 444, in which the one ounce limitation

was raised to two. The amendment was offered by Senator Cockrell on the Senate floor who explained: "It simply increases the weight of official matter from one ounce to two ounces. Repeatedly I and other Senators have had letters from the department sent back because they happened to weigh a little over one ounce." Sen. Debate on H.R. 9008, May 5, 1898, 31 Cong. Rec. 4604.

The Conference Report on the Bill incorporated the proposed change in the weight maximum directly into the language of the 1895 Act, 31 Cong. Rec. 5589 (June 7, 1898), 31 Cong. Rec. 5662 (June 8, 1898), and on the basis, the Amendment passed both Houses and was enacted into law. Thus no substantive change by the 1898 amendment was effected.

The same conclusion can be drawn from the next Amendment to the second paragraph of section 85 of the 1895 Act. By the Act of April 28, 1904, ch. 1759, section 7, 33 Stat. 441, the two ounce limitation was raised to four. Except for the change in weight, the language of the 1904 provision is identical to that of the 1895 Act. Senator Lodge, the proponent of the provision on the Senate floor, explained that the two ounce limitation had become inconveniently small. He concurred with Senator Cockrell who had had the experience of having letters in excess of two ounces returned to him only to have to divide a long piece of correspondence into two envelopes to keep within the weight limitation. The purpose of the Amendment was to remedy this inconvenience. Sen. Debate, April 5, 1904, 38 Cong. Rec. 4299.

The provision which appeared as section 7 of the 1904 Act thus incorporated the exact language of the 1895 Act except for the weight limitation. The legislative history makes clear that no change in the scope of the franking privilege was intended by the Amendment.

The next Amendment to the forerunner of section 3210 is to be found in the Act of March 2, 1917, ch. 145, section 36, 39 Stat. 963 which extended the franking privilege to the Resident Commissioner of Puerto Rico. Again, since no substantive change in the language occurred, I can infer no deviation at this point from the original intention of the Act. Defendant calls to my attention a presentation given by the Hon. Thomas B. Schall of Minnesota on July 29, 1916, published in the Appendix to the Cong. Rec. at pp. 1608–1611 in which Mr. Schall understands the franking privilege to allow information "pertaining in any way to the business of the Government" to be mailed free to any citizen. Mr. Schall's remarks, however, are not properly part of the legislative history of the provision in question. They were not even part of a legislative debate on the franking question. See 53 Cong. Rec. 11813 (July 29, 1916). I cannot give these remarks any more weight than those which represent the personal views of an individual member. Such personal views cannot be considered as part of the legislative history. See National Woodworkers Mfrs. Ass'n v. NLRB, 386 U.S. 612, 639n. 34 (1967). So to do would permit an enactment of Congress to be subject to changes in meaning every time an individual member of Congress decided to comment thereon.

An individual Congressman's views become pertinent only insofar as they are addressed to a particular provision subsequently enacted into law during a debate or other official proceedings such that an inference can be drawn that the personal views of the member of Congress as to the meaning of a particular provision constitute the construction adopted by those who vote upon the measure.

Legislative consideration to the portion of the franking privilege now under discussion appears to have been next given by Congress in 1958. Section 3(b) of the Act of July 25, 1958, Pub. L. 85–560, 72 Stat. 420 amended Section 7 of the Act of April 28, 1904, by extending the franking privilege originally created by the Act of 1895 to the Secretary of the Senate and the Sergeant at Arms of the Senate. Moreover, it provided that: "In the event of a vacancy in the office of the Secretary of the Senate or Sergeant at Arms of the Senate, such privilege may be exercised in such officer's name during the period of such vacancy by any authorized person."

This Amendment was part of a bill entitled "Business Reply Mail," H.R. 10320. No discussion as to the scope of the franking privilege appears anywhere in the legislative history. See 1958 U.S. Code and Cong. Adm. News 3155. Thus, without changing the scope of the privilege, the 1958 amendment merely extended it to two additional officials.

Thus, in 1960, when the Act of 1895 as amended in 1898, 1904, 1917, and 1958 was codified into 39 U.S.C. 4161, no change whatsoever had occurred in the scope of the franking privilege. And although section 4161 changed the language of the original Act, the 1960 codification, as I discussed earlier with respect to the codification of the Public Documents franking provision—did not purport to effect any change in the substance of the provision. See, in particular, Revision Notes, 1960 U.S. Code and Cong. Adm. News 924–26 which discusses the changes in language. Pursuant to the codification, the provision which concerns us now read, in pertinent part: "Members of . . . of Congress . . . may send as franked mail . . . correspondence, not exceeding four ounces in weight, upon official business to any person." Although this language on its face is susceptible to a variety of constructions, in view of Congress' express intent that no substantive change was intended, I find that "correspondence upon official business to any person" merely restated the meaning and intent of the original Act of 1895.

Defendant next directs my attention to remarks made apropos of legislation proposing that members of the House, but not the Senate, be permitted to avail themselves of the postal patron, simplified mailing address service under their frank in their respective districts. Representative Steed, for example, who proposed the provision finally enacted for 1964 (88 Stat. 818) was heard to justify postal patron mailings as facilitating, among other things, the distribution of questionnaires. 109 Cong. Rec. 24832 (Doc. 17, 1963). Such a distribution under section 4161 as I have construed it would not have been permissible since it was not within the narrow scope of the 1895 privilege. I cannot infer from the remarks of Congressman Steed, or for that matter from those at an earlier time of Congressman Weaver (Defendant's brief at 12) that Congress had change its intent as to the scope of the franking privilege. In none of the postal patron legislation did Congress address itself to section 4161 or any other provision having to do with the scope of the franking privilege.

Thus, even if I were inclined to find that the postal patron franking history of legislation bore on this problem, I would have no guidance as to the standards to apply in extending, or for that matter, in restricting postal franking beyond the 1895 boundaries.

By passing legislation on a related matter, Congress could not and did not change its legislative intent with respect to section 4161. The franking privilege thus possessed the very narrow scope provided by the 1895 Act when in 1970, Congress passed the Postal Reorganization Act, Act of August 12, 1970, P.L. 91–375, in which appears section 3210 at 84 Stat. 719. Section 3210 of that Act, now 39 U.S.C. 3210, brought forward the language of section 4161 as respects a Congressman's franking privilege.

Neither the Senate Report, No. 91–912, of June 3, 1970, nor the House Report, No. 91–1104, of May 19, 1970, nor finally the Conference Report, No. 91–1363, of August 3, 1970, discusses the franking privilege. The only relevant discussion occurred on June 18, 1970, when an Amendment to section 660 of the House Bill, H.R. 17070, which eventually became section 3210 of the Act, was proposed by Congressman Henderson, Vice-Chairman of the House Post Office and Civil Service Committee, and was agreed upon by the House. The Amendment merely extended the franking privilege to the Sergeant at Arms of the House and to the Clerk of the House, Congressman Henderson explained, as "their counterparts have in the other body." 116 Cong. Rec. 20445. Thus, the Amendment of the language of 4161 provided no substantive change. As Thaddeus Dulski Chairman of the House Committee from which the Bill emanated, explained: "This is only corrective language. All it does is clarify the situation in the House."

The House version of the bill containing this amendment was presented to the Senate for consideration and, after referral to a Conference Committee, was adopted in its present form. No other discussion of what is now section 3210 occurred.

I conclude, therefore, that 39 U.S.C. 3210 as adopted in 1970 encompassed the same franking privilege as did its precursor, 39 U.S.C. 4161, and thus embodied the narrow restrictive franking privilege of the 1895 Act. Doubtless this may come as a surprise to Congressman Helstoski and to other members of Congress who voted on Section 3210. As far back as 1916 (see Cong. Rec. 13916–13919, Sept. 6, 1916), and up until 1968, Congress had received advisory opinions from the Post Office Department as to the scope of the then section 4161 under which section 4161 had been construed as permitting all of the mailings which Congressman Helstoski has made and intends to make. See P.O.D. Publication 126, April, 1968. Also, it appears from Congressman Helstoski's testimony that large, unsolicited public mailings of newsletters and voter opinion surveys, etc., have constituted a widespread practice among members of the House for years.

But on these grounds I cannot and do not conclude that Congress in 1970 adopted a franking privilege consonant with either what might have been the current practice or with the scope expressed in the P.O.D. rulings prior to 1968. First I must point out that by 1968, the P.O.D. had ceased offering these advisory opinions, properly recognizing that "The P.O.D. is not vested with any authority by Congress to make binding determinations as to what is and what is not the 'official business' of a member of Congress." Memorandum of Dec. 26, 1968, in Law and Regulation Regarding Use of the Congressional Frank. Thus, it is fair to say that in 1970, when Congress readopted the language of section 4161 which in turn embodied the substance and scope of the Act of 1895, the individual members were not relying upon or responding to any particular official determination as to the then scope of the franking privilege. And even if they were so relying, the legislative history is devoid of any mention of such reliance or any intent to make a change. It may be true that defendant and his co-legislators individually had in mind the scope of the franking privilege as it had been expressed by the P.O.D. when they voted on the legislation. But if they did, they did not make their state of mind or their understanding known as the official expression of intent of a legislative body.

Nor can I construe section 3210 consonant with what is evidently the current practice or usage. What "usage" would I avail myself of to construe the provision and construct a standard? Would I have to poll all the members of Congress individually and ask them what they thought they were voting for? Obviously such a procedure is within neither the competence nor practical capa-

bilities of this Court. And even if it were, such a practice would open to question the construction and interpretation of every statute passed by every legislature.

A law must set cognizable standards so as to be able fairly to regulate conduct and afford public scrutiny. When standards are so broad or vague so as not to be understood, they are struck down as constitutionally infirm. Importing practice or usage into statutory construction would import the same kind of infirmity. If a law passed by Congress can be changed and altered, not by official legislative Act, but rather by practice of usage, no scrutiny over legislative action is ever afforded the public. Congress can legislate by legislative Act alone. It is for Congress and not for this Court to enlarge, restrict or otherwise modify Congressional franking privileges. Congress acted in 1895; in every subsequent Amendment or re-enactment of the law, up and through 1970, it did not evince an intent, in its official action, to deviate from its original intent. Nor was this intent altered in the final amendment of this section by P.L. 92–51, section 101, July 9, 1971, 85 Stat. 132 in which the franking privilege under 3210 was extended to the Legislative Counsel of the House. Again, there is no indication in the legislative history of any intention to change the scope of the privilege.

I, therefore, conclude, as a matter of law, that section 3210 as it is given meaning by the Act of 1895 prohibits all unsolicited mailings of defendant to non-government officials that are not otherwise frankable under section 3211, 3212, or 3213. Since none of the other decisions brought to my attention which deal with the franking privilege has considered the 1895 Act and its bearing upon the statutory history, I do not feel bound to follow their reasoning. See Hoellen v. Annunzio, Civ. No. 1302–72 (N.D. 111 1972); Austin v. Nedzi, Civ. No. 38488 (E.D. Mich. July 17, 1972); Rising v. Brown, 313 F. Supp. 824 (D. Cal. 1970); Straus v. Gilbert, 293 F. Supp. 214, (S.D.N.Y. 1968).

I next consider the propriety of the mailings in Group III—that is, the results of the Young Voter Opinion Survey, and the Declaration of Independence. These mailings, with the exception of the Declaration of Independence, are all properly within the franking privilege section 3212 which permits members of Congress to send as franked mail "The Congressional Record, or any part thereof, or speeches or reports therein contained."

I find nothing in the legislative history which prohibits defendant from copying matter that appears in the Congressional Record, printing it at his own expense, and distributing it under his frank. Unlike the public documents section, there seems to have been no intention to restrict distribution to actual editions of the Congressional Record as printed by order of Congress. In fact, the very language of the section which permits frankable distribution of parts of speeches or reports certainly does not contemplate that Congressmen tear them out of official publications. The only restrictions on such mail appear to be regulatory: "The words Congressional Record or Part of Congressional Record-Free and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side." 39 C.F.R. §137.1 (chart).

As to the Declaration of Independence, however, which defendant desires to distribute as suitable for framing along with comments inserted in the Congressional Record, no showing has been made that these copies of the Declaration are intended as matter taken from the Congressional Record. They, therefore, are merely reprints of public documents and stand in the same stead as the Consumer Product Information reprints discussed earlier. The inclusion in the mailing of introductory remarks taken from the Congressional Record does not bring the sending of the entire Declaration of Independence within the authorization of S3212.

Although defendant may thus distribute copies of the Congressional Record or any part contained therein through the mail under his frank, the question is raised whether or not such mailing may be made by postal patron mailings to areas outside the district which defendant currently represents into Area B, the municipalities which have become part of the Ninth District by virtue of Court-ordered reapportionment. This question did not arise with respect to the public documents in question, since neither the Agricultural Yearbooks nor the editions of "Capitol, Symbol of Freedom" were distributed to postal patrons' addresses.

A direct answer is provided by 39 C.F.R. 122.4(D) (2) which explicitly permits mailing under the simplified address form for a member of the House under his frank: "To customers within the district the Member or Member-elect was elected to represent; and within such other areas of the State as may be encompassed in his district under a reapportionment law."

Since the towns to which defendant has been sending and intends to send the mass-mailings of reprinted sections of the Congressional Record are within the area encompassed by the reapportioned district as so formed by Court order in April of 1972, these mass mailings are permitted by the regulation.

I turn last to the mailings included under Group IV—that is, the unsolicited mailings of the Revenue Sharing Reports and the Gun Control Surveys to State and local officials within defendant's district or within the reapportioned Ninth District. The question presented is whether these mailings under the frank are authorized by section 3210 which permits "matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official" to be mailed under a Congressman's frank. I have already traced in great detail the statutory history of section 3210 and have determined that it does not vary substantively from section 85 of the Act of 1895. That section permitted members of Congress to send under their frank "any mail matter to any Government official." The first question that must be answered is whether or not State and local officials are encompassed by the term "Government Officials" under this provision. The question is not free from doubt since the legislative history of the 1895 Act does not address this term specifically. But the meaning of "Government Official" is addressed in the Postal Laws and Regulations of the United States as compiled in accordance with the Act of Congress, March 3, 1891 in House Misc. Doc. No. 90 of the 52d Cong. 2d Sess (1893), in reference to a similar, but earlier Act, the Post Office Appropriation Act of 1891, ch. 547, 26 Stat. 1081. I will attach the appropriate pages from the House Document to the Appendix of this opinion. Section 3 of that 1891 Act provided: "That the members and members-elect of Congress shall have the privilege of sending free through the mails, and under their frank, letters to any officer of the Government, when addressed officially." The Postal laws and regulations which were operative with respect to that Act when section 85 of the 1895 Act was being considered state with reference to the 1891 Act: "The term 'Officer of Government' includes only officers of the United States, Senators, Members and Delegates in Congress." House Misc. Doc No. 90, Supra. at 157.

There being no other pertinent discussion of the term "Government Officer" brought to my attention by counsel or by my own research, I conclude that the meaning of "Officer of the Government" attributed to the 1891 Act is the same that should be ascribed to "Government Official" in section 85 of the 1895 Act, the language of which, in pertinent part, closely tracks that of the 1891 Act. Thus defendant is not authorized by section 3210 to send the Revenue Sharing Report or the Gun Control Survey to state or local officials under his frank. This being the case, and there being no other section under which such mailings are justified, I find that defendant cannot send these mailings under his frank.

Constitutional Claims: Since I have found impermissible all of defendant's franked mailings other than those which are frankable (1) as mail to Government officials under 3210 and (2) as correspondence, documents, reports, etc., under sections 3211, 3213, and 3213, it is only with respect to the permissible mailings that I need decide whether or not plaintiff's constitutional rights are violated. The question raised is whether permissible frankable mailings of, for example, large quantities of public documents or Congressional Record reprints to a Congressman's constituency during an election campaign might so adversely affect an opponent's chances as to provide an effective bar to candidacy of the kind that in Bullock v. Carter, 40 U.S. L.W. 4211 (U.S. Feb. 24, 1972) was struck down as Constitutionally impermissible. In Bullock, the Supreme Court found unconstitutional an election practice which exacted exorbitantly high candidacy registration fees that effectively barred poorer candidates from running. The facts in this case show no such bar. All mass-mailings have been found impermissible under the statute or have been completed thus mooting the Constitutional question.

Moreover, the situation in Bullock can be distinguished from that here. In Bullock the Court rejected as insubstantial the justification offered by the State for its high candidacy registration fees.

The State interest in the case at hand is not at all insubstantial. Congress has determined that the dissemination of public documents, matter appearing in the Congressional Record, and Agricultural Reports, as well as communications with Government officials, are an essential part of the political process, and has encouraged such communication by virtue of the franking privilege. I find that whatever incremental disadvantage may accrue to plaintiff here by virtue of any publicity gained by defendant through his proposed mailings, such disadvantage does not rise to the level of a violation of plaintiff's constitutional rights.

Relief: Having decided that plaintiff has a private remedy under the theory enunciated by the Supreme Court in J. I. Case V. Borak, Supra, which I discussed earlier, I now turn to the question of appropriate relief. Under the theory of Borak, the private action inferred at law is designed to deter violations of the statute. See Pearlstein v. Scudder & German, 429 F. 2d 1136 (2nd Cir. 1970). Deterrence can be achieved by affording the private litigant either injunctive relief and/or damages. In the present situation, I find on balance, that the deterrent effect of damages is outweighed by the resulting inequity and disruption that might ensue. I cannot, for example, turn away from the fact that defendant has acted in good faith and on the example of many others who have used their frank for similar mailings. In fact, defendant had received advisory opinions from the House Committee on standards with respect to many of his mailings, which informed him that such mailings were permissible. The opinions were, of course, merely advisory, and have no binding force on this Court. They have not been enacted into law nor been incorporated into the code of Federal regulations. But they do point to the Congressman's good faith. This is not to say, of course, that defendant's ignorance of the law provides an excuse for its violation. I do not condone the

fact that many individual members of Congress have apparently adopted a practice of franking which in my view is in violation of a statute, the substance of which they have never amended by an official Act. But I am also not unmindful of the fact that to permit damages against the defendant, and thus to open the floodgates for damage actions against large numbers of Congressmen could wreak havoc with the daily workings of the Legislative Branch. Furthermore, the real damages that have accrued are those to the taxpayer which comes from abuse of the frank. Although assessment of damages at the face value of postage which defendant should have used to distribute the unsolicited material which has been impermissibly distributed under the frank would certainly serve to deter further violations of the statute, such damages would prove an unfair windfall to the plaintiff.

Having determined that the plaintiff is entitled to relief, but that the appropriate relief as revealed by the record is not to be found in damages, but rather is injunctive in character, I will sign an order in accordance with my opinion granting an injunction against impermissible mailings as found herein.

The parties will make such an order at the earliest possible time consistent with my opinion. Each party will bear its own costs. Inasmuch as the resolution of this problem required a rather extensive and detailed study of Congressional statutory and legislative history, and inasmuch as I have been obliged to deal with these issues within a relatively short period of time, I reserve the right to prepare my opinion in final and complete form.

This opinion shall constitute findings of fact and conclusions as to the law as I am obliged to make under the Federal Rules of Civil Procedure.

Each party will bear its own costs.

Mr. PORRO. There is just one fact that I think should be clarified for the record, Your Honor, I think it is a misinterpretation of testimony, and that is with regard to the reprints on those Consumer Product items, in fact it was just the cover page, the reprints were allotments of other Congressmen.

The COURT. Am I not correct that the Congressman testified that there were—

Mr. PORRO. The reprinted material, Your Honor, was the cover page, the list itself were allotments from other Congressmen. I think in your opinion, in your finding, you found that the whole item was reprinted. I do not know if it is going to make any substantial difference.

The COURT. I have a very distinct recollection of what the testimony was, that does not mean, of course, that it could not be corrected, which may affect my decision, in effect I have held that what has been alloted by a Government agency to a Congressman may be mailed as a frank.

Mr. PORRO. This issue will take us a step further when the allotment is to another Congressman and Congressman B then uses that allotment.

The COURT. I do not recall testimony with respect to the 156,000 copies as coming to the Congressman from another Congressman: I recall that testimony as being that those 156,000 were printed. If you desire to take—am I incorrect in what the transcript shows?

Mr. BUDELMAN. No, Your Honor, that is my understanding, that is my understanding that the testimony does show that 50,000 were from his allotment, pursuant to the letter that was given to this Court, and that the remaining portion were the amounts he was having printed, he was specifically examined on that as to where he was going to get the funds and so forth, Your Honor.

The COURT. This is a problem, because of its importance and particularly in light of the forthcoming election, certainly the Court has attempted to take as great pains as possible in the resolution of the issues no matter who might be unhappy or surprised by it, but if you feel, Mr. Porro, that the record needs supplementation——

Mr. PORRO. I think the record is clear, Your Honor.

The COURT. Well, that is the way I read the record. And I do not understand where you get this——

Mr. PORRO. There was much testimony, Your Honor, about the practice of taking allotments and shifting them around.

The COURT. I do not recall that with respect to the Consumer Product——

Mr. PORRO. There may have been some testimony in that regard. Quite frankly, I do not think that is going to make a major difference here, but I do want the record to be clear in that regard.

The COURT. If you feel, after you have digested an undigestable amount of material, that you must supplement the record or correct it in some respect, then I will give you the opportunity to do so, because this order, although I may not sign it today, depending upon your own and Mr. Budelman's view of what I said, does go into effect immediately; I know that the Congressman would not count it as being a violation of it, but I would not count it being a violation today even by inadvertent mailings that are not permitted.

Mr. PORRO. Your Honor, that question is moot, if there is any misunderstanding there, as to the day we were here on Friday, all of those reprints are out, all of them, I thought we said we were in the last stage on that day.

The COURT. I think the record deserves to be clear on something: When I had addressed all counsel at our last meeting I had only asked whether or not there was contemplation on the part of the Congressman to send out anything, I did not ask him to submit to a restraint, I did not indicate whether I would impose a restraint, I felt that if there had been no contemplation that he would send out anything then it would be a moot thing for the Court to get into the area of what I consider to be, in any event, a delicate area, not that I shy away from it, but a delicate area where I need not proceed. And on being assured that there was nothing in contemplation then I left the matter as it was.

This Court has imposed no restraint up to this point, it has just relied upon the word of Congressman Helstoski and Mr. Schiaffo with respect to this representation. And I want to clear that up because I do not want any misunderstanding to be taken with respect to our last colloquy.

Mr. BUDLEMAN. It is my understanding, Your Honor, that this injunction stands to the remaining ones that have not been sent out as so testified by the defendant.

Mr. PORRO. Those were out before our discussion of, I guess it was, the 29th. The Consumer Product publication is a moot question, it was when we were here before, Your Honor, and I said we would not send out any mass-mailing, so there is no misunderstanding here.

The COURT. I will sign the order as I have indicated and I would suggest that you get it to me as soon as possible in the event that either of you desire to review with respect to it in sufficient time to make it effective, practically speaking, with respect to the current election; although this is not the thrust of the opinion, because it has a thrust beyond November 7, 1972.

Thank you, gentlemen.

CERTIFICATION

Fred M. Caruso, the undersigned, deposes and states as follows: that the foregoing is a true and accurate transcript of the within proceedings taken by him in the aforementioned matter on the 10th day of October, 1972.

My Commission Expires: June 2, 1976.

REPRINT FROM CONGRESSIONAL RECORD—HOUSE, OCTOBER 20, 1893, PAGES 2748, 2749

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In lines 377 and 378 strike out the words "appointment clerk" and insert the words "superintendent of documents."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 88. The Vice-President, Senators, Representatives and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of the Vice-President, Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office.

The Vice-President, members and members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official.

Mr. HAYES. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to section 88 the following:

"Or to any person, correspondence not exceeding 2 ounces in weight, upon official or departmental business."

Mr. HAYES. Mr. Chairman, it is well known that the franking privilege formerly existed to an almost unlimited extent, and that by reason of abuses of that privilege it was practically entirely done away with. Since then it has been allowed to send letters to Goverment officials, but no provision has been made for sending what we get from the Departments to the persons to whom the letters or documents are to be sent, and it is by no means universal that penalty envelopes are sent for that purpose by the Departments. It seems to me this ought to be made to cover that deficiency, and it is so worded as to guard it against abuses, limiting it to departmental and official business, and also limiting the weight to 2 ounces.

Mr. RICHARDSON of Tennessee. I cannot hear the gentleman from Iowa (Mr. HAYES), and I am quite sure other gentlemen are unable to hear what he has said. I will ask the gentleman to repeat the substance of what he has said.

Mr. HAYES. Let the amendment be again read. That will explain itself.

The amendment was again read.

Mr. HAYES. I do not care about the question of weight; but I thought that would be small enough.

Mr. RICHARDSON of Tennessee. I move to strike out "two" and insert "one."

Mr. HAYES. I accept the amendment. That is entirely satisfactory.

The CHAIRMAN. The Chair understands the gentleman from Iowa to modify his amendment?

Mr. HAYES. I do.

Mr. MCMILLAN. I was going to ask the gentleman where it varies from the present law? We now have the right to send letters to the heads of Departments.

Mr. HAYES. Yes; but there is no provision in the law for sending what you get from the Departments to those for whom you make the inquiry; and the return letters are not sent in all instances. They are generally from the Pension Office, but not from the other Departments.

Mr. McMILLIN. But we have a stationery account now. That was given originally in lieu of the franking privilege, as I understand it.

Mr. HAYES. That is very true; but this does not give full franking privilege. It simply gives a very limited amount, so far as weight or bulk is concerned, and refers entirely to departmental and official business.

Mr. McMILLIN. But what I was calling the attention of the gentleman to was that when the franking privilege was abolished the present stationery account was given in lieu of that, as I have been informed, although I have not made an examination of the fact.

Mr. HAYES. There is no doubt about that.

Mr. McMILLIN. And the stationery account remains still if this amendment is adopted.

Mr. HAYES. There is no reason to change that, because this only relates to letters from the Departments; and the franking privilege was for all purposes. I do not know how true it is; but to illustrate what was said about the franking privilege, I have heard it said a dozen times that members used to send their washing home under the franking privilege. [Laughter.] Perhaps that was really meant as an illustration of the extent to which it was used.

Mr. McMILLIN. Congress cut off the washing, but gave $150 of stationery account. Now, are we to add the washing? [Laughter.]

Mr. HAYES. No; it simply applies to letters such as relate to departmental and official business; and it seems to me that there can be no objection to the amendment.

Mr. OATES. If the gentleman from Iowa will permit me. As I understand, the franking privilege was abolished by Congress because it was very much abused. It had been carried to a ridiculous extreme; then we have gone to the other extreme, and allowed $150 on stationery account.

Mr. HAYES. I think the gentleman is right in both propositions, and this is just to rectify the matter.

The CHAIRMAN. The Chair will direct the attention of the gentleman from Iowa to the reading of the amendment.

The Clerk read as follows:

"Or to any person, correspondence not exceeding an ounce in weight."

Mr. HAYES. That is as I want it.

Mr. McMILLIN. This would not include a letter addressed to a constituent in connection with that business.

Mr. HAYES. Yes, sir.

Mr. McMILLIN. It is intended only that when you get a response from a Department to inclose it in an envelope and send it to the party?

Mr. HAYES. That is the way I illustrated it; that it was governmental and official business.

Mr. SIBLEY. Would it preclude me from inclosing a letter in respect to the official and departmental business?

Mr. HAYES. I think it would not, under the ruling that was made in the case of the gentleman from Massachusetts, by the Assistant Attorney-General.

Mr. McNAGNY. He held just the other way.

Mr. HERMANN. Had the Commissioner of Pensions the right to make that rule?

Mr. HAYES. I am speaking of the ruling of the Assistant Attorney-General, in which he held that he had the right to send that letter.

Mr. HERMANN. Is it under that clause of the law that permits members of Congress to avail themselves of this particular privilege?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HAYES. Division.

The committee divided, and there were—ayes 42, noes 40; so the amendment was agreed to.

THE POSTAL LAWS AND REGULATIONS OF THE UNITED STATES OF AMERICA

(Compiled, revised, and published in accordance with the Act of Congress approved March 3, 1891)

CHAPTER 13—OF FREE MATTER

Of matter to be franked

Sec. 362. Congressional Documents.—That from and after the passage of this act Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free, all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named herein until the first Monday of December following the expiration of their respective terms of office. (Act of March 3, 1879, part of § 1; 20 Stats., 356.)

Sec. 363. Congressional Record.—That from and after the passage of this act the Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress or Delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe. (Act of March 3, 1875, part of § 5; 18 Stats., 343.)

Sec. 364. Seeds and Agricultural Reports.—That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress or Delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as members and Delegates. (Act of March 3, 1875, § 7; 18 Stats., 343.)

Sec. 365. Special Grants of Franking Privilege.—All mail matter carried to the following-named persons, or sent by them under their respective written autograph signatures, will, in pursuance of the acts respectively referred to, be conveyed free of postage during their respective natural lives; namely:

Lucretia R. Garfield, by act of December 20, 1881 (22 Stats., 1).

Julia D. Grant, widow of the late President, Ulysses S. Grant, by act of June 28, 1886 (24 Stats.).

No signature or mark is necessary to the free carriage of mail matter to either of the above-named persons. The address is sufficient.

Sec. 366. Regulations of Franking Privilege.—No matter can be transported under the franking privilege unless admissible to the mails under the provisions of chapter 11. To entitle to free carriage the word "free" should be printed or written and signed with the name and official designation, if any, of the person entitled to frank it, on the address face of the package, except in case of matter addressed to the persons named in the preceding sections. In the case of the Congressional Record the name of the Senator, member, or Delegate must be written by himself; in other cases the name may be written by anyone duly deputed by him for that purpose. A Senator, member, or Delegate who holds his certificate of election is entitled to the franking privilege from the commencement of his term.

All franked matter may be forwarded like any other, but such matter, when once delivered to the addressee, can not be remailed unless properly franked again. A bulk package of franked articles may be sent to one addressee, who, on receiving and opening the package, may place addresses on the franked articles and remail them for carriage and delivery to the respective addresses.

"So far as foreign countries are involved, the "frank" is good only for articles for Canada and Mexico."

"That the members and members-elect of Congress shall have the privilege of sending free through the mails, and under their frank, letters to any officer of the Government when addressed officially." (Act of March 3, 1891, 26 Stat., 1079.) Post Office Approp. Bill, ch. 547–8.

In carrying out this enactment, which is now operative, the following rules must be observed:

1. The privilege conferred applies to members of both branches of Congress—Senators, Representatives, and Delegates—including not only those who have taken their seats as such, but those who have been elected, have received their certificates of election, and hold the *prima facie* right to seats. Senators and Representatives whose terms have expired are not entitled to the benefits of this act.

2. Letters to be entitled to free transmission under the act must in every case be addressed to a Government official—not necessarily at Washington, but anywhere in the United States—whose office title must be given in the superscription of the latter, either with or without his name. For example, "Brigadier-General Samuel B. Holabird, Quartermaster-General, U.S.A., Washington, D.C.;" "Postmaster, New York, N.Y.;" "Hon. David M. Key, U.S. District Judge, Chattanooga, Tenn." The term "officer of Government" includes only officers of United States, Senators, Members, and Delegates in Congress.

3. The name of the franking Senator, Representative, or Delegate, written or impressed, must appear on the envelope of the letter, in connection with the initial of his office, and preceded by the word "Free." For example, "Free—John R. Smith, U.S.S.;" or "Free—Richard Roe, M. C."

4. The term "letters" as used in this law means such communications as are denominated in the laws mail matter of the first class.

RETIREMENT OF THE HONORABLE DURWARD G. HALL OF MISSOURI

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DERWINSKI. Mr. Speaker, among the many Members who are retiring there is one gentleman who, I believe, deserves special commendation. I refer to our respected colleague from Missouri, "Doc" HALL.

In the 12 years that "Doc" has represented his district, he has carved out a record that will long be remembered by all of us who were privileged to serve with him. He became a master of House Rules of Procedures, a stalwart champion of the taxpayer, and a zealous defender of minority-party rights in the Congress.

But above all else, Mr. Speaker, "Doc" HALL is a truly great individual. He has a magnificent sense of humor, an appreciation of ironic and frustrating circumstances, an ability to properly disarm some of our colleagues who occasionally

develop illusions of grandeur, and he is as fine an all-around Member as we have had in this era of Congress.

In addition, Mr. Speaker, I value him as a friend, adviser, and a solid, responsible statesman whose encouragement, support, and inspiration has been of great assistance to me.

I know we all will miss "Doc," but I take this opportunity to express my personal commendation and wish him well in his retirement. We will certainly maintain the friendship that has developed between us.

NATIONAL FIRE PREVENTION WEEK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. DORN. Mr. Speaker, our dedicated and devoted, firefighters not only fight fires and save lives and property, but they also lead the way in fire prevention. They are a constant source of inspiration which properly makes them the point of admiration from young and elderly alike. Children especially respect and appreciate the fireman.

The individuals we honor during this National Fire Prevention Week are on the alert night and day, this day, and every day. They are the bulwarks of strength in any community disaster or misfortune; they constantly lend assistance to other law enforcement officials and our rescue squads and Civil Defense.

Our firefighters, both engineers and volunteers, are insurance against chaos and anarchy. They have earned the respect of the American people throughout the Nation. It is with great pride that I salute our firefighters during National Fire Prevention Week.

Mr. Speaker, I noticed this week, in my home town paper, the Greenwood Index-Journal, a splendid article on fire prevention by the noted and renowned Mrs. Abigail Van Buren. During National Fire Prevention Week, I particularly commend this superb article to my colleagues in the Congress and to the American people:

[From the Greenwood, S.C., Index Journal, Oct. 9, 1972]

ABBY'S TIPS ON FIRE PREVENTION

(By Abigail Van Buren)

DEAR READERS: Even if statistics bore you, please read this. I ran it last year and had hundreds of requests to repeat it. The information may come in handy if you're ever on a quiz show. It could even save your life:

Q. When was the Chicago fire?

A. Oct. 9, 1871. Exactly 101 years ago today!

But let's get more current, shall we? Did you know that last year more than half a million fires occurred in the United States? More than 12,500 lives were lost. Even more tragically, a large percentage of deaths were children, elderly persons and invalids who had been left alone for just a few minutes.

The chief causes of fires, in order of the toll taken, were:

1. smoking, 2. electrical wiring, 3. heating and cooking equipment, 4. children playing with matches, 5. open flames and sparks, 6. flammable liquids, 7. suspicion of arson, 8. chimneys and flues, 9. lightning, 10. spontaneous ignition.

The total fire loss in 1971 was an estimated $2.845 billion. [No misprint—that's two billion, eight hundred forty-five million dollars.]

Now for some tips that could save your life:

Be sure your cigaret is out. Matches, too. And never leave matches or lighters within the reach of children.

Don't overload electrical outlets with too many appliances.

Don't run cords under rugs or over radiators where they may get damaged. And replace a cord if it is frayed.

Never leave small children alone in the house. Not even for a few minutes.

Have your wiring and electrical installations done by a professional.

Store oily rags and paints in a cool place in tightly sealed metal containers.

Never use flammable liquids for dry cleaning indoors.

Never smoke in bed.

Have a fire drill in your home to be sure everyone knows what to do in case of fire.

Invest in a compact, easy-to-use fire extinguisher and keep it handy in your kitchen, or be a sport and buy one for your cottage, car, boat and the back bedroom, too.

Now, in case of fire:

Most fires occur between midnight and 6 a.m., so always sleep with your bedroom door closed. If you suspect fire, feel the top of the door. If it's hot, don't open it. Escape thru the window. But first alert the rest of the household.

If you can't open the window, break it with a chair. Cover the rough edges with a blanket and sit on the window ledge with one leg hanging outside and one inside, and wait for help.

The phone number of your fire department should be taped on every telephone. If it isn't, don't fumble around trying to call them. Call from a neighbor's house.

If you live in an apartment building, use the stairway. Don't take a chance on the elevator. If it fails, you're trapped.

Once out, stay out. No treasure—not even the family pet—is worth risking a human life.

It took less than three minutes to read this column. Was it worth it? I hope so. God bless. Have a good day!

ABBY.

HON. CHARLES RAPER JONAS

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. LENNON. Mr. Speaker, there is no more esteemed and respected Member of this Congress than our colleague, CHARLIE JONAS.

I have known and admired this outstanding fellow North Carolinian for many years. In 1946, he was the first Republican to be elected president of our North Carolina Bar Association. This honor attests to his early recognition as an able and popular leader.

As a member of the Committee on Appropriations, CHARLIE JONAS has earned the reputation of being efficient and responsible in weighing the fiscal needs and interests of our country. His dedication to our national welfare, his conservative and fair judgments, and high integrity have been an inspiration to Members in both political parties.

CHARLIE, I am proud not only of your remarkable career and contributions to your constituency and Nation, but I am also proud of our privileged personal friendship. Kay and I look forward to an even closer association with you and Annie Elliott in our retirement days ahead. You have our best wishes for years of good health and much happiness.

PANEL FINALLY RULES IN HEMENWAY CASE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. ASHBROOK. Mr. Speaker, on October 10 the Washington Bureau chief of the Des Moines Register, Mr. Clark Mollenhoff, featured a story under his byline which was of more than passing interest to myself. According to Mr. Mollenhoff, State Department sources indicated that a decision had been reached in the case of John B. Hemenway, a selected-out Foreign Service officer who has fought for over 3 years to prove, in a grievance hearing, that he was the victim of grossly unfair treatment by State Department officials involved in his dismissal. If the sources are correct, the three-man panel hearing the Hemenway case has voted 2 to 1 to reinstate the former officer of the Foreign Service. According to the Mollenhoff account, all three panel members had agreed that State's treatment of Hemenway had been unfair. The findings of the panel have not been officially released and, in any event, the final decision, made within the State Department, could still be unfavorable to Mr. Hemenway.

It was for this reason that I first introduced in 1968 legislation calling for the final ruling in such cases to be made by a panel outside of the State Department itself. The makeup of the panel called for by the legislation would consist of a chairman from the Civil Service Commission and two other members selected by the chairman of the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

The Mollenhoff article, "Panel Urges Reinstating Hemenway," follows:

[From the Des Moines Register, Oct. 10, 1972]

PANEL URGES REINSTATING HEMENWAY

(By Clark Mollenhoff)

WASHINGTON, D.C.—A State Department grievance hearing panel has recommended reinstatement of John B. Hemenway as a Foreign Service officer with a one-grade promotion, according to State Department sources.

The report of the three-man panel voted 2 to 1 urge reinstatement of the 46-year-

old Hemenway on grounds that he was the victim of malicious and erroneous reports by his superiors.

Phillip H. Burris, an employe of the State Department personnel office, vote against the reinstatement of Hemenway but agreed with the other two hearing officers that Hemenway had been unfairly treated, sources said.

CITES BITTERNESS

His reason for opposing the reinstatement and promotion of Hemenway was reported to be because he felt the bitterness that was caused by the Hemenway challenge to the State Department Foreign Service system would create an unsatisfactory personnel situation if Hemenway was reinstated.

Burris has worked directly under Deputy Undersecretary of State William Macomber and former State Department Personnel Director Howard Mace, who had backed the firing of Hemenway under the "selection out" procedure. They also were opposed to permitting a grievance hearing to let Hemenway air his complaints about the false reports that were used to bar him from promotion during the crucial period when promotion was required to avoid "selection out."

The chairman of the grievance panel is Paul A. Toussaint, a career Foreign Service officer. The other member besides Burris' is retired Air Force Maj. Gen. Richard C. Hagan, the judge advocate general in the Air Force Reserve who has also served as a Foreign Service officer.

The report of the hearing panel has been given to Foreign Service Director General William O. Hall, but he declined to make the report public or to give a copy of it to Hemenway or to Hemeway's lawyer, William Joyce.

Hall said the report would not be made public "until I make my decision," which he said will "require a review of the entire 18 volumes of the hearing record."

Hall declined comment on the reports that the findings were "favorable" to Hemenway, and said "it doesn't become public until I make my decision."

GIVES TESTIMONY

Hall said he is handling the case personally because Robert C. Brewster, the deputy director general and director of personnel, had "disqualified himself because of involvement" that might cause him to be biased against Hemenway.

In the more than three years of bitter controversy involved in Hemenway's fight to get a grievance hearing, he has given testimony before congressional committees in support of legislation to guarantee grievance hearings and not leave it to the whim of the personnel officers at the State Department.

In the course of that testimony, Hemenway charged that many brilliant officers are frequently fired while mediocre and unqualified Foreign Service officers are promoted because they have political connections within the Foreign Service system.

He placed much of the blame on Director General Hall, who he charged was himself the beneficiary of favoritism by the personnel office, in receiving a promotion from FSO–1 to career minister. This was "an exception" to the hard and fast rules of the Foreign Service with a special understanding that Hall's promotion was "not to be a precedent," Hemenway told a Senate committee, and he produced memoranda from State Department files to back his testimony.

Hemenway said Monday that "I understand that the report is favorable. But the State Department will not have it available to me or my attorney, which is a violation of their own recently instituted rules."

NOTES "FAVORITISM"

"If Brewster stood aside because he was prejudiced, then Hall should also stand aside, for he has been benefited by the very favoritism that I have been opposing," Hemenway said.

The Hemenway case has been a controversy since early 1969 when he was notified he was to be "selected out" of the Foreign Service because he had not been promoted in eight years.

Hemenway, a Naval Academy graduate and a Rhodes scholar, had uniformly excellent performance reports. He contended he was not promoted because of discrimination resulting from his refusal to change reports to satisfy his superiors. Hemenway also charged that he was the victim of malicious false reports that could not be sustained by the record.

Against the wishes of Macomber and Mace, Hemenway pushed for and finally won a hearing before the grievance panel. It was the first such hearing in State Department history.

After being "selected out," Hemenway was hired by the European division at the Defense Department at a slightly higher job rating than he held as an FSO–4 at State, and so was able to continue his fight for a hearing far beyond what others had found to be practical.

IS AMERICA READY FOR THE COMING AIR AGE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BURKE of Florida. Mr. Speaker, planning for the future is a difficult job, but it must be done if development and growth are to come about in an orderly manner. Recently, on October 7, the Honorable John H. Shaffer, Administrator, of the Federal Aviation Administration, delivered a speech in my congressional district about the lack of public understanding and appreciation of the benefits of air transportation. His speech applied not only to Broward County, Fla., but to the rest of the United States as well. The following is the text of Mr. Shaffer's speech:

REMARKS BY JOHN H. SHAFFER

I have been looking forward to this meeting with you because I am anxious to discuss with you a tremendous education job we have before us, one that, if it is going to be done, will have to be accomplished by us, and no one else. By us, I mean the Federal Aviation Administration, aircraft owners and pilots, and aviation educators.

Let us consider the situation: since the Wright Brothers first flew at Kitty Hawk a short 70 years ago, aviation has evolved into the dominant intercity and international public carrier. Last year, commercial carriers moved more than 173 million passengers and more than 5 billion ton miles of freight. Our general aviation fleet, numbering some 133,000 aircraft, accounted for the intercity movement of another 50 million passengers while logging upwards of 26.5 million flying hours.

This, however, is just a beginning. In terms of where we are and where we are going, we are on the low part of the growth curve with airline travel expanding at the rate of 9,000 new passengers a day. We estimate that by 1985, airlines will carry 580 million passengers. We predict that within the next ten years, the general aviation fleet will have grown to more than 200,000 aircraft and will be hauling two to three times as many as the 50 million last year. The domestic fleet grows at the rate of 150 new aircraft per week. And presently we believe that air cargo, which has been growing steadily at about 15 per cent per year, will have reached 34 million tons annually by 1985, or about 12 times the current volume.

In other words, we are looking at a truly fantastic rate of growth. Although it is already a tremendous national enterprise, the U.S. aviation industry stands poised for a new surge of still greater growth. As large as we are now, we are only now entering the true air age. The first American jet flew in October 1942 and the first American commercial jet, the 707, entered service in 1958—a very few years ago in the contest of civilization's progress.

Now the question arises: are we as a Nation ready for this coming air age? My answer, at this point, is "no." And therein lies the educational challenge for both you and me.

How are we going to prepare for this new air age that is coming? For one thing, we are going to have to build some new airports, expand a lot of our existing ones, and modernize the airways system so that we can utilize it more efficiently. President Nixon and a bi-partisan Congress provided us with the means to accomplish this, with the Airport and Airway Development Act of 1970. The Act authorizes the Federal Aviation Administration to spend $5.4 billion over the next ten years for this task. Combined with matching funds from state and local agencies, this means that we will be pumping over $11 billion into the Airport and Airways system over the next decade.

But we are going to need people to man and operate this expanded system. My own work force may grow from its present 51,000 men and women to approximately 67,000. Currently, we have 350 air traffic control towers in operation, but we are going to have to add many more over the next eight years, and we are going to need the controllers to man them. We also operate 27 air route air traffic control centers and 334 flight service stations. These flight service stations provide a broad range of vital aeronautical service to general aviation, including preflight briefings, weather guidance, in-flight broadcasting about airport and navigational conditions, and even search and rescue assistance to bring lost pilots safely home. Obviously, with the huge expansion of the general aviation fleet that we foresee, we are going to have to upgrade and automate this support to meet the increased demand.

Our need, however, does not end with air traffic controllers and personnel to man the flight service stations. Keeping the support systems operating at peak efficiency, accuracy and reliability is the job—in fact the pride—of the agency's electronics maintenance technicians. And we are going to need many more of them.

Actually, we are going to need professionals in many, many disciplines: scientists, mathematicians, and engineers to blueprint tomorrow's technological support systems; lawyers, economists, and planners to assure that the public interest is served by proper regulations; biochemists, pharmacologists, physicians and psychologists to study human factors affecting flight. The list goes on and on: contract administrators, auditors, secretaries, management analysts. Scores of different

specialists woven together in the FAA fabric. Each is an important profession and career in itself, but it becomes even more vital in the context of the FAA's huge aeronautical complex.

All of these people still represent only the needs of the FAA itself. What about the huge airline industry, already one of the Nation's largest employers and preparing to grow still larger? It will need many, many of these same people. Where are they going to come from? Now when I speak of an educational challenge, I am not talking about the specific training for the jobs within the FAA and the airlines. For the most part, we take care of that, as do the airlines, with in-house training.

I am speaking now about the education of the general public. Here we are on the brink of a fantastic new air age, and the general public is only faintly aware of it, if at all. And if people are not thinking about aviation, how are we going to attract them into aviation careers? If the public is not educated with regard to the value of aviation, how are we going to get their permission to build and expand those airports we desperately need? We have the money, but we can't spend it unless the local communities say they want a new airport or they want their current ones expanded or improved.

I am deeply disturbed by our failure thus far in making the public more aviation conscious. As a small example of the kind of thing I am talking about, consider the elementary school mathematics book that invariably poses the problem of the closing velocity of two vehicles moving toward one another. They are always trains and automobiles. Why not airplanes? People simply do not think today in terms of airplanes.

This is a very serious matter. Various transportation modes go through life cycles. We have seen the blooming and then the decay of both the passenger ship and the passenger train as they gave way to the airplane. We now can see that the airplane is going to be the dominant mode of long-haul passenger travel throughout our lifetimes, at least, and probably our children's lifetimes as well. But the question arises, how smart are we as a Nation going to be managing our aviation system, in utilizing it to our maximum advantage?

The public must be educated about the significance of aviation. They must be made to understand the economics of aviation, about the value of time. We have all known about the hundreds of studies that have demonstrated the increased productivity of the businessman who flies, who perhaps pilots his own plane. We know about the corporate aviation departments and the flying doctors and all the rest. But does the public know? I don't think so.

We all know about the economic studies that show how an airport generates new business for a community, how it attracts new industry and how it serves as the life-sustaining heart of a community's or region's economy, pumping people and goods through the arteries of society. But does the public know? I don't think so.

We all know the value of our general aviation system, how it serves as a critical adjunct to our commercial carrier system, how it provides the capillaries to connect with the arteries served by our commercial carriers to form the blood stream of our civilization. But does the public know? I don't think so. I would guess that when the majority of the public think of general aviation, if they do at all, they probably think of a covey of weekend pilots in sports planes.

This is not a problem of image. And it is not a problem of merely flattering our egos, that we want to be appreciated. We need the public's cooperation. If we are to prepare properly for the coming air age, we are going to need the public's understanding and its support. We need those airports. We need a continuing flow of local funds to generate FAA funds. We need an ever-growing patronage of our aviation system. And we don't need any more misguided restrictions or rebuffs from communities who do not understand the value of aviation.

For its own benefit, the public needs to better understand this air age. It needs to think of the airplane in its community planning processes, in zoning, in building codes, in land use. It needs to think of the airplane in planning its economy, in understanding how the aviation system interfaces and integrates with the rest of the economy. It needs to think of the airplane in planning the rest of its transportation system so as to avoid duplication of services and to provide maximum coordination. Individuals within our society need to know much more about aviation so as to best fulfill their own personal and business needs, so as to make the fullest and most effective use of this marvelous service that is afforded to them.

Yes, the public needs a lot of education, and we are the people who are going to have to do it. Nobody else is going to do it. It's up to us, you and me. We are going to have to do it in our schools and universities, in public meetings such as this one, and perhaps most important of all, in our person to person contacts with the general public.

Today, competition is the password. Our trillion dollar economy rests in the final analysis on our 88 million member labor force. How well that force is used today, how well that force which our young men and women are preparing to become a part of tomorrow, these are the crucial questions for our Nation. They are particularly important questions in the decade before you. This is a time of stiff economic challenge and burgeoning opportunity. For those educationally and vocationally equipped, the future is bright indeed.

The Secretary of Transportation, John Volpe, has been given a mandate. President Nixon has wisely determined that this Nation is to have an all pervasive transportation system—both air and surface, within the decade of the seventies. And we must if we are to remain a Nation that is socially, culturally and economically strong. But believe me, if we are to build this great system, and this is particularly true of the National Aviation System, American industry and your government are going to need all the professional help they can get.

It's a big job and a crucial one. But if we don't do it, we are all going to suffer the consequences, you, me and the entire Nation. I don't want that, and I know that you don't either. I'm confident that you all understand the problem. So let's get on with it.

HON. KARL LECOMPTE

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MAILLIARD. Mr. Speaker, I wish to extend my sincere condolences upon the death of our former colleague, Karl M. LeCompte, of Iowa. Karl was a senior Member of the House when I came here nearly 20 years ago. I will remember his kindness and helpfulness to the large number of freshmen Members in the 83d Congress.

EDUCATIONAL ASSISTANCE—AN ESSENTIAL INGREDIENT FOR EFFECTIVE PRISONER REHABILITATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BADILLO. Mr. Speaker, one of the greatest tragedies today is the failure by the vast majority of penal institutions and prison systems throughout the country to effectively rehabilitate prisoners or to properly prepare them for return to civilian life. A very large percentage of prison inmates are uneducated and unskilled. During the period of their confinement they are not usually afforded an opportunity to receive even a basic education or to acquire usable skills. Thus, when they are released they are hard pressed to find employment and all too often they return to crime as the only means of survival. It is for this reason that the rate of recidivism continues to remain at very high levels.

Clearly efforts must be undertaken by State officials to provide essential educational services to prison inmates. A commitment must be made not to serve simply as the caretakers of prisoners but to furnish these men and women with a well-structured and relevant educational program.

Recognition of the serious failings in this area has been recently given by a few States. In Texas, Connecticut and Illinois full-fledged school districts have been established for prisons and these institutions are or will benefit from Federal and State educational assistance programs. Massachusetts and New Jersey are taking similar steps.

A very perceptive and illuminating article on this important subject appeared in Thursday's Christian Science Monitor. I insert this article herewith for inclusion in the RECORD and commend it to our colleagues' attention as this is an area which has been ignored for far too long:

[From the Christian Science Monitor, Oct. 12, 1972]

FEDERAL FUNDS BECOME AVAILABLE—SCHOOL DISTRICTS FOR U.S. PRISONS

(By Richard C. Halverson)

BOSTON.—Willie, a 22-year-old black, couldn't even write his own name when he landed in Connecticut's Cheshire state prison.

But after just eight months of full-time schooling—which is a rarity in prison education—Willie got his reading and writing up to the third-grade level.

His crime: forgery, using tracing paper to copy signatures.

Whether he appreciates it or not, Willie is caught up in a prison reform drive intended to give more than lip service to education for convicts. Texas, Connecticut, and Illinois have already established full-fledged school districts for their prisons. A bill to establish such a school district now awaits action before the New Jersey Legislature.

And the Massachusetts Secretary of Educational Affairs, Joseph M. Cronin, is drafting a similar proposal for the Bay State.

Setting up a separate school district means that a state-prison system can qualify for millions in federal and state school aid. Texas gets about $1.3 million in state education aid, and is applying for federal education grants under various programs.

Connecticut's prison-school district is getting $86,000 this year in state aid to education, or $215 per inmate-student. More importantly, the prison-school district is getting almost $550,000 in federal funds for various remedial, vocational, and job-training education grants.

In comparison, the corrections department allots $350,000—about 2 percent of its 1972 budget of $19.9 million—for inmate education. And having a separate school district means that education funds can't be raided to pay for such things as guard overtime for riot duty, says Edmond J. Gubbins, superintendent of the Connecticut prison-school district.

EDUCATORS BROUGHT IN

Besides money, a school district means that the education profession is being brought into prison education. "The education profession has been completely divorced," Mr. Gubbins says. He is a former teacher and a public-school superintendent, rather than a career prisons official.

About 90 percent of inmates have a poor education. Nonetheless, prison education traditionally has had low priority.

Concerning the importance of education in criminal rehabilitation, U.S. Chief Justice Warren E. Burger has said, "The figures on literacy alone are enough to make one wish that every sentence imposed could include a provision that would grant release when the prisoner has learned to read and write, to do simple arithmetic, and then to develop some basic skill that is salable in the marketplace of the outside world to which he must some day return and in which he must compete."

Figures on Massachusetts outlays on education, however, show how low a priority inmate education gets. Of a total state prison budget of $23.9 million, $247,918 (1 percent) goes for inmate education. That amounts to $73.35 per inmate, notes a special report on prison education from Secretary Cronin.

The prison education figure is about one-tenth the average outlay per student for public education in Massachusetts.

Budgets for individual prisons paint even a more dismal picture in Massachusetts. At Bridgewater—housing the criminally insane, sex offenders, and mentally retarded—0.7 percent of its $8.2 million operating budget goes for education. That equals $47.58 per inmate.

At Walpole, the state's maximum-security prison—housing the worst offenders—0.8 percent of a $5.5 million budget goes for education, or less than $80 per inmate.

NATIONAL AVERAGE—4 PERCENT

Nationally, the outlays for education average 4 percent of a prison's budget, the Cronin report says, while the ideal goal has been set at 7 percent.

Though the vast majority of inmates are unskilled, Massachusetts spends no state money on occupational training for inmates aside from $20,500 for hiring an auto-mechanics teacher, a carpentry teacher, and a part-time barber instructor, the Cronin report says.

Federal funds for prison education in Massachusetts total $917,891, the report notes, or more than three times the State commitment to inmate education.

With a school district, Massachusetts prisons would be eligible for $1.3 million in additional federal and state aid to education, the Cronin report estimates—more than double present funds for convict education.

LEAA MONEY

A major source of federal funds for education is the state share of crime-fighting money from the Law Enforcement Assistance Administration (LEAA). The state LEAA office allots $260,000 for prison education. Of that total $60,000 goes to the Elma Lewis School of Fine Arts for "cultural and theater arts education." That amounts to $600 each for 100 inmates.

A spokesman for LEAA says that Miss Lewis, whose school specializes in African music, dance and theater, has tremendous rapport with inmates in presenting her basically cultural activities.

The Elma Lewis cultural-education program equals three times what Massachusetts appropriates for occupational training for unskilled inmates.

HONEYWELL DONATION

Another figure which shows how low a priority Massachusetts sets on job education spending is the $140,000 that Honeywell, Inc., has donated over the past five years to train computer programmers in Walpole State prison. The sum includes a $55,000 computer donated to the program, plus about $16,000 a year in services by Honeywell teachers.

Texas has been operating a school district in its prisons for three years, says John Rathke, one of its school principals. Out of some 16,000 inmates, 7,500 are enrolled in elementary and high-school programs.

The Windham School District in Texas helps 1,000 inmates a year complete their high-school education through classes leading to passing the GED test (General Education Development).

Inmates who have less than a fifth-grade education have to attend school, Mr. Rathke says. Prisoners go to school one day a week for six hours a day, he says.

Texas prisons have a reputation for being disciplined and for working prisoners extremely hard, says a legislative aide to Massachusetts State Rep. John F. Cusack (D) of Arlington, who is supporting the education move in Massachusetts.

"The new education program is making inmates a lot easier to handle in prison," says Mr. Rathke of the Texas system.

Does better prison education help criminals stay out of trouble when released?

"There has been no follow-up," Mr. Rathke says. "Statistical proof is lacking."

ILLINOIS READIES PLAN

Working with an $89,000 federal grant, the Illinois Department of Corrections is planning to open its prison-school district next July. A state law of June, 1972, gave the legal go-ahead.

A New Jersey bill to establish a school district for Garden State prisons awaits legislative action after the elections, says Salvatore J. Russoniello, deputy director of the division of corrections and parole. Again a key lure is the prospect of federal funds.

The New Jersey bill seeks $3 million in state appropriations for prison education, but Mr. Russoniello says he expects that provision to be struck out. "We want to expand the educational challenge," the prisons official says, "but we don't have the where withal."

PRAISE FOR SAVE THE BAY, INC.

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. ST GERMAIN. Mr. Speaker, Narragansett Bay has long been hailed as Rhode Island's most valuable natural resource.

It is the home of the America Cup races and has been the scene of numerous international sailing events. Its many and varied beaches ranging from heavy surf to quiet waters provide Rhode Island residents and many visitors with a delightful summer vacationland. The bay at Newport makes that city the yachting capital of the east coast.

There are few places which offer finer sports fishing or shellfishing opportunities. With its many islands and inlets and scenic waters the bay is a place of great natural beauty. It is indeed our State's most valued natural treasure.

Keeping it that way has been the daily work of a nonprofit organization known as Save the Bay, Inc., which was brought into existence to insure that the proper economic development and use of the Narragansett Bay and its environs would be consistent with preserving and protecting the natural resources of the bay.

Comprised of a membership of over 16,000 in the State of Rhode Island and adjacent Massachusetts, the organization has been hard at work with the people of Rhode Island creating a deeper awareness of the bay's rich and unique qualities and its ecological characteristics.

Save the Bay has been seriously involved in all aspects of bay activity, including sewage treatment, tanker traffic, oil transfer, electric generation, shoreline development, and boatmen's responsibilities.

Save the Bay, its offices, staff and membership have committed themselves in a serious and responsible way to the preservation and development of Narragansett Bay and have dealt with complex problems in a knowledgeable, forthright, and resourceful manner.

I feel that the people in this organization deserve to be recognized for their important and valuable work. I know that I speak for many Rhode Islanders when commending them for their initiative, their leadership, their deep concern and constant vigilance in preserving and protecting a natural resource whose value is priceless to all of us.

THE GOLDEN BULL OF HUNGARY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. STRATTON. Mr. Speaker, this year the people of Hungary and of Hungarian descent observe the 750th anniversary of the issuance of the Bulla Aurea, or Golden Bull, which is the cornerstone of the Hungarian constitution.

Issued 7 years after the Magna Carta of England, the Golden Bull provided a guarantee of human rights not only for the powerful barons as was the case in England, but extended that guarantee to

all landowners. As a result, a much greater part of the population of Hungary enjoyed personal liberties than did people in other medieval European countries.

What the forward-looking drafters of the Golden Bull accomplished in having the document ratified in 1222 was a limitation of the power of the king and of higher nobility. All landowners were protected from arbitrary arrest and given the right to forcefully resist the king or magnates against a violation of their rights.

To this day, the people of Hungary adhere to their belief in the basic rights espoused in the Golden Bull, in spite of the oppression of those rights by their Communist captors. The brave efforts of the Hungarian Freedom Fighters in 1956 dramatically demonstrated that spirit.

It is appropriate that on this 750th anniversary of the Golden Bull, one of the earliest formal pronouncements of individual rights, we join with our Hungarian friends in recognizing and paying tribute to the contribution the people and history of Hungary have made to the cultural development of our own great Nation and in reaffirming our commitment to the basic rights of all human beings.