

The PRESIDING OFFICER. Who yields time?

#### TRIBUTES TO SENATOR JORDAN OF NORTH CAROLINA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the RECORD be help open until November 1, 1972, for tributes by his colleagues to Senator B. EVERETT JORDAN of North Carolina and that all the tributes to the Senator be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, tomorrow, the Senate will take up the conference reports on H.R. 1 and the debt limitation. The House will have to act on both of these conference reports first, however. Consequently, the Senate may be in very late tomorrow night in order to dispose of these two conference reports before sine die adjournment.

If the Senate were not to dispose of these two conference reports tomorrow, we would have to try to do so on Wednesday. Hence, it is necessary that Senators be present and be prepared for a very

long day tomorrow, which could conceivably extend beyond midnight, depending on how the situation develops.

#### ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 6:15 p.m., the Senate adjourned until tomorrow, Tuesday, October 17, 1972, at 11 a.m.

## EXTENSIONS OF REMARKS

#### JUDGE BINKOWSKI SPEAKS ON TRAFFIC SAFETY

##### HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. NEDZI. Mr. Speaker, newspaper stories and television coverage of matters relating to traffic safety tend, regardless of their accuracy, to have a sameness which numbs and shortens the attention span of the average citizen.

A recent article in the September 1972 issue of The Peace Officer, however, is of special merit because of its scope and probing insights.

The author is District Judge Don Binkowski, of Warren, Mich., who draws upon his wide experience with traffic safety as assistant attorney general sitting on the Michigan Drivers License Appeal Board, as examiner for the Michigan Department of State, as practicing attorney, and now as a local judge.

Under leave to extend my remarks in the RECORD, the article follows:

#### JUDGE SPEAKS OUT ON TRAFFIC SAFETY (By Judge Don Binkowski)

Of all the groups involved in traffic law enforcement, the Police, by far, are doing the best job.

In most cases, the Police are making arrests and bringing the offenders to court. It is evident that Police officers are receiving more training than ever before. This must be continued.

#### HEAVY LOSSES

Over 50,000 people die in traffic accidents each year and more than four million others suffer injuries. In addition traffic mishaps cause billions of dollars in property loss each year.

It demands total community effort to reduce these grim statistics. I don't feel that we must wait until we kill over 100,000 people a year on the highways before we take concerted drastic efforts.

Action is called for not only by the Police, but by the judges, prosecuting attorneys at the various levels of government, mayors and city councils, and the various traffic safety associations.

#### TRAINING BENEFITS JUDGES

I make many of my recommendations based upon attending traffic court school at Northwestern University under the auspices of the American Bar Association and especially under the dedicated directorship of James P. Economos. However, I do not consider myself "expert".

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Every traffic court referee or judge dealing with traffic should attend a course of this type. Thus far, it is optional and very often up to the unit of government involved to allow such expenses. Judges must be trained the same as other professionals must.

#### MUST CONTROL DRINKERS

In the area of drinking-related offenses, responsible for roughly half the deaths and injuries, I feel that judges cannot continue the old policy of "fining and forgetting" the drinking driver.

With respect to the restoration of driving privileges after suspension due to bad records, it would appear that no group has evaluated the large percentage of restorations and then made suggestions or criticisms. A judge is a public official and his actions are always subject to public scrutiny.

#### MUST PROSECUTE OFFENDERS

However, the judge or the traffic court referee cannot act as prosecutor. It sometimes appears that prosecuting attorneys are more interested in property cases, such as breaking and entering and larceny, than in traffic-related offenses such as manslaughter or negligent homicide.

#### EMPHASIS ON LIVES

This old tradition must be broken. Human lives are more important than property. The prosecuting attorneys must regard any death by automobile as serious as death by any other cause. Often, there appears to be an attitude of "there, but for the grace of God, go I".

In at least one county I know of, it appears to be the policy that in the first arrest for driving while under the influence of liquor, it is automatically reduced to driving while visibly impaired. This attitude and policy is wrong—and should be severely criticized.

An extremely important aspect bearing upon the attitudes among prosecuting attorneys is that many are not protected by civil service status.

#### NEED CAREER PROSECUTORS

In too many instances the prosecuting attorney is engaging in a part-time occupation and is not dedicated to traffic law enforcement, and thus sometimes subject to certain special interest pressures.

If we are to have an effective and integral law enforcement program, then we need career prosecuting attorneys as well as career judges, free to act in the public interest.

Prosecuting attorneys should be trained in traffic matters, perhaps at universities, and in cooperation with the American Bar Association Court Program.

#### LAW SCHOOL CAN HELP

To my knowledge, law schools do not devote much, if any, attention to the matter of traffic safety and law enforcement.

It stands to reason that if traffic safety is

important enough that we have Police officers lecture to kindergarten classes, it would apply with greater logic that traffic matters deserve the serious attention of law students and future attorneys. Unfortunately, most attorneys feel that it is below their professional dignity to appear in traffic court.

#### LAWYERS MUST CHANGE

Far worse than this attitude is the prevailing attitude, especially in charges of driving while under the influence of liquor, that an attorney must "do something" to earn his fee.

When a client is charged with first degree murder, no attorney ever feels under obligation to "do something". The only thing he generally does tell his client is that he will do the best possible job.

However, in the case of drinking/driving matters, it is the prevailing attitude that the attorney must secure a reduction or he is not earning his fee.

This is not correct professionally or as a practical matter, but it does reflect the condescending attitude of the members of the Bar toward traffic matters.

#### POLICE IN COURTROOM

Police might also sharpen their court-room appearances. My suggestion is that they listen to the records that are made in open court in other cases, so that they know how to testify and learn what questions will be asked of them under cross examination.

The biggest deficiency appears to be on the part of the breathalyzer operators. They often are not sufficiently trained to testify in court and relate what "10" means to the average individual.

Further, I am at a loss to determine why some Police officials who have TV equipment for use in drinking-related offenses use it in court, while others do not.

#### PROSECUTORS IN COURT

It would also seem a good practice that a prosecuting attorney appear at every traffic case. It must be recognized, however, that in many cases this may not be economically possible. Yet it is inexcusable that a prosecuting attorney cannot appear at the more serious traffic violations such as D.U.I., reckless driving, leaving the scene of an accident or driving on a suspended license.

#### PUBLIC SUPPORT NEEDED

It seems that because the people have not been clamoring for traffic law enforcement of such a degree and at all levels, responsible public officials have not provided sufficient funds. Monies are required to staff prosecuting attorney's offices and related expenditures.

It must be noted that we cannot rely upon the public to demand this type of action. It would appear to me that forces such as the local traffic safety associations must demand that all necessary funds be expended in this direction.

To date, I have not seen this done in any city in our country.

#### TRAFFIC GROUP HELP

Local traffic safety associations can and must help to represent the people of a community. Individual citizens are at a loss to express themselves or are unable to gain publicity for their point of view.

Most traffic safety associations are dependent for their existence on funds solicited mainly from the automobile companies and local concerns.

To what extent this dependence inhibits their critical potential, I do not know. It goes without saying that if the director of the local traffic safety association were indeed independent he could speak more freely—especially to criticize any agency or official who is not measuring up to the standards of thorough traffic law enforcement.

#### MEDIA CAN HELP

The news media can also help. Throughout the state the sentences of the more serious traffic violations are printed in local newspapers. I believe this is helpful in discouraging potential offenders as well as letting the public know about the performance of particular judges.

To me this is extremely healthy and should be done more. Weekly newspapers do a tremendous job on this. Major dailies, however, consistently refuse to place traffic accidents on the front page. I am confident that with the intelligence and resourcefulness of newspapers, they could be doing more in this particular area. The same generalization applies to radio and TV.

#### UTILIZE PROFESSIONALS

Finally, it is my understanding that we have true professional traffic safety people at the University of Michigan, Michigan State University and Wayne State. I do not know the results of their research, or that such results have been made known to the various agencies involved in traffic law enforcement, but it would seem to me that greater use could be made of these excellent resources right in our very own state.

This appears to be a problem in coordination and communication. The improvement of both cannot help but improve matters.

Enforcement of traffic laws is everyone's concern.

### MEET RALPH NADER'S MOST OUTSPOKEN CRITIC

#### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. BOB WILSON. Mr. Speaker, I include the following:

[From Business Week, July 24, 1971]

#### MEET RALPH NADER'S MOST OUTSPOKEN CRITIC

Four years ago, when Ralph Nader addressed students at George Washington University, a dark, youthful-looking law professor named Henry G. Manne sat silently by, decidedly unimpressed by Nader's high-energy charges. Manne still disagrees with Nader's notions of reform—but these days he is far from quiet. Now professor of law in the University of Rochester's political science department, Manne, 43, has emerged as the business critics' critic, regularly blasting Nader and the corporate responsibility movement that has sprung up around him.

Bright, outspoken, and ambitious, Manne was one of the earliest opponents of the Nader-launched Campaign GM and recently likened one of its proxy proposals to "fascism." When various church groups started pressuring General Motors, Gulf Oil, and others to withdraw from South Africa, Manne

was quick to defend the companies. And it was Manne whom GM Chairman James Roche quoted in his much-publicized speech last March accusing the business critics of undermining the free-enterprise system.

A frequent speaker to business groups and a regular contributor to *Barron's* Manne (pronounced Manny) displays a Nader-like flair for polemics. "It is high time," he told the Public Relations Seminar last May, "that we stop treating corporate activists as simply nice young idealists, and start realizing that they are irresponsible gadflies who deserve to be publicly chastised for their willingness to inflict severe injury on other members of society just to satisfy their hostilities."

A month later, speaking to the New York State Bankers' Assn., Manne seconded Milton Friedman's thesis that the business of business is to maximize profit. "The notion of social responsibility for corporations is fundamentally at odds with the concept of shareholders' financial interest."

Like Adam Smith 200 years before him, Manne holds that society is best served when individuals pursue their financial self-interest. "Nothing in the current spate of corporate criticism," he told the bankers, "comes close to making a case for abandoning financial success as the prime standard of social performance in a free system."

Offstage, Manne is a consultant to GM and two other large corporations, advising them how to deal with the social issues raised by activists. He suggests tactics ("listen to what the critics say, then point out the economic disadvantages") and drafts position papers (many of Manne's ideas turned up in the Roche speech). Faulting Nader and company for economic ignorance, Manne urges executives to stress the value of a free-market economy and explain the dangers in changing it. "I stand in awe of what the free market can do," Manne says with the reverence of a man saluting the flag.

Manne chides Nader for not assessing the costs of his ideas, especially on low-income people. He believes that Nader is fundamentally wrong in likening the corporation to an omnipotent political state that needs to be held more accountable to its "constituents." To Manne, the corporation is an economic unit, effectively constrained by a competitive marketplace and by management's fear of a takeover if it fails to satisfy shareholders.

Though Nader argues that effective competition is lacking, Manne maintains that the economy is still as competitive as it was in 1900. Moreover, he says, any interference with the market usually ends up hurting the people it is designed to help. Thus, in Manne's view, minimum wage laws cause black unemployment, consumer legislation raises prices, urban rent controls create housing shortages, and import quotas accelerate inflation. His solution: Remove virtually all regulation and let a free-wheeling fully competitive marketplace provide for the commonweal. "It's not business that needs the dead hand of regulation lifted from it," he says. "It's the public."

#### ARCH CONSERVATIVE

Such an ingrained *laissez-faire* faith stems also from Manne's libertarian credo that government interference stifles individual freedom. He opposes auto safety rules, for instance, on the ground that Washington has no right to force costly safety features on motorists who do not want them. "I don't want the government taking care of me or using my money to take care of someone else," he says. "If people want safety, they'll create a market for it."

At Rochester, where he specializes in corporate theory, Manne's views have gained him a reputation as an arch conservative—though he himself prefers a libertarian label. Ironically, Manne's wife, now awaiting their second child, once worked for Albert Gore, the former liberal senator from Tennessee, and one of Manne's faculty friends is Eugene Genovese, a left-wing historian. "He

calls me names, I call him names," laughs Manne. Manne is also close to Chancellor W. Allen Wallis, which fuels talk that Manne will become dean of the University's much-rumored new law school.

In the Nader camp, Manne's ideas are as welcome as *Playboy* magazine at a women's lib rally. A frequent sparring partner is Donald Schwartz, an old friend who teaches law at Georgetown and is an adviser to Campaign GM. "Henry's version of capitalism tends to ignore reality," says Schwartz. "He tries to fit everything to the Procrustean bed of his Tory dogma." Adds Philip Moore, head of Campaign GM: "Manne refuses to see the free market validity of what we do."

From Nader, naturally enough, comes the sharpest rebuttal of all: "Mr. Manne uses free market talk as a coverup for a system that's precisely the opposite. If he thinks the market is so effective, why isn't he a crusader for breaking up the monopolies and oligopolies that dominate the economy?" Answering his own question, Nader adds: "He measures competition by the decibel level of the heehaws coming from Madison Avenue."

#### OPPOSITES

As their disparate views suggest, Manne and Nader are a study in opposites. Where Nader is pragmatic, with a feel for the *real-politic* of Washington, Manne likes academia, turning out articles for law reviews and *The Journal of Political Economy*. Where Nader is an ascetic, Manne collects contemporary art and antique bottles, enjoys wine and cigars, and drives a yellow Chevrolet convertible. And if Nader has an overly sinister view of big business, Manne often voices a doctrinaire faith in the workings of an unfettered market economy.

The two lawyers, nevertheless, share some ideas. Both want to increase competition and both distrust federal regulations. Both favor class action suits for product liability cases, and both recognize pollution as an "externality" unaffected by market forces. "Pollution is an exception," Manne says. "Controlling it does require federal standards."

But the differences remain profound. To make regulation work better, Nader seeks more legislation, tougher sanctions on businessmen guilty of abuse, and a band of public-interest lawyers to counteract industry lobbying. Manne, by contrast, would dismantle nearly all federal agencies. "Even utilities should compete, he says."

#### MAIN ARENA

Nowhere do the two combatants slug it out more bitterly than in the arena of corporate responsibility. To Manne, companies pursuing profits are, by definition, meeting their responsibility to society. Spending on non-profit activities, he says, is a tax on shareholders. Besides, he asks, how should a company make a decision if not by profit consideration? "A few years ago the cry was education, then urban affairs, today environment," he says. "What's next? Who's to decide? Ralph Nader?"

Manne believes that executives can undertake any activity as long as it satisfies a legitimate business need. Thus, training disadvantaged blacks is valid if it fills a labor shortage or "prevents mobs from knocking out windows." Otherwise, business has no obligation to provide special aid for blacks. "The most significant causes of the race problem," Manne asserts, "are minimum wage laws and unions that exclude blacks." Eliminate those restrictions, he says, and blacks will benefit. Nothing more should be done, either by business or government.

If Manne has offered this advice to his corporate clients, it apparently goes unheeded. GM, for one, underwrites minority hiring, job training, and other programs for the disadvantaged. Other business leaders also seem to have veered from Manne's classic position. Just this month the Committee for Economic Development, a middle-of-the-road group of executives, endorsed business efforts to alleviate social ills. Adopting the



doctrine of "enlightened self-interest," CED reasoned that since business has a stake in the welfare of society, it could justify social programs. But Manne regards corporate responsibility as a "tempest in a tea pot." Says he: "As soon as any company spends enough [on social activities] to lower its stock price, someone will take it over and run it differently."

#### YOUNG REBEL

Manne's controversial views of Corporate America were shaped early. Born in New Orleans and raised in Memphis, where his father owned a small clothing store, Manne earned a bachelor's degree in economics from Vanderbilt and a law degree from the University of Chicago.

In 1962, while teaching law at St. Louis University, he wrote a scholarly attack against *The Modern Corporation and Private Property*, the landmark book written by A. A. Berle and Gardiner Means in 1932. Faulting the authors for "erroneous assumptions about substantial monopoly," Manne claimed that the nature of property and the existence of the corporation could still be analyzed in traditional economic terms. In a barbed reply, Berle dismissed Manne as "endeavoring to describe late 20th-Century processes . . . in terms of 19th-Century economic folklore."

Then in 1966, the year he received a rare doctorate in law from Yale, Manne shocked the business world with a book praising insider trading on Wall Street as a sure way to encourage innovation and reward successful entrepreneurs. Indeed, he wrote, "Allowing insiders to trade freely may be fundamental to the survival of our corporate system." Since then, Manne has fought regulations of off-shore funds and tender offers and opposed full disclosure laws. In challenging the Securities & Exchange Commission, Manne quips: "I was an early Naderite."

#### CROSSADER

At Rochester, Manne is now applying economic theory to describe political systems and is integrating law and economics into an undergraduate course. This summer he instituted a seminar, partially funded by GM, in which eight economists are teaching economic theory to 19 law professors from nine law schools. The long-range goal: to integrate economics and legal education.

Manne is also launching what he calls a "civil liberties union for business." His aim is to create a cadre of businessmen who will crusade for free enterprise the way the American Civil Liberties Union does for civil rights. Possible activities: lawsuits to prevent regulatory abuse, and campaigns to end restrictive licensing of business. Next fall Manne will take a year's leave to teach at Stanford and write a book that will be "an answer to Berle and John Kenneth Galbraith."

In his spare time, Manne will undoubtedly scour the California countryside for antique medicine bottles. As head of the American Federation of Historic Bottle Clubs, Manne is worried about the number of new bottles being passed off as antiques. And so, with a reluctance befitting the apostle of free enterprise, Manne is seeking a government regulation that would compel bottlers to emboss their wares with the year of manufacture.

#### TRIBUTE TO HON. JACKSON E. BETTS OF OHIO

#### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to my colleague,

JACKSON E. BETTS, the gentleman from Ohio, who is retiring after 22 years of dedicated service in the Congress and to the Nation.

In a recent radio profile, JACKSON BETTS was lauded as a "constituent Congressman" because of the personal attention he gives to the residents of his beloved district and State—often personally escorting his constituents to Federal departments and agencies for individual attention. Acutely aware of his strategic position in relation to the burgeoning governmental bureaucracy, he has made every effort to chop away at the impersonal redtape which burdens our federal system. JACKSON BETTS has ever sought to make the Government more responsive to the average citizen and his problems.

JACKSON BETTS' integrity and devotion to duty are abundantly reflected in his outstanding record of service in the Congress and the positions of trust and responsibility he holds. As a ranking minority member of the vital and important Committee on Ways and Means, Congressman BETTS has concentrated on a study of our Nation's tax laws, trade, and taxation. A champion of fiscal responsibility, he has continuously endeavored to achieve solvency in the finances of our Government.

JACKSON BETTS' entire career is characterized by his faithful public service to his district, State, and Nation. Elected to the Ohio General Assembly for 10 consecutive years, he was chosen to be Speaker of the Ohio House of Representatives before his election to the 82d Congress in November 1950.

It has been my privilege to serve with Congressman BETTS, who is one of the most personable, kindly, and generous men that I know. He has served his district, State, and Nation well.

Certainly I want to wish him and his wife, Mrs. Betts, the best of luck, health, and happiness in their richly deserved retirement as they return to their home and friends.

#### WORLD'S LARGEST COLLECTION— "4,181 PEOPLE, 525 TEAPOTS"

#### HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. JONES of Tennessee. Mr. Speaker, there recently appeared in the *Mid-South* magazine, a Sunday supplement to the *Memphis Commercial-Appeal*, an article by Irwin Saltz concerning the rare collection of teapots owned by the town of Trenton, Tenn. Trenton is the county seat of my own native Gibson County, and its teapot collection is, as far as I know, unique in its quality and quantity.

I ask that this article be printed at this point in the RECORD.

4,181 PEOPLE, 525 TEAPOTS

(By Irwin Saltz)

The city of Trenton, Tenn., population 4,181, has a rare collection of an art form that far surpasses that of even the Metropolitan Museum of Art in New York.

In fact, the collection is the largest of its

kind in the world, and was at one time well on the way to becoming the property of the Manhattan Museum. But the doctor who spent years amassing it decided instead to give it to the West Tennessee town where he was born and reared. And there it reposes, one of the most unusual municipal assets of any city in the world.

On permanent exhibit in the Trenton Municipal Building is a collection of porcelain veilleuse-theieres, literally "night light-teapots," most of them from 19th Century France.

The veilleuses are so rare and the collecting of them such a specialized art that Trenton has prepared a pamphlet explaining the exhibit. From it, the visitor learns that Trenton—a Gibson County farming community where Davy Crockett once lived—is the unlikely possessor of 525 combination teapots and lamps which once were status symbols for European aristocrats.

The earliest veilleuses were made as food warmers, with a bowl instead of a teapot sitting on a hollow pedestal. Inside the pedestal was a small-boat-shaped or rounded, oil-filled vessel in which a wick was floated.

The porcelain of the veilleuses was tempered to withstand heat for long periods of time, and the objects were used to warm soup or porridge at a bedside.

Later, the teapot replaced the bowl, and the translucent veilleuse-theieres (pronounced vay-EUZ tay-YER) came into use. "They offered the advantage not only of furnishing a warmed medicament that would give comfort to a restless baby, but also afforded a vigil light in the sick room long before electricity was available," writes Dr. Frederick C. Freed, the man who gave the veilleuses to Trenton.

It wasn't until veilleuses had been around about 80 years that they were made more ornate and decorative for the families of distinction.

Dr. Freed, who lived in Trenton until going to college, spent 35 years collecting these veilleuse-theieres from 18 countries.

He had planned to give the collection to the Metropolitan Museum of Art, but in 1955, at the suggestion of his brother, the late Sylvane Freed, who was then president of the Bank of Trenton and Trust Co., he donated the teapots to his home town.

Over a period of about 10 years, Dr. Freed sent the vessels to the city in shipments of about 50 at a time. They were originally kept in the high school, by the entrance to the auditorium, but there were problems of space there.

In addition, relates Mrs. R. H. Harwood, Trenton's city recorder and the resident teapot expert, "More people came in the summer to see the teapots, and you always had to hunt for someone with a key to open the building. And it was always dirty."

In 1961, the city built a new municipal building, and a year later, after Dr. Freed had spent \$8,000 for cases for the teapots, they were moved there.

Now there is plenty of room for the collection, and although the regular hours are from 8 a.m. to 5 p.m. daily, Mrs. Harwood says it may be seen "any time of the day or night."

A typewritten note taped to the front door of the building invites visitors to see the teapots and informs them that "if the building is locked, a key may be obtained from the Fire Department (next door) by asking one of the boys on duty."

Mrs. Harwood estimates the value of the teapots at between \$500,000 and a million dollars, but adds, "Considering the prices Dr. Freed paid and the distances he went, you couldn't put a value on any of them."

Because of its size, the collection is more valuable than the total worth of the individual pieces, Mrs. Harwood says, pointing out that there are less than 10 veilleuse collections of note in the world.

Dr. Freed first became interested in veil-

leuses through a French patient, and in 1929, on one of his annual trips to Europe, he purchased his first one.

After awhile, Mrs. Harwood says, "he had antique dealers looking for them for him all over the world."

Almost every leading ceramics factory in Europe made velleuses during the period from 1750 to 1860. They were manufactured from Vista Alegre in Portugal to Moscow, and there was even a factory turning them out in Philadelphia.

But there is only one piece in the collection that Dr. Freed even bought in the United States, and that came from an antique shop in Tupelo, Miss.

"They didn't know what it was," Mrs. Harwood says, "and they had heard about Dr. Freed's collection, so they sent him a picture and he bought it."

The most valuable pieces in the Freed collection are the "personnages," velleuses made in the forms of human figures. Personnages are usually divided midway into two parts, with the upper half being the teapot, generally designed so that an upraised arm of the figure is the spout and the other arm is the handle, although sometimes the spout is in the headress.

There are only 101 known models of these ingeniously disguised teapots, and Dr. Freed was able to find 66 of them. There are also two pieces in the collection that Mrs. Harwood says are from the family of Napoleon.

Dr. Freed, who is 83, has been in ill health since 1967, when he gave up his practice, and hasn't been able to make his twice yearly pilgrimage to Trenton in three years.

But he can take heart in the fact that from 2,000 to 3,000 persons from outside Trenton see the collection each year.

In the past two years alone, there have been visitors from England, Scotland, Italy, Colombia, Canada and the Philippines. They traveled as far to see the teapots as Dr. Freed did to collect them.

## TRADE WITH THE SOVIET UNION

### HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. MAILLIARD. Mr. Speaker, the Secretary of Commerce recently delivered a speech in San Francisco on trade with the Soviet Union. I hope this speech will be of interest to my colleagues.

ADDRESS BY PETER G. PETERSON, SECRETARY OF COMMERCE, BEFORE THE CALIFORNIA CHAMBER OF COMMERCE, SAN FRANCISCO, CALIF., TUESDAY, OCTOBER 3, 1972

UNITED STATES-SOVIET TRADE—"WHAT'S IN IT FOR ME"

As I am sure you are all aware, for the past 6 months, the Administration has been involved in almost constant negotiations with the Soviet Union; negotiations which we expect will result soon in agreements which will permit our two countries to resume the normal trading relationship suspended almost 30 years ago.

As Secretary of Commerce, and as head of the U.S. delegation to the U.S.-USSR Commercial Commission, I have in recent months been devoting a substantial portion of my energies to these negotiations.

We are making extremely encouraging progress. Currently teams of U.S. and Soviet officials at the deputy minister level are meeting in Washington to iron out the President's remaining differences on a maritime agreement, the lend lease issue and the matters of credit and trade terms.

Barring something unforeseen, I would expect agreement ahead of our original year-

end target. This is not to say, however, that we are preoccupied with the calendar. The President's primary objective remains, as it has been from the start, to secure a comprehensive agreement which anticipates and resolves in advance every conceivable problem which might arise from re-opening commercial relations with the Soviet Union. If that takes an extra month, or an extra year, it will have been time well spent.

It would be the quintessence of irresponsibility to succumb to the political temptation glossed over differences which could surface later on as international political problems. To restore normal commercial relationships between the two greatest economic powers in the world, we need a sturdy and well-engineered bridge. What we don't need is a gangplank.

On a number of occasions, and in various different forums, I have sought to explain what we hope to gain from trade with the Soviets and why it is we think this is an auspicious time to be removing the barriers which have divided us since the end of World War II.

The audience listens politely, but after about 5 or 10 minutes a predictable reaction sets in. Eyes start to glaze and a perceptible ho-hum attitude takes hold.

The problem is, that to the average American, and even to the average American businessman, the prospect of deriving great benefit from opening a market as remote and unfamiliar as the Soviet Union is not compelling. There is intellectual acceptance of the idea, but most often it is accompanied with a sort of "what's in it for me" apathy.

What I would like to talk about today is precisely that: not only what's in it for you, but what's in it for every American.

Let me address myself first to two fears which have been raised on occasion. The first is the apparent fear of some American workers that what's in it for them may turn out to be job losses brought on by a flood of cheap Soviet imports.

Nothing could be less likely. When I was in the Soviet Union in July, I did what any curious businessman would do; I took a walk around several Soviet shops and department stores to see what sort of merchandise was available. Anyone who has seen what I saw could hardly believe that the Soviet Union poses much of a threat to U.S. producers, at least in the consumer goods sector. The goods on sale in Moscow were characterized by non-competitive features and extremely high prices. Because of my background in the photographic supply business I took special note of the cameras I saw for sale. Not only were they large and bulky but they sported features characteristic of cameras available 10 or more years ago in this country. I can tell you with confidence, that they could not be sold in this country for a fraction of the Moscow asking price.

Far from a flood of imports, I think it more than likely that our problem will be a dearth of Soviet imports. I am not being facetious when I call this a problem, for it is important that they be able to export to the United States to get the foreign exchange which they will need to buy from us.

In trade with the Soviet Union, there will be benefits to the American workingman beyond those which flow to the consumer from the unimpeded operation of the laws of comparative advantage. The products which the United States is most likely to sell to the Soviets—machine tools, machinery and equipment, and grain—have a considerably higher labor content than the raw materials which will constitute the bulk of our imports from them. Thus, in a very real sense, even if our trade with the Soviet Union is in balance, the United States will be importing jobs. Of course, in the early years, when we expect to run a substantial surplus with the Soviets, the favorable job effects for the

American workingman will be even greater. Thus, we are not only likely to have a balance-of-trade surplus, but also a balance-of-jobs surplus.

One legitimate fear of U.S. workers is that trade with the Soviet Union could, if solutions were not worked out in advance, cause disruption in domestic markets for certain products.

Commercial relations with a state trading monopoly raise some difficult questions about Administration of our dumping laws for instance. In the Soviet Union, the selling price of a good does not necessarily bear the same relationship to its cost of production as it does in this country. The ability of the state arbitrarily to determine prices renders the "fair value" test meaningless. The same factors complicate administration of our countervailing duty laws, which normally provide domestic industry with a defense against subsidized foreign exports.

It is problems such as this that illustrate what I mean when I talk about the President's insistence on a comprehensive agreement.

The second fear which I hear voiced on occasion, is that in reopening trade relations with the Soviet Union this country is undermining its national security. That fear is also a false one. Strategic industries, and industries engineered by imports will continue to receive the same protections they currently have. Further, we have made it clear to the Soviet Union that we are not prepared to discuss removal of our export curbs on goods which are deemed to have military significance. In short, this nation's security has not been, and will not be, put on the bargaining table.

In fact, in my opinion, one of the greatest gains which will accrue to the average American from reopening trade with the Soviet Union will be the enhancement of his security. Countries which enjoy a mutually profitable commercial relationship have a vested interest in avoiding actions which could jeopardize those benefits. For trading partners, the cost of hostility is measured not only in terms of military expenditures, but also in terms of commercial benefits foregone.

Moreover, these vested interests are personal as well as national. The bureaucrats who preside over the various areas of profitable linkage have a stake in preventing their rupture. This is true in our system. But it is even more true in the Soviet Union where the power and hence the direct responsibility of officialdom is greater. If you are the minister of maritime affairs, or agriculture, or technology or gas, or whatever, and you are answerable for success or failure in meeting an announced goal, you think twice before doing something that would threaten a relationship that is helping you meet that goal.

The worlds of international politics and international commerce are, therefore, intimately linked. Relaxation of political and commercial tension stands in both cause and effect relationships to one another. As political relationships improve, commercial relationships increase. As commercial relationships increase, the incentive to avert political differences is strengthened.

Improved trade relations with the Soviet Union will therefore benefit the average American in 3 ways. It will make him the beneficiary of a balance-of-jobs surplus. It will enhance his security. And, by doing so, it will permit his government to reduce the percentage of the public funds which go to the defense sector and reallocate them to other activities which will improve the quality of his life.

While Soviet consumer goods pose little threat to the American worker, the worker can look forward to benefitting substantially from imports of Soviet raw materials.

As you know, this country faces a severe energy shortage over the next decade. By re-



cent measures, the U.S. demand for energy is growing so rapidly that the resources required to meet demand double every 15 years. Looking at all our current sources of energy combined, our energy consumption in 1970 was about 68 quadrillion BTU's. In 1985, the demand will likely rocket to nearly 125 quadrillion BTU's.

While our industrial capacity is substantially in excess of that of the Soviet Union, their raw material and most notably their energy resources are far greater than ours. It is unfortunate but, I'm afraid, inevitable that the demand for energy and raw materials in this country will rise much faster over the next decade than our current sources of supply. This imbalance can be at least partially offset if we can gain access to these vast Soviet reserves.

The Soviet Union will, if the projects under consideration now are brought to fruition, surpass the Middle East and Venezuela as a source of gas imports. Even if Algeria is included with the Middle East and Venezuela as a gas source, the Soviet Union would be number one . . . but still over the foreseeable future probably no more than 5% to 7% of our needs, geographically disbursed across America, will come from the Soviet Union—in order to minimize chances of over-dependence on the USSR or any other single source outside the U.S.

The costs of energy consumption are perhaps more evenly distributed among the citizens of this country than the cost of any other good or service. They fall on rich and poor alike. Moreover, the average citizen is far less able to curb his consumption of energy than his consumption of other goods. It is therefore manifestly in the interest of everyone that the rise in energy prices be held to a minimum . . . and, of course, the supply be adequate to our needs.

Access to Soviet sources of energy is an advisable goal for two other reasons. It will decrease U.S. dependence on the increasingly unpredictable OPEC country sources. Furthermore, buying from the Soviet Union through joint venture agreements instead of from OPEC sources will have a relatively favorable balance-of-payments impact since the agreements could stipulate that the Soviet credits be spent in the United States.

In addition to these benefits to the general populace, we can identify several specific segments of the American population which stand to profit particularly from trade with the Soviet Union.

One, which is already obvious, is the farm sector. As is clear from the recent Soviet grain sales, when the Soviets buy, they buy big. Because of Soviet grain purchases, midwestern farmers are now earning record profits from their crops.

Buoyed by these new foreign sales, net farm income in the United States is expected to reach a record \$18.4 billion this year, 14 percent higher than last year and more than a billion dollars greater than the previous record set in 1947.

I don't have to tell you that the farmers are not the only beneficiaries of this increased income. That money is being spent in the shops and equipment stores in our rural communities and is breathing new life into many previous moribund towns.

The effects can be traced to related sectors of the economy as well. Tractor sales are up 31 percent from a year ago, and sales of combines and hay balers have risen 15 percent. Move back another link in the chain of transactions and you can see the impact of increased farm profits in other sectors of the economy. Farmers, who comprise a relatively small percentage of our population, represent a disproportionately large percent of the domestic market for steel, rubber and petroleum; and those industries are also feeling the farmers new prosperity.

Although it would be fair to say that the current level of Soviet demand for wheat is unusually high because of their poor

crop, I would expect to see continued sales of feed grains to the Soviet Union in the future as it tries to meet the commitment it has made to increase the meat consumption of its citizens.

One reason I would expect continued exports is the dramatic contrast between the productivity of the Soviet and American agricultural labor forces. In 1971, the average Soviet farmer produced only 1/9 the amount produced by his American counterpart. This was true despite the fact that the Soviet Union has made substantial capital investments in their agricultural sector in recent years.

Another specific sector which we expect to benefit especially from trade with the Soviets is producers of machinery and equipment. When the Soviets buy machinery and equipment, they also buy services such as technical expertise, installation and maintenance. These constitute 100 percent labor intensive exports for the United States.

Machinery and equipment exports to the Soviet Union are expected to increase substantially. U.S. firms have applied for export licenses for equipment valued at well over \$1 billion in anticipation of bidding successfully on contracts associated with the huge Kama River Truck Plant construction project. Knowledgeable businessmen estimate the U.S. companies could capture between \$250 and \$500 million dollars worth of the equipment contracts for this project depending on the availability of export financing.

Currently, electrical and non-electrical machinery accounts for a miniscule \$60 million—or 37 percent of our total exports to the Soviet Union in 1971. Total U.S. machinery exports to all countries in 1971 were \$11.6 billion. Several large scale joint projects are currently under discussion or negotiation. These include industrial installations for the production of polystyrene, automobile transmissions, fertilizer, metal mining, and, somewhat in the future, natural gas extraction and transmission.

In summary, we have excellent prospects for our machinery exports to the Soviet Union in the near term. If we successfully negotiate a trade agreement and find ourselves in a position to extend export credit we can export significantly more machinery and equipment.

One of the questions that I frequently am asked, is why, if both sides are so willing and the benefits to both so apparent, have we not long ago reached agreement. The answer is that willingness and recognition of the benefits do not by themselves make a deal.

It would be a relatively simple matter for the President and Mr. Brezhnev to reach general agreement on the principle that normal trade relationships be restored between the United States and the Soviet Union. I suspect we could have such an agreement tomorrow. It might even be politically expedient to do so. But it would only be expedient politically for, as I have said, to do so we would have to ignore a multitude of specifics which must be worked out if the agreement is to have any real and lasting meaning.

Unless these details are worked out as part of the agreement, the initial euphoria which would accompany normalized relations would soon give way to uncertainty, frustration, and possibly worse.

I have already said that in a world in which economics and politics are intimately linked, improved commercial relations can lead to improved political relations. Unfortunately the opposite is also true. Commercial problems, unless foreseen and averted, can lead to political problems.

Accordingly, the President has taken the view that the only appropriate trade agreement with the Soviet Union is a *comprehensive* one which defines the rights of the parties, spells out the governing legal parameters, and generally anticipates the sorts of

problems which, if not addressed now, could lead to exacerbating differences a year or two down the road.

Let me give you a few examples of the kind of things which we feel must be resolved in advance.

One is the issue of credit terms. It would be a cruel hoax to tell the American exporter that he is free to make sales to the Soviet Union only to have him find that his notion of appropriate credit terms and the Soviet notion of appropriate credit terms were so widely disparate as to make actual transactions impossible. The Soviet Union has a favorite number when it comes to interest rates and terms. They like 2 percent and 10 years. I like those numbers myself. The only ones I would like better is 1 percent and 20 years.

Considering the philosophical basis of their economic system, it is easy to understand why they don't like to pay much for capital. Moreover, it is true that 2 percent is the rate of interest which Soviet citizens pay on many of their consumer goods. Nevertheless, it is not a rate of interest which would attract any private export financing in this country. Nor is it a rate at which this government can offer credit without discriminating against our allies—and in fact against the U.S. taxpayer.

Export financing will be extremely important if our agreement with the Soviet Union is to be any more than a piece of paper. The ruble is a soft currency, and Soviet reserves of convertible foreign exchange are extremely limited. In addition, our projections indicate that over the near term the United States will enjoy a substantial balance of trade surplus with the Soviet Union. Clearly, if this is the case, the United States, for the foreseeable future, will have to assume responsibility for financing a major portion of its exports.

The credit question is of particular importance as it relates to prospective U.S. imports of Soviet raw materials. Some of the energy deals which we have been discussing would require enormous amounts of credit. I can think of 2 projects alone which together could require capital inputs worth well in excess of \$5 billion. To put this in perspective for you, \$5 billion is almost 1/3 of the Ex-Im Bank's total current exposure. It is more than one-half of the Ex-Im Bank's current direct loan portfolio. And it is almost 4 times the Ex-Im Bank's largest exposure to any single country.

The credit question is complicated by yet another factor. The Soviet Union remains the only major country which has not repaid its lend-lease debt to the United States.

The President has taken the position that the U.S. will not grant new credits to the Soviet Union until those old credits have been repaid. The lend-lease question is a highly emotional one for the Soviet Union. They lost more than 20 million people in World War II and they take the position that in doing so they paid in blood what we paid in war materiel. We understand and are sympathetic to their point of view. But there is an important foreign policy principle at stake here. We cannot close the books on their lend-lease debt without discriminating against other lend-lease recipients, many of whom also suffered enormous casualties and all of whom have repaid the credits.

Here, in San Francisco, I need not tell you that there can be little trade without open shipping lanes. We are now in intensive maritime negotiations to try to resolve the remaining few problems. If we succeed, the great port of San Francisco should of course be a major beneficiary.

Another issue which must be settled now if the trade agreement is to have meaning, is the question of business facilities. We frequently get complaints from American businessmen trying to do business in the Soviet Union. They are frustrated, not only

by an over-all system which is foreign to them, but by the scant and uncertain physical facilities at their disposal. Inadequate office space, poor telephone service, inability to make contact with customers, and obscure locations are some of the most frequent complaints. Even if all legal barriers are swept aside, it will not mean a great deal to the American businessman if these practical marketing obstacles remain.

One proposal which we have made is to request establishment of some kind of new facilities which will ease the access of American businessmen to Soviet trade offices, telephone facilities, secretarial facilities, display space, and hotel facilities. We are seeking specific ground rules, which will also assure the American businessman of the equivalent of most favored nation treatment for business facilities.

Finally there are a host of legal problems which must be taken care of as part of a comprehensive agreement. The Soviet Union is party to none of the world trade organizations to which we belong. Consequently many of the conventional legal constraints on trade activity are simply not in place. Consider for instance the question of arbitration. We traditionally rely on the international third-party arbitration. The Soviets on the other hand have their own arbitration courts. Some mutually acceptable arrangement will have to be worked out there, or we could easily find ourselves, a year hence, with an unpleasant and potentially politically dangerous dispute on our hands. Similarly, there are differences which must be resolved in the areas of patenting, taxation, licensing and copyrights.

These are by no means all the problems which will have to be resolved before an agreement with the Soviet Union can be signed, but I think they give you some idea of what I mean when I talk about a comprehensive arrangement.

They are necessary steps if we are to safeguard our gains. And it is in the interest of all our citizens that they are safeguarded. For when you take a three-hundred-and-sixty-degree look at the implications of a trade agreement with the Soviet Union, it becomes clear that we are talking about something of more than parochial interest. It is more than a simple business matter. It is a proposition which touches the jobs, the welfare and the security of every American.

#### THE CORNELL UNIVERSITY HOTEL SCHOOL CELEBRATES ITS 50TH ANNIVERSARY

**HON. JOHN C. KLUCZYNSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 14, 1972*

Mr. KLUCZYNSKI. Mr. Speaker, I would like to direct the attention of my colleagues to the beginning of the year-long celebration of the 50th anniversary of the Cornell University School of Hotel Administration. The contribution this institution has made over the years, through its research in the field of nutritious foods and its expertise in the development of modern equipment and techniques used throughout the food industry, is most commendable.

Our country is richer for this school, and the food and lodging industries are beneficiaries of the alumni of this great institution who today are the leaders in the hospitality industry.

For those who are not familiar with

the tremendous influence the hospitality industry has on our economy, a cursory review of statistics developed by "Discover America Travel Organization" discloses that \$55 billion annually is expended on travel alone within the United States. This comprises about one-half of the total dollar outlay for all leisure time activities, with the average tax receipts per State from out-of-State travelers being \$88.4 million, or \$1 million in taxes collected every hour Americans travel by automobile.

There are 15 million travelers from abroad expected to visit the United States during 1972, and it is estimated they will spend \$3.2 billion.

By the end of 1976, which is the American Revolution Bicentennial year, it is anticipated that Americans traveling in the United States will be spending \$83 billion.

There are a lot of meals wrapped up in those figures.

On the occasion of this golden anniversary, I thought it most fitting to present to the Honorable Robert A. Beck, dean of Cornell University School of Hotel Administration, an American flag which was especially flown over the Capitol of the United States, and now flies over Statler Hall at Cornell University to serve as a symbol to students from all over the world that America generously gives to those who may seek it—education, knowledge, training, research, and expertise in the world's largest industry—hospitality.

It was in the year 1922 that the American Hotel Association, under the presidency of Frank A. Dudley, president of the United Hotel Co., was embarking on an extensive education program in an effort to induce interested young men to embrace a future in the hotel industry.

A committee of distinguished hotelmen such as E. M. Statler, president of the Hotel Statler, Inc.; Lucius M. Boomer, president of the Waldorf Astoria; Eugene C. Eppley, president of the Eppley Hotels Co.; Fred A. Muschenheim, president of the Astor; and Martin M. Sweeney of the Commodore Hotel, negotiated with authorities at Cornell University, President Livingston Farrant, Dean A. R. Mann of the College of Agriculture, and Codirectors of Home Economics, the Misses Martha Van Rensselaer and Flora Rose.

The results of these efforts was a contract under which Cornell University agreed to establish a 4-year course—organized within the School of Home Economics, at that time a part of the College of Agriculture—in Hotel Administration leading to the degree of Bachelor of Science. The American Hotel Association agreed to provide support in the amount of \$20,000 a year. The contract was to run for 5 years terminable after that time on notice by either party. Instruction was initiated in the fall of 1922. A group of 21 students assembled under the direction of a single instructor, and the program was started.

Progress on the academic side was slow but steady. Some of the original students entered with advanced standing status and the first class of 10 graduated in 1925. By 1927, the end of the

contract period, the course was reasonably well established.

Over the years the school has grown to an enrollment of about 600, with a present faculty of 40, and about as many more part-time. About 4,000 have graduated, and the list of positions they hold in hotel, restaurant and related fields is truly impressive.

Organized originally within the framework of the New York State Colleges of Agriculture and Home Economics, the program was established as an independent school in 1954, with its own faculty and dean.

From the beginning the educational standards of the school have been high. As its reputation has increased, the applications have increased in number and have tended to come not only from all over the United States and North America, but from all over the world.

In addition to the academic work, each student is required to spend his free summer vacation period in supervised employment in the field. The supervision is through reports presented by the student, through reports by traveling faculty coordinators who visit the student at his work and interview both the student and his employer, and through reports filed by the employer. Students engaged in their practice work have uniformly rendered a very high standard of service and are therefore currently eagerly sought after by employers.

The alumni of the school have abundantly justified its existence. The current announcement of the school lists over 1,000 graduates who hold positions of important executive responsibility in the field. Each of the outstanding chain hotel organizations today has at least one or more graduates of the school in a position of top level responsibility. Graduates are found in important restaurant organizations, as presidents of large industrial feeders and as heads of outstanding hospitals.

In summary, the Schools of Hotel Administration was established in 1922 at the request of the American Hotel Association. It operates as a self-supporting unit within the university framework and pays its own way out of tuition income.

The distinctive feature of the program are, the very higher order of selectivity in admissions, the close relationship to the field itself of the instruction, the elaborately organized practice arrangement, and the wholesome combination of professional and cultural material in the curriculum.

To think that this great industry could be nourished to such heights by the foresight of a new distinguished hotelmen and two enthusiastic home economists, is inconceivable.

As a restaurateur operating a family style restaurant and catering service on the west side of Chicago for many years, I have witnessed the growth and development of the food service industry to where it has become the largest in the world. My colleagues, who are members of this august body, many of whom are Cornellians, are privileged to join with



me in saluting Cornell University Hotel School on its golden anniversary for its accomplishments in the academic world, and the tremendous contribution it has made in the food service industry, and to the Nation's economy over the years. Out daily lives have been greatly enriched through the untiring efforts of this magnificent institution of learning. Happy anniversary to you, the faculty, students, and alumni of the Cornell University School of Hotel Administration on this, your 50th anniversary.

TRIBUTE TO THE HONORABLE  
EMANUEL CELLER

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. HALPERN. Mr. Speaker, Solomon of old, in his prayer to the God of his fathers, asked for the gift of "a wise and an understanding heart" to discern between good and evil in rendering justice to his people. It is no exaggeration to say that this is the spirit which has motivated and inspired a half-century of distinguished public service by the retiring dean of the New York delegation, the Honorable EMANUEL CELLER. Seldom do we have occasion to pay such tribute to one whose influence on the public policy of this Nation—and therefore of the world—has been so significant.

It has been my privilege to serve with EMANUEL CELLER as colleague and as friend, and to share in the feeling of respect and affection which the Members of this House have for him. His timeless devotion to the best interest of all the people, his unending dedication to service in his House—these remain as hallmarks of a long and extraordinary career.

It is a cliché to observe that an era will end with his retirement from this body, and yet it is no less true. He came to the Congress in 1922, only a few years after the close of the First World War. He served during the momentous, world-shattering and world-transforming decades of the depression, the New Deal, and the Second World War, he has lived to see America the strongest power on earth. Through all this period he was among the architects of governmental policy, helping to shape the destiny of this Nation.

Never one to shun controversy, he was always in the midst of the battle, fighting for the ideals and principles in which he has never ceased to believe—a society in which liberty and justice are truly secured to all. He has laid claims to authorship of no less than 400 laws, including some of the most significant legislation in modern American history—six major civil rights bills, abolition of the national origins formulas in the immigration laws, the Celler-Kefauver antimonopoly act, and the four amendments now part of the Constitution—

presidential disability, presidential vote for the District of Columbia, antipoll tax, and the 18-year-old vote.

Some measure of the historic span bridged by his career may be gained by noting that he has served under no less than nine Presidents of the United States—Presidents Harding, Coolidge, Hoover, Franklin D. Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon. He has served longer in the House than anyone else except representative Carl Vinson, who beat him by a bare 2 months. He has served longer as chairman of the House Judiciary Committee than anyone else. In presiding over the approval of four constitutional amendments, he has set a record surpassed only in the first Congress in 1789 to 1971, which approved the first 10 amendments constituting the Bill of Rights.

Through it all, he has preserved a sharp wit and a salty humor, together with a well-earned reputation for vigorous and impassioned advocacy of his convictions. He has always delighted the rough-and-debate, demonstrating rhetorical verve and parliamentary skill alike.

Back in 1953 he wrote his autobiography, "You Never Leave Brooklyn," whose citizens he has served faithfully and well for 50 years. Since then, nearly 20 years more have elapsed, providing a superb and crowded "postscript" to his earlier work. I am confident that much remains for him to say and do, and that, if his public service in Congress is coming to a close, his life of service to the Nation will continue in other areas. He possesses an innate vitality and energy which may be expected to belie his retirement.

I join with all who know and honor him in wishing him every happiness, the satisfaction of great responsibilities nobly borne and fulfilled, and new ventures in service to the common good. Loyal American, dedicated servant of the people, able leader in the counsels of the Nation, he will be deeply missed and long remembered. As he leaves this place, may he recall, as we do, the words spoken of old to Job:

Thine age shall be clearer than the noon-day; thou shalt shine forth, thou shalt be as the morning. And thou shalt be secure.

Mr. Speaker, my life has been greatly enriched in having had the privilege of serving in the Congress with my beloved friend, "MANNY" CELLER. I have learned much from him—knowledge, wisdom, and inspiration—and as I, too, leave this body and take on new challenges, I take with me these precious and cherished contributions made to my life by this truly great colleague.

THE FUTILITY OF AIRCRAFT  
HIJACKING

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. ICHORD. Mr. Speaker, an extremely interesting and timely article

entitled "The Futility of Aircraft Hijacking" appeared in the October 1972 issue of the FBI Law Enforcement Bulletin along with a message from the Acting FBI Director L. Patrick Gray on this subject matter.

The crime of aircraft hijacking has been one of the most serious domestic problems confronting our Nation. Millions of Americans have shaken their heads in wonder at the number of aircraft hijackings that have taken place in recent years, seeking some answer to this seemingly omnipresent plague. It was most encouraging and gratifying to note in the FBI Law Enforcement Bulletin the progress that has been made in combating this vicious crime.

Mr. Gray, in his message, pointed out that well over 90 percent of all aircraft hijackers during the period January 1, 1968, to August 25, 1972, have been identified. It is indeed significant to note Mr. Gray's comment:

Considering that a few more than 200 persons have been involved in the crime, the statistics prove that hijacking ranks with the most futile of criminal enterprises.

The Acting FBI Director and the dedicated agents of the FBI are to be commended and congratulated for the manner in which they are handling the aircraft hijacking problem.

Because I believe that my colleagues and all Americans would benefit from the opportunity of reading the FBI article pertaining to aircraft hijacking along with Mr. Gray's analysis of this situation, I am inserting them in the RECORD at this point.

MESSAGE FROM THE ACTING DIRECTOR

(By L. Patrick Gray III)

There are few uglier crimes than taking a hostage for criminal gain. When such criminal acts manifest themselves in passenger aircraft hijackings, as they have substantially in recent years, there is an urgent need for a united and redoubled effort to rid the Nation's airways of the predators who would commit these crimes.

Intimidating as many as several hundred innocent men, women, and children at a time is a grave, terroristic act which no society concerned with its ultimate welfare can long tolerate. With an estimated 14,000 scheduled airline flights a day and an average of one-half million daily passengers in the United States alone, the threat of hijacking imperils a huge segment of the traveling public and seriously obstructs one of the Nation's most vital arteries of commerce.

Today's aircraft requires the highest order of skills for its successful operation. To threaten the safety of it and its infinitely more valuable cargo of human life is a crime of monstrous proportions. The desperate individuals who commit these crimes must be dealt with sternly. Punishment should leave no doubt in any potential hijacker's mind that he will be confronted by an outraged society which will demand swift justice.

As with any crime, there is no sure method of preventing aircraft hijacking. Obviously, the most effective countermeasures possible lie in preventing the hijacker from gaining access to the aircraft. Through the cooperation of the airline industry and the Federal Aviation Administration, screening of boarding passengers is increasingly being practiced on major airline routes throughout the country. Intensification of this detection program together with the expanded use of sophisti-

cated equipment to detect weapons carried by passengers on their persons and in their luggage offers much promise as a future deterrent to hijackings.

While hijackings are troublesome to authorities, they have proved to be much more distressing to a great majority of their perpetrators. Well over 90 percent of all hijackers during the period January 1, 1968, to August 25, 1972, have been identified. In all but one hijacking in which money was obtained either the hijacker had been apprehended or his ransom denied him. Five hijackers have been killed in the commission of their crime, six more have been wounded, and three others chose suicide. Considering that a few more than 200 persons have been involved in the crime, the statistics prove that hijacking ranks with the most futile of criminal enterprises.

The tragedy inherent in aircraft hijackings requires that this crime be given the most determined and vigorous law enforcement response. The combined efforts of the FBI, other Federal agencies, the airline industry, local law enforcement, the courts,

and the public will resolutely demonstrate the increasing folly of aircraft hijackings.

#### THE FUTILITY OF AIRCRAFT HIJACKING

Between January 1, 1968, and August 25, 1972, there have been 144 incidents of hijacking or attempted hijacking of American aircraft. The perpetrators have been identified in all but 10 of these cases. Of the 203 individuals who have participated, all but 13 have been identified and prosecutive action taken against them. This includes those being sought as fugitives. Five hijackers have been killed by FBI Agents and six wounded. Passengers have killed one and wounded another. Crewmen have wounded one and three have committed suicide.

In the same period, 29 individuals charged with Air Piracy violations have been convicted in Federal District Court and received sentences averaging in excess of 14 years. One of these individuals received a life sentence.

Since the beginning of this calendar year to August 25, 1972, there have been 32 aircraft-hijacking incidents participated in by

46 individuals. All of these persons have been identified and are either dead, have been prosecuted, are awaiting prosecution, or are being sought as fugitives. In these 32 incidents, four of the hijackers parachuted from the aircraft. All have been identified, and they either have been prosecuted or are awaiting prosecution.

A recent trend in aircraft hijackings has been the appearance of extortionate demands for ransom payments to insure the safety of the victim aircraft, its crew, and passengers. Twenty-five of all hijackings or attempted hijackings of American aircraft involved extortionate demands totaling nearly \$112 million. These crimes were perpetrated by 35 individuals. All of these individuals are in custody, having been prosecuted or awaiting prosecution, except for seven who are in Algeria and one not as yet identified. Four of the 35 were wounded by FBI Agents before being apprehended and three were killed. Of the money demanded and received, all has been recovered except for approximately \$503,000. The abortive record of nearly all these hijackings for money is evident from the following chart:

Date	Name	Airline	Demand	Results
June 4, 1970	Auther Gates Barkley	Trans World	\$100,000,000	Wounded by FBI agent; taken into custody and committed to a State mental institution.
May 28, 1971	James Edwin Bennett, Jr.	Eastern	500,000	Overpowered by airline officials; tried and found not guilty by reason of insanity.
June 12, 1971	Gregory Lamar White	Trans World	75,000	Wounded by FBI agent; taken into custody; awaiting trial.
July 2, 1971	Robert Lee Jackson, Ligia Lucrecia Sanchez Archila	Braniff	100,000	Taken into custody in Buenos Aires, Argentina, and incarcerated.
Nov. 24, 1971	Unknown subject, Dan Cooper	Northwest Orient	200,000	Identity and whereabouts unknown; money not recovered.
Dec. 24, 1971	Everett Leary Holt	Northwest Orient	300,000	Surrendered to FBI agents; charged with aircraft piracy; awaiting trial.
Dec. 26, 1971	Donald Lewis Coleman	American	250,000	Overpowered by crew; charged with aircraft piracy; awaiting sentencing.
Jan. 12, 1972	Billy Eugene Hurst, Jr.	Braniff	1,000,000	Taken into custody by FBI agents; charged with aircraft piracy; awaiting trial.
Jan. 20, 1972	Richard Charles LaPoint	Air West	50,000	Bailed out; taken into custody by FBI agents; sentenced to 4 years' imprisonment; money recovered.
Jan. 26, 1972	Merlyn LaVerne St. George	Mohawk	200,000	Shot and killed by FBI agents.
Jan. 29, 1972	Garrett Brock Trappnell	Trans World	308,600	Shot and wounded by FBI agents; charged with aircraft piracy; awaiting trial.
Apr. 7, 1972	Richard Floyd McCoy, Jr.	United	500,000	Bailed out; identified; charged with aircraft piracy; sentenced to 45 years' imprisonment.
Apr. 9, 1972	Stanley Harlon Speck	Pacific Southwest	500,000	Arrested by FBI agents; charged with aircraft piracy; awaiting trial.
Apr. 11, 1972	Major Burton Davenport	Continental	500,000	Taken into custody by FBI agents; charged with Hobbs Act violation; Federal process dismissed by reason of mental condition.
Apr. 17, 1972	William Herbert Greene	Delta	500,000	Taken into custody by FBI agents; charged with aircraft piracy.
May 5, 1972	Frederick William Hahneman	Eastern	303,000	Bailed out over Honduras; taken into custody; charged with aircraft piracy; money not recovered.
June 2, 1972	Willie Roger Holder, Catherine Kerkow	Western	500,000	Arrived Algeria; money returned; both charged with aircraft piracy.
June 2, 1972	Robb Dolin Heady	United	200,000	Bailed out; taken into custody by local authorities; charged with aircraft piracy; pleaded guilty; sentenced to 30 years' imprisonment.
June 23, 1972	Martin Joseph McNally, Walter John Petlikowsky	American	502,500	McNally bailed out; arrested by FBI agents; charged with aircraft piracy; Petlikowsky charged with aiding and abetting.
July 5, 1972	Dimitri Krestiv Alexiev, Michael Dimitrov Azmanoff, Lubomir Peichev	Pacific Southwest	800,000	Alexiev and Azmanoff killed by FBI agents; Peichev charged with aircraft piracy.
July 6, 1972	Francis M. Goodell	Pacific Southwest	455,000	Taken into custody by FBI agents; charged with aircraft piracy.
July 12, 1972	Michael Stanley Green, Lulseged Testa	National	600,000	Taken into custody by FBI agents; charged with aircraft piracy.
July 12, 1972	Melvin Martin Fisher	American	550,000	Taken into custody by FBI agents; charged with aircraft piracy.
July 31, 1972	George Edward Wright, George Brown, Melvin McNair, III; Jean Carol McNair, nee Allen; Joyce Tillerson	Delta	1,000,000	Subjects in Algeria; money recovered.
Aug. 18, 1972	Frank Marcoe Sibley, Jr.	United	2,000,000	Wounded by FBI agents; charged with aircraft piracy and awaiting trial; money recovered.

#### TRIBUTE TO THE HONORABLE EMANUEL CELLER

#### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. ANDERSON of California. Mr. Speaker, the House of Representatives, which has known Congressman CELLER for 50 years, will not be the same without this giant of a man.

His record of public service traces a path very few can ever hope to achieve. His hand has helped form some of the great legislative achievements in the history of our Nation, and we all are in his debt.

As chairman of the Judiciary Committee for the past 22 years, "MANNY" CELLER has authored three constitutional amendments which eliminated the poll tax, allowed District of Columbia residents the right to vote in Federal elections, and established the machinery to run the Government in case of Presidential disability.

In addition, when one thinks of Congressman CELLER, they automatically recall the Voting Rights Act of 1965, a leading civil rights act.

Mr. Speaker, for the past 4 years, it has been an honor and privilege for me to be able to know and work with Congressman EMANUEL CELLER and I wish him well in the future.

#### PROTECTION OF AMERICAN CONSUMERS

#### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. LANDGREBE. Mr. Speaker, on October 4, 1972, Congressman ASPIN, of Wisconsin, made statements on the House floor that have serious economic consequences on a drug firm located in my district.

I have sent a letter to the Food and Drug Administration expressing my concern over Congressman ASPIN's irresponsible remarks.

I sincerely hope that our Food and



Drug Administration will take immediate action in this matter.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., October 14, 1972.  
Mr. CHARLES C. EDWARDS,  
Commissioner, Food and Drug Administration,  
Rockville, Md.

DEAR COMMISSIONER EDWARDS: On October 4, 1972, on the floor of the House of Representatives, Congressman Les Aspin accused nine American business firms of having "obstructed, frustrated and attempted to sabotage" efforts of the Food and Drug Administration to protect the American consumers. One of these firms, Laser, Inc., is located in my district. This company has been in business for 16 years and has established itself as an honest and reputable firm. In these 16 years of operation Laser, Inc., has always cooperated fully in all its dealings with the FDA, except on one occasion.

The details, to my knowledge, of this occasion are as follows: Laser, Inc., had been marketing a prescription drug for 16 years whose contents and effects were well-known by physicians, a drug which was perfectly legal under the regulatory laws. Many other firms had been marketing either a similar or identical drug for up to 25 years. The FDA took a sample, tested the drug and proclaimed that it was not effective. They asked Laser, Inc., to voluntarily recall the drug. Mr. Donald A. Laser, President, refused since he did not agree with the FDA that the drug was ineffective. Furthermore, Laser was perfectly within his legal rights to refuse the voluntary recall.

The FDA apparently realized this and thus made no attempt to force Laser to recall the drug. Instead they charged that the drug was mislabeled and had a U.S. Marshall seize Laser's stock. Mr. Laser completely disagreed with the FDA, maintaining that the drug was properly labeled. Laser, Inc., however, is a small firm and could not afford to take the case to court. They also could not afford to make a New Drug Application which the FDA wanted them to do.

Now consider the situation: A businessman has an honest disagreement with the FDA and stands up for his rights. These actions are perfectly legal. But now, without so much as a hearing, let alone a trial, this man's property is seized and he is accused by a U.S. Congressman from a distant state of attempting to sabotage the FDA.

Whether or not the drug was ineffective, or was mislabeled, is an issue to be decided objectively, by a court of law. This, to my knowledge, has not been done. Instead the issue has been decided subjectively: apparently on nothing more than the word of the FDA, Congressman Aspin accused Laser, Inc., of sabotaging the FDA, implying that Laser, Inc., is somehow against the very people it serves—its customers.

The result is that for refusing to voluntarily cooperate with the FDA on one occasion in 16 years, and on the basis of an honest disagreement while within its full legal rights, Laser, Inc., has been made to appear in the public eye as if it is guilty of a crime. This resulted in irreparable damage to the fine reputation which Laser has developed over a period of 16 years. This in turn can cause the company to suffer great financial loss.

Needless to say, I think a great injustice has been done to this fine company. Our criminal codes of law recognize that the accused is innocent until proven guilty. Should not this same rule apply to the Laser Corporation?

I hope that you concur with my view that Laser, Inc., has been unjustly treated and that you will take immediate action to set the record straight.

Sincerely yours,

EARL F. LANDGREBE.

## THIS ELECTION'S NO. 1 ISSUE

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WYMAN. Mr. Speaker, the other day in San Francisco, President Nixon commented directly on Senator GEORGE MCGOVERN's proposed \$30 billion cut in defense appropriations. The President said:

Let me just put it very bluntly this way: We don't want to spend one dollar more on defense than we need, because we need it for domestic purposes. But let us remember that spending more than we need in defense may cost us money but spending less than we need could cost us our lives. Let's put the security of America first.

That a candidate for President of the United States should seek election on the basis of a commitment to make this Nation a second-rate military power is part of what columnist William S. White describes as:

Surely the most bizarre American presidential campaign in history.

Despite MCGOVERN's other extremist positions on domestic spending requiring billions in new taxes on middle-income taxpayers, to hand out a thousand dollars a year to every individual in the United States, the seriousness of the survival issue implicit in his defense cut proposals is certainly this election's No. 1 issue for the voters.

The article follows:

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

#### MCGOVERN'S MORALISMS

(By William S. White)

In his present pursuit of the presidency George McGovern is one by one slamming, locking and nailing up the doors for the future of that office should it in fact fall into his care.

In his offer of a literally unconditional American surrender in Vietnam—a capitulation actually more sweeping than the enemy himself has ever seriously "demanded"—candidate McGovern has foreclosed any remote possibility that a President McGovern could negotiate at all with the Communists. You can't negotiate in the absence of anything on which to negotiate; and McGovern's total submission in advance has left nothing on the table to talk about.

He would simply walk out of Vietnam, not merely abandoning the South Vietnamese allies but also withdrawing from them after our departure even the military hardware with which to try to conduct their own defense. He would invite the destruction of the South Vietnamese government. He would "expect" in consequence of this betrayal of the commitments of three successive American Presidents that the Communists would be so deeply moved as forthwith to release the American prisoners of war even though the United States had nothing remaining with which to bargain for them.

Already, McGovern had put his foreign policy leadership in pawn by an earlier and more general elaboration of his views.

This speech pledged to the world Communists—whose sensitivity to "moral" considerations is, of course, widely known—that "idealism" and not national power would hereafter be the guarantor of American security.

So in two successive addresses George McGovern has dropped the third act curtain on

what is surely the most bizarre American presidential campaign in history. Here is a candidate who increasingly quotes the Bible to his ends and invokes the name of "the Lord God" while promising to the United States that he will defend it with his own superior spirituality.

Having said 48 hours beforehand that President Nixon's conduct in Vietnam was "murderous and barbaric," McGovern then says that he does not wish to put blame on anybody and that this "is not the time for recriminations." If the two statements seem a trifle contradictory it would be fair to amend one of them to say that this is a time for recriminations—but only toward the South Vietnam there is no communist assailants of South Vietnam there is no censure; there are only "peasant guerrillas."

NOW, there is an old tradition that a challenger for the Presidency is entitled to speak and to act with a degree of irresponsibility is denied to the incumbent. The reason, of course, is that the one is only seeking power and the other has already got it—along with the obligations that go with it.

In the case of George McGovern, he has so far crossed the line of tolerance as to leave it out of sight. To go on nationwide television to surrender one's own nation's cause—call it a poor cause if you will—is not exactly the act of statesmanship, even among some erstwhile McGovernites who really cannot sit still for this one. For fun is fun and politics is politics. But after all the harm that is being done here is to something that is neither Republican nor Democratic but rather two little things called the United States of America and the American presidency.

When these institutions are so attacked in any way it is deplorable. When it is done with Bible-pounding, with incessant self-righteousness and even with attempts to put God Himself into a partisan suit, it all becomes intolerable.

No other Presidential contender has ever done this. And it may even be that McGovern's technique of fantasizing a vast and dangerous world of reality into a kind of global Sunday School where there are never any duties but only perpetual peace and plenty will strike a chord. If so we are in terrifying trouble. If so, there will be proof at last that what many of the tube people really think about those good, dear folks out in television land is really true.

## SUPPORT FOR THE GOLDEN GATE NATIONAL RECREATION AREA

### HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. MAILLIARD. Mr. Speaker, I would like to bring to the attention of my fellow colleagues the Committee for Humane Legislation's support for the Golden Gate National Recreation Area:

COMMITTEE FOR HUMANE

LEGISLATION, INC.,

New York, N.Y., October 10, 1972.

HON. WILLIAM S. MAILLIARD,  
Rayburn Building,  
Washington, D.C.

DEAR CONGRESSMAN MAILLIARD: The Committee for Humane Legislation, Inc., strongly supports H.R. 16444, "Legislation to Establish the Golden Gate National Recreation Area." We would like to commend you and Congressman Burton for your sponsorship of this vital and much needed bill.

The National Park System, at the begin-

ning of its second hundred years of existence, must plan for the needs of urban man. In addition to devising ways for city dwellers to reach our great national parks, which are frequently remote from U.S. population centers, new national parks, readily accessible via mass transportation to our cities must be established.

Alice Herrington, Chairman of the Committee for Humane Legislation, Inc., has pointed out that the Golden Gate concept moves substantially in the direction of meeting this requirement. The GGNRA is further justified as a means of preserving urban open space and preserving and protecting port of entry land with important U.S. historical associations.

Dedication of this land, presently in Federal ownership for a national recreation area is unquestionably the highest and best use.

Sincerely,

MILTON M. KAUFMANN,  
Colonel, USAF (Retired), Washington  
Director, Committee for Humane Legislation, Inc.

#### PRAISE FOR CHAIRMAN

### HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. TERRY. Mr. Speaker, on Thursday of this past week, I was deeply touched by the comments made by my colleagues concerning the decision I made not to seek reelection.

During this past week, several retiring Members have received similar comments but the length of their service far exceeds the one term I have been in the the House of Representatives.

It did not occur to me that a freshman who was not returning would receive such an honor. But in these past 2 years, there has been very little reference made to freshman status of the 92d Club. I know that feeling is held by all the Members who came to the House with me.

My party's distinguished minority leader, Mr. Ford, and the leadership of the majority have all treated this freshman class with great concern and consideration. To work with JERRY FORD is an opportunity I shall always remember.

I would also like to single out the chairman of the Interior and Insular Affairs Committee, Mr. ASPINALL of Colorado, and the chairman of the Committee on Public Works, Mr. BLATNIK. Both men, steeped in the experience of many prior legislative sessions, have been beacons of leadership for the freshmen Members of their committees.

Mr. ASPINALL, who will not return to the 93d Congress, will always remain a very close personal friend. As a freshman in the minority party, I came to the 92d Congress with the same horror stories about the seniority system that continue to float throughout the country. WAYNE ASPINALL forever removed any concern of mine about the system through his fairness and generosity in administering the committee. In Mr. ASPINALL, the Congress is losing a leader of immeasurable ability.

For many people in public life, the past is their basis for pride. WAYNE ASPINALL is the rare leader who cannot only view

previous accomplishments with the same pride, but also be assured that in the future, the decisions he helped to make will bear fruit for many years to come.

His counterpart in the minority, JOHN SAYLOR has demonstrated his capacity to work with the majority, the other Republican members on the committee and the many different issues which arise before the Interior Committee. His leadership of the minority is exemplary in every fashion.

The other committee on which it has been my pleasure to serve is Public Works.

It has been JOHN BLATNIK's challenge, and the other members of the committee's opportunity, to participate in discussions this year on a problem of major national concern. The proposals contained in the Federal Water Pollution Control Act Amendments of 1972 were the result of the knowledge and skill of JOHN BLATNIK and BILL HARSHA in keeping the committee's operation continuing. This is an issue which is tremendously complicated. But their combined efforts, leadership and knowledge produced a product of which every Member of this Chamber can be proud.

To my colleagues in the New York delegation, I will always remember your many kindnesses. This has been a truly memorable 2 years and your thoughtful remembrances today are deeply appreciated.

#### TRIBUTE TO CONGRESSMAN WATKINS M. ABBITT

### HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. WAGGONER. Mr. Speaker, I am pleased and honored to have the opportunity to address you and the other Members of this House in a salute to Congressman WATKINS M. ABBITT—a man whose record speaks for itself and whose accomplishments and achievements are too numerous to even begin to mention.

His dedication and conscientiousness in the discharge of his duties as a Member of this body has been equaled by few and surpassed by none. During my years here, I had the privilege of serving for a time with WATT ABBITT on the House Administration Committee. While serving in this capacity, I came to know him well. I found him to be a hard worker wholeheartedly interested in the welfare of our Nation and in the proper discharge of his duties. WATT ABBITT is a man I remember well from my early years here in the Congress; and I will always hold him in the highest esteem, as I am sure will all others who have had the opportunity to serve along with him.

Thus far, I have spoken only of the admiration we, his fellow Congressman, have for this great Virginian and American. Let me turn now to his native Virginia—how do they view the man and his career here in the House? The answer

is apparent, for they have resounded their faith, trust, and confidence in him by returning him to the House to represent them for 12 terms; and he now retires to a Virginia who honors and respects him.

Admired by those he served with, respected and loved by those he served—this is the measure of Congressman WATKINS M. ABBITT and the reflection of the past 24 years of his life which were spent in dedication to the United States of America, its ideals, and its people. The annals of history and the walls of this great Capitol, and this Chamber in particular, now assume the responsibility from the people of Virginia of resounding his name and his deeds. I, for one, will long remember the name of the illustrious Congressman from Virginia; and that admiration multiplied 435 times will be more than enough to firmly implant the name of WATKINS M. ABBITT in the hearts and minds of all Americans throughout this great Nation of ours.

#### EARLY SCHOOLING FOR ALL

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. RAILSBACK. Mr. Speaker, I include the following in the RECORD.

#### EARLY SCHOOLING FOR ALL?

(By Raymond S. Moore and Dennis R. Moore)

#### INTRODUCTION AND GOALS

The past ten years, particularly since President Kennedy's 1963 message to the Congress (1963), have seen early childhood education (ECE) emerge as one of the Nation's key concerns. It has become a principal interest of the Congress, and currently has high hopes for a substantial federal and state funding. President Nixon, too, called (1) for a national ECE commitment. Perhaps realizing that evidence is still not clear that generalized early schooling is the answer for optimum child development, he also asked (2) for a national debate (Shannon, 1972). Congressional hearings have meanwhile heard calls (1) for more ECE research and (2) for the systematic reviewing of completed ECE research that is now "floating around on some shelf somewhere." (White: 1970) It is with such presidential and congressional mandates in mind that the Hewitt Research Center has undertaken a limited review of research on the case for early schooling.

The importance of the child's early years is increasingly recognized. Schools are taking steps to accommodate these needs. There have been carefully-done experiments involving borderline mentally-retarded, handicapped or deprived children, that demonstrate the value of early intervention under certain circumstances. However, large-scale intervention has met with limited success, if any, when measured by academic criteria (See pp. 11, 12). It is in this setting that proposals are now being widely heard to provide early schooling for all children. Specifically, the questions addressed here are these: (1) Is early schooling appropriate for all? (2) If not, what does appear appropriate?

Excellent plans for improving instruction are emerging. Most ECE proposals must be viewed as well-motivated, and there is reason to believe that some are validly based. Some proposals offer hope for a practical, massive and relatively rapid solution to a complex and



difficult problem. They plan for the school to reach earlier into the child's life at ages three, four and five and somehow come up with desirable changes which have not heretofore proven entirely practicable at ages five and six.

We believe, however, that the enormity and seriousness of the present problem and the hope for rapid amelioration through existing organized channels, may result in a narrow, oversimplified approach, which will be foredoomed to failure because a large and vital aspect of fundamental infant and child education may be ignored or shunted aside as trivial or unmanageable. We refer first to the core role of home and family in child-rearing and in the inception and flowering of intellectual development, and second to the risk of instituting age-inappropriate educational measures for four- and five-year-olds and thereby producing enduring effects which will in turn destroy the very things we try to encourage: individual cognitive development, the motivation to learn and the creative impulse.

The California Task Force Report on Early Childhood Education, to which we give major attention, does in fact, assign a significant ECE role to home and family, and calls upon the educational establishment to find ways of involving parents in children's education at all ages, in age-appropriate ways. Yet its central thrust is for schooling, defined implicitly as *academic* education in schools, with a specific concern among other things for the advancement of cognitive learning in the young child (1971:1). New York State speaks similarly of the need for formal education for children down to ages three and four (1967:5). "Formal" is here understood to mean planned cognitive and other experience as normally would occur in modern, well-planned schools.

Because we believe there is a real danger that formal schooling, or school-based education outside the home may be legislated without research basis, we call attention here to the need to re-emphasize the central ECE role of the home. We furthermore wish to indicate areas of evidence which conflict with some current ECE methods, and lastly, indicate the urgent need for much more knowledge about the physiological bases and concomitants of the cognitive processes for children of different ages before entering on further wide-ranging state and federal programs.

If, for instance, brain development as such at any point in time (chronological age) permits optimal learning of one sort, but not of another (many such situations are well recognized), this must be understood, clarified, systematized and reckoned with before ECE efforts are undertaken.

The needs of three categories of children come within the scope of this paper. (1) The need for certain therapeutic educational experience outside the home is clearly recognized here—for such handicapped children as the cerebral palsied, problems of vision and hearing and a variety of physical, mental and emotional problems. (2) Less transparent is the education out-of-home of all three- and four-year-olds from socioeconomically-disadvantaged families. Much progress, it will be shown, is being made toward parent and child education in the home as far less risk to the child's overall development than would normally be incurred in school. (3) Clearly contraindicated by the evidence reported here are the plans to provide schooling or planned cognitive development in schools—for some three- and most four-year-olds as contemplated in California, New York and elsewhere. While more attention is being given to the parent and home than heretofore, the central emphasis in too many such plans is on institutions other than the home. Their main vehicle is the school.

Such early schooling proposals generally recognize specialized needs for children from birth to age seven or eight. The states usually have programs for years five or six through eight, and they yet seldom offer alternatives to the home for birth through age two. Therefore this report focuses on ages three and four—the innovative thrust of such proposals as California's and New York's. It will be seen however that as research speaks out on child development, there is considerable evidence that it might be better to delay in *academic* or *formal* education until children are at least seven or eight years old. It follows then that three- and four-year-olds should not normally be in school either.

We in no way infer that schools or other agencies of the public domain should be excluded from necessary intervention in behalf of the young child. Nor do we deprecate the value of the well trained, empathetic early childhood teacher. On the contrary we seek to correlate ECE research so that more creative use may be made of and by these institutions and individuals toward optimum development of the young child.

The purpose of this analysis is to explore research which throws light on the present trend toward earlier schooling and to cite studies which can provide safe direction for the ECE movement in the future. Specifically we intend to (1) compare the strength of school-centered ECE programs on the one hand and home-centered programs on the other, (2) examine the need for state intervention for all in early childhood in view of research which supports the home as the primary early education environment and (3) determine whether or not such ECE proposals for all children may dilute or impair existing special education efforts for the handicapped.

A number of states including California and New York are moving schooling into the early years, offering programs which range from selected material and cognitive learning for three-year-olds to structured curricula for four- and five-year-olds. The plans of some school systems are well-advanced, in carefully-phased programs, such as Houston's ECE project which takes schooling down to age three-and-a-half (Tanner and Tanner, 1972). These programs are too many and too diverse to permit detailed attention here. Therefore this analysis will focus primarily on one state.

California has been chosen for several reasons: (1) Its proposed ECE program is typical of similar efforts proposed by other states for children between ages five and three. (2) While California recommends early schooling for all four-year-olds, it suggests "making enrollment voluntary until the age of 5" (1971:20) (3) The California proposal is currently highly active, and (4) California has historically been an educational leader among the states.

In 1971, Wilson Riles, California State School Superintendent, commissioned the REPORT of the California Task Force on Early Childhood Education. The California Task Force became involved in a determined move for legislation to provide education "for every child aged four to eight" (1971:1, 2). While the Task Force REPORT actually speaks "of the desirability of providing educational opportunities for all children" (1971:1), the primary implications are for children younger than five. The first stage of their program, however, extends "at least one year below the system now in existence" (1971:2), and this apparently reaches to down to three years, nine months for some children (Riles, 1972).

The thesis of early schooling is essentially supported by some of the Nation's most distinguished educational bodies. In 1966, for example, the Educational Policies Commission of the National Education Association

and the American Association of School Administrators called for public-supported educational programs for all children, beginning with four-year-olds (1968:4). And perhaps providing the greatest impetus of all have been Federally-funded programs such as Head Start, and the Great Cities efforts.

Furthermore, a reading of the California document suggests an earnestness and loftiness of purpose that deserves the appreciation of the American family. And the Task Force's rationale for action is impressive: Its Report speaks of "the long-range prevention of crime, poverty, addiction, malnutrition, neurosis, and violence" (1971:1). It calls for action "at once"—Superintendent Riles's ECE proposal three months later (March 1, 1972) to the State Board of Education, adopts the Task Force sense of urgency, but provides at the local level for a "five-year phase-in-period" of implementation (1972:7)—including provision for *academic* achievement in school through restructure of existing programs (1971:1,2).

Yet a careful study of the Report raises at least three basic questions: (1) How did the Task Force interpret the literature it cited (1971:6-50) to reach its stated conclusions about schooling for all four-year-olds? (2) Did the Task Force make a determined effort to gain an objective and comprehensive perspective, a systematic view, of all principal facets of research related to early childhood education? (3) Did the Task Force make a realistic cost analysis of the program it recommends?

Respecting the first question, we feel that the Report interpreted in support of its recommendations a number of studies which actually raise serious questions about early schooling for all children in lieu of centering the program in the home: (a) Skeels (1966: 1-68), who demonstrated the value of a warm, free, one-to-one, mother or mother-surrogate relationship without regard to the surrogate's professional competence. The California report places a certain emphasis on highly-qualified professional teachers for young children, where Skeels' orphan children thrived under the care of retarded teenagers, ostensibly because they provided warm, continuous attention. (b) The June 1971, report of the Education Commission of the States which stated in part:

It is not recommended that states establish formal classroom preschool programs for all three- and four-year-olds because there is no evidence that all children need a structured group experience if they are receiving some kind of systematic training and because there are viable, less expensive alternatives (1971:47).

Second, researchers often voice disappointment that sound research has been so often ignored in educational planning. Schaefer speaks to this point:

... Although much of this (ECE) research data has been generated during the last decade, earlier studies of intellectual development have motivated the current volume of research. Unfortunately, interpretations of the significance of this data, although they have guided the course of research, have as yet had minimal impact on educational planning ... (1971:18).

Third, the Education Policies Commission (NEA-AASA) concedes that "It is difficult to estimate the costs of providing educational opportunities for all these children, but (insists that) it is well within the Nation's capacity to pay" (1966:8-10). In the present period of taxpayer scrutiny responsible answers must be available.

Rebellion of the taxpayer against gross educational expenditures has been a common happening in the last few years. But a new kind of protest is now seen. As cities and states attempt to generalize their intervention for earlier schooling, Gumpert (1972:1, 17) reports that some parents of exceptional

children who are critically in need of professional help feel that they are being ignored. Some are taking the issue to court. Thus is underscored the danger of diluting the State's resources through ECE generalization so that those seriously in need may have inadequate care or none at all. And California is one of Gumpert's example (1972:1).

In considering these questions, the philosophy of California Superintendent Riles and his Task Force should be carefully noted. First, this paper will review the philosophy expressed by Riles and by the Task Force. It will then attempt to express a systematic view of the ECE problems the Task Force identifies. Subsequently this view will be complemented with a limited review of research which the Task Force may have overlooked.

#### THE CALIFORNIA TASK FORCE PHILOSOPHY

In discussing the California thrust for earlier schooling, Time quotes State Superintendent Wilson Riles as believing "that the state laws barring children from kindergarten until they are nearly five years old derive from the solicitous but outmoded notion of 'readiness'" (Time, 7/26/71 Vol. 98 No. 4, p. 38). Riles indicates what he means by "readiness". He is quoted as follows:

"That idea [readiness] held that it is unwise to shock the young mind with intensive instruction until it is ready—perhaps at age six or seven". The twelve-year curriculum became widespread by the 1890's. Riles adds as "a gift of America to mass education. At a time when relatively few went to college, extra years of school free of charge were indeed a blessing." Now, however, "our youngsters are more ready than our schools are." (Ibid.)

Riles made clear his central intent in his charge to the California State Task Force: "The need for costly and frequently unsuccessful remediation programs can be sharply reduced if we increase the intensity and quality of educational programs during the early growth period" (1971:11).

The Task Force responded with a statement of philosophy included here in part:

The past decade has produced a new body of educational, psychological and medical research documenting the crucial importance of the first eight years of life. And we are convinced that these early years are critical in determining the future effectiveness of our citizens and in the long-range prevention of crime, poverty, addiction, malnutrition, neurosis, and violence. Even though research is still in progress and conclusions continue to evolve, we believe enough evidence is in to indicate that the following are clearly warranted now:

1. The people of the State of California must make a long-range commitment of funds to the proposition that the first eight years of life are the most important period in determining the future effectiveness of all our citizens.

2. Implicit in this commitment is the recognition of the desirability of providing educational opportunities for all children. Certainly every child aged four to eight, regardless of his environmental, emotional and physical needs, should be included. Programs must provide for identifying these needs, for ways of meeting them, and for means of assessing and re-assessing program effectiveness. Since it is clear that early diagnosis, intervention and prevention are dependent upon a close liaison among educational, social, and health services, a cooperative working relationship among these fields is vital.

3. School should be a happy place, a stimulating environment in which children can make continuous progress, where they will want to learn, and where they can achieve success both personally and academically. In order to make the early years of learning truly effective, moreover, assessment or ap-

propriate and significant developmental levels must be the basis for planning the educational program for each child. If and when needed, corrective social, medical and psychological facilities must be made accessible to permit the young individual to reach his full potential.

4. Because we recognize the importance of the parent in the education of the child, we strongly affirm that parent education and involvement must be an integral part of all programs.

5. There must be encouragement of local autonomy and creativity in program development, with provision for maximum flexibility within broad state guidelines. School districts and the agencies involved must be allowed freedom to experiment and individualize to meet the needs of the children they serve.

6. Accordingly, then, we believe it is essential that California establish at once for primary children a broadly-based educational program that extends at least one year below the system now in existence. This proposal will require school districts to restructure and expand existing programs in order to bring about the maximum development of every child aged four to eight. Implicit in this proposal, too, is the recognition that the individual child is the unique recipient of instruction, and we believe the present large-group approach to the education of primary children must change significantly in order to make possible the necessary personalized instruction (1971:1.2).

California thus is concerned with all children from birth to age eight in an innovative effort which figures to differ in program and method from the present kindergarten-primary approach. The Task Force approach apparently interprets Riles' ideas of intensity and quality as referring substantially (1) to more creative methods, (2) to more and earlier schooling including the restructuring of existing programs, (3) specifically, to including children at least down to age four, (4) to providing academic education for these young children along with other aspects of personal development, and (5) to a significantly larger involvement of parents in school programs.

New York State has similar goals. Its regents however use the term "formal" instead of academic in describing proposed ECE programs. And their proposal reaches down to age three. Flexibility, parent and community involvement are emphasized, but the programs to date are primarily school-centered and teacher-operated. In other words most of these programs propose taking three- or four-year-olds out of the home for "academic" or formal experience even though many of the programs may actually be quite informal. We would like to believe that everyone sees preschool as its best proponents suggest it should be. However, examining state proposals caused us to surmise: (1) That developing and preparing to develop academic skills, especially in reading, was considered as one of their more important objectives, (2) That they portray early schooling programs as potential solutions to many problems, and (3) that the proposed programs would be primarily school-centered.

Following are some statements from a California Task Force Report. (1971)

1. All children in California between the ages of four and eight should have the opportunity to be served by a publicly supported primary school.—page 3.

2. All children must acquire the basic tools of learning in reading, oral and written language, and arithmetic by the time they are ready to leave the primary school.—page 3.

3. . . . children should acquire the basic tools of learning by the time they leave the primary school. There should be a planned sequence of experiences to develop each

child's skills to the utmost of his ability so that he has sufficient command of the areas of reading, language and numbers to progress to more advanced levels of cognition.—p. 17

4. . . . for the vast majority of children we are convinced that beginning in a primary school at age four would be an advantageous step. . . . with the child eligible to enter on his fourth birthday, but making enrollment voluntary until the age of 5.—pp. 6, 20.

#### CLARIFICATION OF TERMS

In view of the rapidly changing attitudes and approaches toward preschooling it should be noted here that we distinguish between early enrichment, early childhood education and early schooling. Enrichment is a goal of any informed parent or educator, which does not necessarily imply any particular structure nor school emphasis. The term "early childhood education" as used in this report embraces all educational or enrichment for children to ages seven or eight including either home or school or both. Early schooling on the other hand assumes that the teacher and the school (as a public or private institution apart from the home) will guide the child's education—often with the parents help but not with the parent in full control as in the home.

When we speak of schooling in this paper, we assume the best of modern concepts such as California seems to imply (1971:6-25). But we do assume that California's use of "academically" (1971:1) and New York's use of "formal education" (1967:5) do imply some type of scheduled cognitive instruction.

#### NEED FOR A SYSTEMATIC APPROACH

Researchers are often highly specialized. There are many ECE research areas within or among the fields of education, sociology, psychology and physiology, such as human development, neurophysiology and maternal deprivation. Each scholar or investigator is inclined to pioneer in his own definitive field, often without a continuing concern for its many related areas. Unless these tangential areas are brought together in a systematic way educators may be expected to pick and to choose from these scientific findings to support their own preconceived or expedient ideas or to arrange them to appear supportive of programs or proposals which they do not really support at all.

The absence of objective systematization of such research may be one reason why "the research and development phases of early childhood programs have succeeded, but the implementation phases, thus far, have largely failed" (Rohwer: 1970). Rohwer cites as examples the apparent failure of Head Start (see also Evans, 1969 and Jensen, 1969:2,3) on the one hand and "compelling" evidence of success for "a number of small-scale efforts" on the other (Jensen, 1969, pp. 104-107, Weikart, 1971, and Karnes, Taska and Hodgins, 1970).

While there may be evidence of some desirable effects of these programs for less advantaged children, the Westinghouse/Ohio University assessment of failure of large-scale programs (1969:200) is related primarily to academic or cognitive achievement, a goal stressed in the California Task Force Report (1971:1-5, 17-19) and by the New York Regents (1967). The United States Commission on Civil Rights stated: "A principal objective of each [program] was to raise academic achievement of disadvantaged children. Judged by this standard the programs did not show evidence of much success" (1967:138). The Commission's evaluation was based on studies of leading cities, coast to coast, including St. Louis' *Banneker Project* and New York's *Higher Horizons*.

Results of the Westinghouse/Ohio University study of Head Start were somewhat negative in relation to both the cognitive and the affective domains:



Viewed in broad perspective, the major conclusions of the study are:

1. Summer programs appear to be ineffective in producing any gains in cognitive and affective development that persist into the early elementary grades.

2. Full-year programs appear to be ineffective as measured by the tests of affective development used in the study, but are marginally effective in producing gains in cognitive development that could be detected in grades one, two, and three. Programs appeared to be of greater effectiveness for certain subgroups or centers, notably in mainly Negro centers, in scattered programs in the central cities, and in Southeastern centers.

3. *Head Start* children, whether from summer or from full-year programs, still appear to be considerably below national norms for the standardized tests of language development and scholastic achievement, while performance on school readiness at grade one approaches the national norm . . . (1969:200).

The Westinghouse Report pointed out "the limited state of knowledge" about what would constitute effective ECE intervention. It recommended that pilot programs be organized and effected on a small scale, large-scale efforts based on successful pilot projects adapted persons in our society (1970:1).

Thorough and objective study and assessment of current ECE programs and of new research is particularly important when ECE developments are already major and rapid, with much of their momentum due to heavy Federal commitment in the last six or seven years (Butler, 1971). It might be well here to look at some aspects of ECE which should be examined before planning any major ECE thrust.

A *Research Perspective*. It is not the primary purpose here to question the positive or negative values *per se* of early childhood education. Yet the nature of the learning environment, the timing in terms of the child's development, and the practicality of implementation of the Task Force's recommendations raise questions which are appropriately explored here.

The need for some kind of action respecting education of young children appears to be well established. Further, for example, sees the same needs as pointed out by the Task Force:

It seems hardly necessary to belabor the fact that our educational system is in serious and ever increasing trouble. This trouble can be measured in terms of low reading levels, scholastic failures, discipline problems, dropouts, and delinquency. We know that for each child who falls into one of these categories, this is only the beginning of failure. . . . The fact is that a staggering number of young children, barely ten years old, have already turned their backs on intellectual and social growth, have given up on society and its institutions, and each year come to increase the swelling number of maladjusted persons in our society (1970:1).

Giving support to this statement are French's findings that the Nation has more than 80,000 annual dropouts "who are within the top twenty-five percent of its population intellectually" (1969:2).

Research may reveal at least in part why our schools are in ever increasing trouble. More difficult to explain is the presumption by the leaders of troubled schools that they should provide early schooling for all these three- or four-year-olds—and thus suggest intervention in their homes—without a sound research base.

President Kennedy made clear the Nation's responsibility, and, like the California Task Force, emphasized prevention: "Cultural and educational deprivation resulting in mental retardation can also be prevented" (1963).

Bloom (1964), Butler (1970), and others, quoted in the Task Force REPORT, underscore the Nation's interest in research and experimentation in early childhood educa-

tion. The REPORT relies heavily on Bloom's widely-quoted summary of 1,000 research studies in which he concludes,

Put in terms of intelligence measured at age 17, from conception to age 4, the individual develops 50% of his mature intelligence, from ages 4 to 8 he develops another 30%, and from ages 8-17 the remaining 20% (1964:88).

The report also quotes Bloom's reasons for "crucial importance" of the early environment:

(1) The rapid growth of selected characteristics makes the variations in the early environment so important because they shape these characteristics in their most rapid periods of formation, (2) development in the early years provides the base upon which later development depends, and (3) it is much easier to learn something new than it is to stamp out one set of learned behaviors and replace them by a new set (1971:29).

Bloom also calls for "very well prepared" teachers to do this job (1971:29).

*Some Questions.* Several questions may be appropriate at this point:

1. What is meant by a "very well prepared teacher?" Primarily professional? Or primarily one who understands, loves and is empathetic to young children? Or both?

2. Is it necessarily a teacher in the schools? Or could it as well or better be a teacher in the home?

3. Under what circumstances might a parent best be the teacher?

4. Should every child be subject to such intervention? Only the disadvantaged and handicapped?

5. Should such intervention accommodate all mothers who prefer to work or only those who work by necessity or who may be handicapped?

6. Can programs be planned for the needs of all which are equitable for all and at the same time be financially feasible?

7. Is the State willing to take a systematic view of early childhood education in terms of available research and of its possible cost to the State and the family both in money and in effect on the child and home?

8. At what age is it developmentally appropriate to send most children to school?

The Task Force centers its hopes on well-prepared professionals with assistance from paraprofessionals and parents. The suggested programs are primarily school-centered, including recommendations for expansion of present school facilities with new types of structures (1971:24). The parent, while important, is not central in the California early schooling proposal. The proposal provides for all children, ages four to eight regardless of socioeconomic status (SES) of the family or of the mother's (or father's) capacity or actual need to be absent from home.

The Task Force apparently believes that such a program is financially feasible even though it provides little or no evidence of financial realism for low teacher-to-child ratio programs which it reports as examples. For example, the Task Force calls for an adult-to-child ratio of one to ten (1971:3), while the ECE programs it cites approximate ratios of one to five (1971:31-35). Its financial plan calls for an expenditure of \$500 to \$600 annually per four-year-old for programs which New York State has found it cannot do on a quality basis for several times that amount. The New York ECE staff is quoted in one of the documents used by the California Task Force (PRESCHOOL BREAKTHROUGH) as pointing out "The average cost of the state experimental prekindergarten program is about \$1300 per child, but the staff points out that adequate child care costs \$1800 annually per child and much more if the program reaches a desirable standard" (NSPRA, 1970:40).

On the basis of the research presented, the interpretation given to that research, and the excluding of evidence contrary to

the Task Force "Statement of Philosophy", the California Task Force has not taken a systematic view of early childhood education in terms of available research nor costs in money and in human potential.

Figurel points out what will happen if mass education proceeds with such planning as it has in the past. He found that despite "billions of dollars" that have been poured into programs for the poor and the disadvantaged through Great Cities Projects and the Elementary and Secondary Education Act of 1965, most of the results "have been definitely disappointing" (1970:1). Despite heavy expenditures of funds, "Test scores for disadvantaged children in all large city schools indicate there is a 'progressive retardation' taking place. The longer a child remains in school the less progress he makes in relation to his capacity for learning to read . . . sociologists say that by 1975 two out of three children in schools can be classified as disadvantaged" (1970:2). It would seem appropriate also to consider the question, Will starting all children earlier change this? Or will it accentuate the dilemma? Is there a better alternative?

On the developmental appropriateness of sending a child out of his home to school at age three or four or five, the California Task Force has virtually nothing to say. Nor does New York in its position papers. And this is perhaps the key issue in the early schooling movement. Yet if the legislatures of these and other states are not to sign the same kind of blank check as has characterized Federal and other mass efforts at intervention, they must give careful thought to developmental appropriateness and to other questions raised above. These considerations must relate research findings to questions which have been raised. An effort will be made in this paper to illustrate what should be done even though only a limited summary of the evidence can be presented here.

Among these factors treated (1) Rationale for intervention, (2) Family and school attitudes and values, (3) Distinction between the poor and the privileged, (4) The home school idea, (5) Neuropsychology and cognition, and (6) Empirical evidence and school entry age.

Much of ECE research is yet uncertain and not comprehensive of ECE problems. A simple review of ECE literature—the eleven projects noted in the California State ECE Task Force Report (1971:31-35)—also demonstrates that most early childhood education programs rated as successful are *compensatory* by nature. Can these studies therefore be generalized as necessary for advantaged children? This question applies to a large segment of ECE research, much of which concerns the disadvantaged or deprived and frequently applies its techniques to moderate or higher SES groups. Yet even the disadvantaged have been seldom proven to make permanent gains outside of expensive experiments involving low ratios of children-per-teacher and close liaison with the home.

Any valid, wide-ranging ECE program must include all classes in its research base. While much ECE experimentation does involve predominantly intercultural assessments, there is relatively little data available on either advantaged blacks, for example, or on disadvantaged whites. Therefore comparisons are forced between advantaged whites and disadvantaged blacks, with considerable confusion in developing cross-ethnic criteria. This is evident in Rohwer's review (1970:1-39).

ECE studies to date are most often *small*, well-financed and limited in their goals. They are sometimes carefully controlled, with well-trained staffs and considerable parental involvement. To generalize the success of certain of these studies short of long term follow-up may be appropriate in some respects. But to assume their relatively isolated and limited success as bases for statewide programs for all children, regardless of socio-

economic status and without systematic reference to research, is subject to question.

If a state is to assume responsible ECE leadership it has the responsibility to examine relevant research, to set reasonable goals and priorities, to recognize conceptual, investigative and informational gaps, and to apply reasonable intelligence in order to ensure that the means and techniques can, in fact, achieve the chosen goals without also being destructive of other values (home, emotional security, etc.). All programs should have built-in evaluation systems. The serious ECE student will insist on (1) determining characteristics of a sound environment for young children, (2) plan so as to provide the best available environment for young children, whatever ages they may be, and (3) resist the impulse to start wide-ranging efforts until he has meticulously explored and mapped their every aspect.

Since cognitive and affective development begin at birth, Bloom's (1964) review of research supporting the early development of intelligence indicates to some that intellect should be translated into structured conceptual activity at an early age in order that the child might better meet later demands. But this assumption must be questioned on the basis of the child's immediate affective needs and of his physical immaturity.

Heffernan, for many years California's elementary education chief, on the basis of research and long clinical experience, "The imposition of [cognitive] skills at early ages and the release of creativity are utterly antithetical" (1968:496, 497). Piaget agrees: "... the problem of learning is not at all to be confused with that of spontaneous development even though spontaneous development always comprises learning" (1966:iv).

The issue at hand may be expressed thus: It is impossible that while the central nervous system (CNA) and cognitive apparatus of the young child may be functioning appropriately for their age level, they may not be operating at the level that would be desirable for the cognitive tasks which the schools are requiring. On the basis of Piagetian investigations, Furth believes so:

Mark well these twin conditions: learn reading and forget your intellect. The average five- to nine-year-old child from any environment is unlikely, when busy with reading or writing, to engage his intellectual powers to any substantial degree. Neither the process of reading itself nor the comprehension of its easy content can be considered an activity well suited to developing the mind of the young child.

A school that in the earliest grades focuses primarily on reading cannot also focus on thinking. It must choose to foster one or the other. Historically it has chosen reading (1970:4).

The following quotations from the Riles proposal make clear, for example, the importance California places on early childhood cognitive skills:

As a minimum, local districts will establish performance objectives for children which reflect state objectives in reading, language development and mathematics. ... (1972:8).

By the end of the early childhood education program (ages 4 to 8), it is expected that the child will be able to perform adequately in the communication skills of listening, speaking, reading, writing and in the use of language for symbolic thought ... (and) competency in the basic arithmetic skills as well as in mathematical concepts. (1972:9,10)

We ask if young children would not be better off waiting until near the end of the "early childhood program" before initiating such performance objectives. Rohwer reports that—

Young children find concept-learning and tasks that require combination and manipulation of concepts to be extraordinarily

demanding. Research studies have shown that reading and arithmetic require conceptual abilities that many youngsters do not achieve with ease until they are close to 9 years. (1972)

It is not difficult at first to assume, as the California Task Force and others appear to indicate, that Bloom's concerns can best be satisfied by placing all children in optimum school environments, for our society is school-oriented. But is the school the child's best learning environment during his early years? And where can school readiness be best achieved? In the school? Or the home?

At what time in the child's life does research say that school intervention is indicated, for what purposes and under what circumstances? What types of programs does research suggest as optimum solution to today's ECE problems? It would appear that the answers to these and other questions should take into account as many as possible of the variable of child development and the parental attitudes and other dynamics of today's homes.

The California Task Force Report (1971:1-5) appears to be alert to many of these variables—proven educational principles and procedures. Among these are (1) parental involvement, (2) local autonomy, (3) clear goals, (4) adequate funds, (5) the school as a community center, (6) differentiated staffing, (7) use of volunteers, (8) low adult-to-child ratios, (9) happy and stimulating environments which reflect the needs of the child, (10) special attention for the handicapped and seriously deprived, (11) continuing emphasis on sound staff preparation, (12) the developmental import of the first eight years of the child's life, (13) the need for pilot studies before proceeding on wide-scale and long-range programs, and (14) the flexibility and feasibility of nongradedness.

But the Report provides little or no research-based reasoning as to why it turns to the school as a central learning environment for all children at an age when research seems to place the principal emphasis on the home. The Report generally ignores the variables concerning which research provides substantial evidence. Such factors include maternal deprivation, neuropsychology, and visual maturity among others which will also be considered in this paper.

#### RATIONALE FOR INTERVENTION

The Task Force, like nearly all early schooling proponents, points to two well-established facts in justification of early intervention by school systems. First is the evidence of early development of intelligence in the child. Like many others, it utilizes Bloom's widely-published statistics. And Bloom's research base appears valid as it relates to intelligence. Second is the child's human need for emotional growth through attachment to an empathetic, giving, mothering person.

*Early Intelligence.* No argument is offered here which questions the rapid development of intelligence in a normal child. In this respect the Task Force bases its conclusions on objective investigation. The questions are, what is the most appropriate environment in which to nurture this rapid development, and when are children ready for programs emphasizing cognitive development?

Research, as we shall shortly observe, seriously questions the generalization that all four- or five-year-old children are ready cognitively, neuropsychologically or affectively to undertake organized tasks and abstract thinking even in the better school environments as commonly conceived. And some careful researchers and clinicians would delay such pressures at least another two or three years (See Rohwer, 1970; Elkind, 1969; Husén, 1967; Fisher, 1951, etc.). It should be noted that reference here is not made to exceptional children—to those who are handicapped or seriously deprived. For these chil-

dren intensive early intervention involving the home and school or clinic certainly would seem appropriate.

*Enrichment.* Why do early schooling proponents often identify enrichment experiences and needs primarily with the school, considering the home important but ancillary? Spaulding (1968:10) provides one example of such reasoning. She describes many learning situations which a carefully-developed school might provide for the young child: colors, sounds, social skills and objects of nature. She stresses at the same time a need for some children to speed up their work "so that the others won't have to wait" (1968:10). But she—and the California Task Force—do not discuss, in the face of the failure of schools generally to provide ideal programs for five-year-olds, how they will be able to succeed with four-year-olds. Nor does it apparently occur to her that the home, carefully-guided, might better provide the very experiences she prescribes for the child, and strengthen the family in the process. (See pages 24, 27, 36 on parental potential, maternal care and the home school idea.)

Kindergarten teachers on the other hand have long recognized that children from sound home environments come to school with many of these skills well developed, particularly if in age they are later-than-average entrants. This will be discussed at some length later in this report.

Heffernan suggests we may be "warping children to satisfy adult demands" (1968:496, 497). Mitchell, (1968:9) fears, that the government might take steps "that would lessen the importance of the family ...". Speaking to the mandate of the Educational Policies Commission for schooling for all four-year-olds (1966:8-10) she insists that while there is clear need for some sort of compensatory education for disadvantaged four-year-olds, many of us overlook the fact that it may not be a good idea for every four-year-old.

Research indicates that home education programs may be viewed with greater optimism. It justifies the assumption that working with homes, small units that they are, is more feasible generally than trying to effectively restructure the schools, and is likely to be much less expensive. A number of studies have recently shown that parents, including those from disadvantaged homes, may be more responsive and cooperative than once thought, if they are presented with programs which appear reasonable to the parents.

#### FAMILY AND SCHOOL ATTITUDES AND VALUES

In many school systems little mutual trust exists between parent and teacher. Says Heffernan, "When children have difficulty in reading, parents blame the school and teachers blame the home for exerting undue pressure" (1968:496).

Yet basic hopes for stable, well-developed children are common to all, including the California Task Force. How to achieve this goal is the question. One possibility currently being tried in many areas is that the teacher or other appropriate person might more often join the parent in the child's natural environment to the mutual advantage of all. To achieve this end, cooperation of the parents will be necessary.

The Education Commission of the States quoted in the Task Force REPORT (1971:45, 47), stressed "strengthening the role of the family as the first and most fundamental influence in child development. ... To develop ways to reach the families of young children and to strengthen their capacity for parenting". The Commission added that "States should consider programs for three-, four-, and five-year-old children which provide training for them and their parents in their homes" (Emphasis ours). But the California Task Force did not make the home so



central as the school. Nor do some other states and cities.

#### PARENTAL POTENTIAL AND WILLINGNESS TO CHANGE

Smith (1968:106) reports that the Flint, Michigan, schools involved disadvantaged homes which housed young children of varying ages. Some educators felt parents would be unresponsive. To examine the theory, parents were given children's dictionaries and other books and games. They were asked to set aside a quiet time in the home for the child's study and for reading, and a time for reading aloud to their children each day. Approximately 90% of the homes responded. Of these, more than 99% of the parents voiced approval of the program and asked that it be continued, says Smith.

Parents were eager to participate in the program. The contention that these parents were not interested in their children was not, therefore, supported; in fact, it was overwhelmingly refuted. This finding suggests that appropriate techniques are an important factor in involving parents with limited educational backgrounds in improving the academic achievement of their children. With few exceptions, parents followed through with the suggestions made in the program. The few exceptions included parents too burdened with emotional and psychological problems to effectively follow through with any organized efforts . . . (1968:106, 107).

Smith then warns against the assumption by the school of the parental role:

In this situation, the role of the school was not to assume parental responsibility. First of all, the school, as organized in our society, cannot assume such control over the child; secondly, no outside agency, school or otherwise, should assume the appropriate role of the parent.

The rightful role for educators is seen rather to be that of teaching parents to assume their appropriate responsibilities and assist them in this task. The relationship sought is the cooperative sharing of responsibilities by the parents and the schools, working together to bridge the educational gap with purposeful educational programming and planning (1968:107).

Hess and Shipman (1968:127) acknowledged the inferiority feelings that working class mothers have about the school system—"A powerlessness and a lack of personal effectiveness". In their study of mothers, ranging from middle class to those on public assistance, "The majority of mothers in all social class groups (including more than 70% of those on public assistance) said they would like their children to finish college". They note the implications of their study for parent and home education: "If the general picture that has been sketched here applies, it would seem to have implications for parent education, particularly as regards interaction between the school and the parent . . ." (1968:128).

These conclusions suggest the possibility of developing "home schools" (See p. 36) in which traveling teachers may work with parents and children together in the home. It is suggested that such an arrangement might not only provide at lower cost an educational experience for the young child where indicated, but also, and primarily, orient the mother (1) to the child's needs and (2) to better understanding of and empathy with the child's subsequent school experiences.

A number of ECE researchers feel that the best plan may be to deal with the parents of environmentally-deprived children in a way that will help them more effectively to help their own children. Thus it may be better to spend State funds toward effecting change in the home environment—where the child spends most of his time.

Several researchers, for example, confirm the Hess and Shipman findings. Speaking

particularly of disadvantaged negroes, Lewis reports "that poor parents in the main know what they want for their children and themselves, especially in education" (1970:24).

Daugherty reports participation of low-SES parents in a variety of activities in a project in Chicago's District Eleven. She found fathers, uncles and friends to be glad to work with boys in a "Father's Club". Mothers became willingly involved in home economics projects, more to aid their children than themselves. And in 4-H activities, "Although they lacked talents or skills, they [mothers] enjoyed and took pride in those of their offspring" (1963:18-20).

Levenstein (1971:132) not only found generally that if approached rightly, disadvantaged "Mothers take seriously the family's responsibility to lay groundwork for school learning", but also noted that their "aspirations for their children are very similar to those of middle income mothers." The fact that the low SES mother saw the preschool teacher as less effective than she and yet sensed her own inadequacies, suggests the primary role of the State as one of parent and home education not only for the immediate welfare of the child, but also for development of a parental sense of adequacy and of empathy with the social worker, teacher or other educational representative.

The California Task Force has carefully emphasized the crucial need for closer teacher-parent ties, particularly in low SES homes (1971:9, 10). The Riles proposal agrees (1972:6). The thesis of need for parental adequacy in low SES homes is supported by Olim, Hess and Shipman who found a notable relationship between the mother's inadequacy of language elaboration and the child's cognitive performance. The child's cognitive development and attitude toward the school reflects the mother's image of the school. Thus close and continuous parent-home help is indicated even if the early childhood education were in school.

The initial relationship between the child and the teacher is posed in terms of authority rather than interaction and in terms of rules of obedience rather than inquiry and exploration. This early attitude supports and reinforces the passivity of many working class children who come into contact with middle-class institutions. It represents an orientation toward authority and toward learning which has indeed been taught by the mother and by the community environment and which needs to be modified through experience with teachers (1966:190).

While other studies imply that the same strong concern for their children holds true for middle- and higher-SES families, further study is needed in this area. Research, however, has found that regardless of SES, warm, continuous parental care, particularly by the mother is essential for optimal child development.

#### IMPORTANCE OF MATERNAL CARE

An awareness of the danger of maternal deprivation as a key facet in the ECE composite is necessary for the understanding and development of sound parental attitudes and for the teacher to understand his appropriate posture in relating to the young child. It will be shown from reproducible research that when a child is taken from home for early schooling or remains at home without loving care from someone he trusts, mental and emotional problems may often be expected which affect his learning, motivation and behavior. Bowlby presented evidence, formulated a statement of principle and defined maternal deprivation in his 1951 report to the World Health Organization:

What is believed to be essential for mental health is that the infant and young child should experience a warm, intimate and continuous relationship with his mother (or permanent mother-substitute) in which both find satisfaction and enjoyment. Given

this relationship, the emotions of anxiety and guilt, which in excess characterize mental ill-health, will develop in a moderate and organized way. When this happens, the child's characteristic and contradictory demands, on the one hand for unlimited love from his parents and on the other for revenge upon them when he feels that they do not love him enough, will likewise remain of moderate strength and become amenable to the control of his gradually developing personality. It is this complex, rich, and rewarding relationship with the mother in the early years, varied in countless ways by relations with the father and with siblings, that child psychiatrists and many others now believe to underlie the development of character and of mental health.

A state of affairs in which the child does not have this relationship is termed 'maternal deprivation'. This is a general term covering a number of different situations. Thus, a child is deprived even though living at home if his mother (or permanent mother-substitute) is unable to give him the loving care small children need. Again, a child is deprived if for any reason he is removed from his mother's care. This deprivation will be relatively mild if he is then looked after by someone whom he has already learned to know and trust, but may be considerable if the foster-mother, even though loving, is a stranger (1952:11,12).

He reiterates his view in his report nearly twenty years later that in the Western world much the commonest disturbances of attachment "are the results of too little mothering, or of mothering coming from a succession of different people".

He speaks of "a variety of behavioral characteristics of young children who have been separated from their mothers, from clinging to rejection". And Bowlby points out that these aberrations "can continue for weeks, months or years . . ." or may be permanent (1969: xlii).

Bowlby states categorically that "So long as a child is in the unchallenged presence of a principal attachment figure, or within easy reach, he feels secure. A threat of loss creates anxiety, and actual loss sorrow; both moreover are likely to cause sorrow" (1969:209). While Bowlby's work was in no way directly connected with early schooling, his feelings are implicit in determining the optimum environment for child development.

Geber's work in Uganda, referred to in greater detail in the next section of this report, further demonstrates that such attention or deprivation reaches beyond the emotional responses of young children to include physiological maturation and coordination, adaptability, sociability and even language skills (1958:185-95). (See page 33).

Yarrow also indicates that "besides the retardation of development caused through emotional factors, maturation in adjustment is markedly slowed by deprivation of sensory, social, and affective stimulation when a child cannot be with his mother" (1964: 127).

Bowlby describes the results of partial deprivation and the rationale for his conclusions:

"The ill-effects of deprivation vary with its degree. Partial deprivation brings in its train acute anxiety, excessive need for love, powerful feelings of revenge, and arising from these last, guilt and depression. These emotions and drives are too great for the immature means of control and organization available to the young child (immature physiologically as well as psychologically). The consequent disturbance of psychic organization then leads to a variety of responses, often repetitive and cumulative, the end products of which are symptoms of neurosis and instability of character (1952:12).

Ainsworth, concluding a review of research, applies this to mother and school:

In the case of the child over two, efforts

to enrich the institutional environment by providing nursery-school experience seem to be less effective in stemming retardation of development than efforts to facilitate the attachment of the child to a substitute mother. (1967:348).

The acceptance by the mother of her role is a key factor in providing maternal enrichment. Ainsworth states that research reveals few if any differences in child-rearing attitudes between working and non-working mothers:

Significant differences, however, were found when the mothers were grouped in terms of satisfaction with their role, whether the homemaker or the worker role. Dissatisfied mothers, both working and nonworking, reported undesirable child-rearing practices and attitudes more frequently than mothers who were satisfied with their role (1966:117).

Education and reassurance of parents thus becomes a vital concomitant of any ECE program whether in home or in school, whether the mother works or not, but particularly with the mother who does not have a full appreciation of her role. It should be noted at this point that the warm, continuous environment found to be so important to a child's stable, well-motivated adjustment does not imply that he should have no frustrations. Spitz points out that "the child's welfare does require frustration . . . reality testing is one of the vitally important functions of the ego" (1965:148). The warm and continuous presence of the mother provides a track on which the child can develop optimum security.

Thus, says Bowlby, numerous direct studies "make it plain that, when deprived of maternal care, the child's development is almost always retarded — physically, intellectually and socially and that symptoms of physical and mental illness may appear . . . and that some children are gravely damaged for life" (1952:15). He goes on to suggest the inclusive ages of vulnerability:

At what age, it may be asked, does the child cease to be vulnerable to a lack of maternal care? No doubt vulnerability diminishes slowly and, perhaps, asymptotically. All who have studied the matter would agree that vulnerability between three and five is still serious, though much less so than earlier. During this period children no longer live exclusively in the present and can consequently conceive dimly of a time when their mothers will return, which is beyond the capacity of most children younger than three.

Furthermore, the ability to talk permits of simple explanations, and the child will take more readily to understanding substitutes. During this age-period, therefore, it may be said that wise and insightful management can go far to mitigate ill-effects, though in its absence very serious reactions, comparable to those of the child between one and three, are not uncommon.

After the age of five vulnerability diminishes still further, though there can be no reasonable doubt that a fair proportion of children between the ages of five and seven or eight are unable to adjust satisfactorily to separations, especially if they are sudden and there has been no preparation (1952:5).

The California Task Report cites Skeels' study (1966:68) as a basis for early childhood intervention (p. 34). Yet Skeels' study may even more fundamentally underscore the import of continuous, consistent, affectionate and low-ratio adult-to-child care as essential for the optimum development of the young child. (See Gray 1969:3, Blatt, 1969:20-22). His study would if anything, support the use of mothers and mother surrogates in non-group or very small group experiences.

Skeels used mentally retarded teenagers as mother surrogates for the young children. Careful examination of his report reveals that there were apparently no preschool

group experiences. Rather, the study would seem to suggest that the one-to-one "mothering" resulted in better-adjusted children which consequently were better able to cope with their environment than were the children in the control group who were given standard institutional care.

The experimentation of Levenstein and others (see section on the Home School) would seem to support these conclusions. Levenstein has found greatest developmental success in young children through building warm, continuous home environments by accentuating the role of the parent in the home, *vis a vis* the school. She seldom if ever uses teachers as such, but places prime emphasis on "home visitors" who are empathetic with parents and children, with relatively little concern for their formal professional background as teachers.

The conclusions of Bowlby, Ainsworth, Yarrow and Geber point to the parents and home as potentially the most effective vehicles for optimum development of the young child.

While research supports the idea that many parents do not provide an appropriate developmental environment, it also tells us that parents from low SES homes do have strong concern for the welfare of their children. These facts joined with an understanding of the nature and seriousness of maternal deprivation make clear the primary responsibility of strengthening the home and of providing warm creative parent-child interactions.

But there are obviously many kinds of homes: low SES and high, deprived and privileged. Research studies will next be cited to show that low SES homes, often thought to provide unsound environments for young children, are not always so. Nor do middle or higher SES homes guarantee an enriched or privileged environment. While this observation does not assume that the typical low-SES child in American society is as likely to be as privileged as his higher-SES counterpart, it does serve to suggest the need for parent education at all levels, whether or not the State supplies ECE intervention.

*Distinctions Between the "Poor" and the "Privileged".* While young children from various SES levels are not in all respects different, the poor or underprivileged child as commonly defined tends, according to Kagan, to vary markedly from the privileged. The differences are of such a nature as to ask seriously if the State should generalize its preventive and therapeutic programs for the whole population on the basis of the needs of the deprived. And if generalized, what form should the program take?

Kagan (1970:10-15) lists seven of these notable areas of difference and suggests their rationale:

1. Comprehension and expression of language: Poor mothers usually do not converse with their children as often or as poignantly as middle class mothers.

2. The child's mental set to activate cognitive structures to solve problems or to understand discrepant events: A middle class mother provides a larger variety of conversation, facial expressions and play, with more surprises.

3. Attachment to an adult, normally the biological mother: The middle class mother and child more often enjoy a closer attachment, as the mother molds the child with a greater and closer confidence, and the child responds.

4. Inhibition and impulsiveness: The poor mother sets an example of impulsive behavior, and the child does not learn to recognize the potential results of conflict.

5. Sense of effectiveness: The middle class child is more often appreciated and applauded, learns to sustain play longer and persist in solving problems.

6. Motivation: The poor child is less mo-

tivated because he does not feel friendly to the teacher or care for her praise, partly because he does not admire her skills or temperament. He expects academic failure, so does not try.

7. Expectancy of failure: For the poor child, "Failure is less humiliating for he had not expected to succeed and was not convinced that intellectual skills were valuable". This leads to a "combination of inadequate language resources, low motivation, and little faith in success".

A particular need for parent education and encouragement of the "poor" mother may be deduced from Kagan's "differences", supported by Geber's Study (below). At the same time the stated practices of the typical American middle class mother might well lead one to conclude that generalized intervention during early childhood is hardly indicated for "all four-year-olds", as indicated in the California Report (1971:3).

While Kagan's analyses of poor and privileged environments primarily reflected SES differences, these categories can be broadened so that "poor" or "deprived" environments are those in which the mother for any reason (e.g. poverty, illness or lack of full affection or understanding of her infant) does not give her child the benefits of the "privileged". Thus, a child from a middle- or high-SES background may actually be deprived. Conversely, a low SES infant may be one who does have these benefits because of a mother or surrogate who provides the qualities and experiences which Kagan normally attributes to higher class families.

This broader approach is confirmed by Geber's work in Uganda (1958:185-95). Using tests standardized by Gesell, Geber tested over 300 Uganda babies during their first year. The babies for the most part were from low-SES, tribal-oriented families in which the mothers were child-centered, continually caressing, cuddling and talking to their little ones. She found these infants to be superior to Western children in physiological maturation and coordination, adaptability, sociability and language skills. It may be observed that African children often do mature earlier than Westerners. Yet Geber reports that in her sampling those babies from relatively high SES Uganda families with less maternal contact, but more involved in formal training, were much less mature in the above qualities than the babies of the low SES mothers. Geber's conclusions are supported in general by Ricciuti (1968), Bell (1970 and 1971), and Brazelton (1971) among others.

Spitz notes that young Western children do not have adequate close contact with their parents. He states that "throughout the western world skin contact between mother and child has been progressively and artificially reduced in an attempted denial of mother-child relations" (1957:124).

Skeels' (1966:1-68) reports of strong mental gains by deprived children when placed in a consistent and affectionate surrogate environment, tend to confirm and strengthen Geber's findings. Gains reported by Skeels were particularly interesting in view of the low mental profiles of their surrogate parents who by-and-large were feeble minded and therefore not professional teachers or aides, and who did not have the capacity to provide "training", as such.

Indeed Bowlby (1952:67-68) generalizes, on the basis of many investigations, and with particular reference to studies by Simonsen (1947) and by Theis (1924), that "children thrive better in bad homes than in good institutions", and children "apparently unreasonably" are even attached to bad parents. "It must never be forgotten," Bowlby observes, "that even the bad parent who neglects her child is none the less providing much for him." While the terms "bad" and "good" here are relative and probably should



not be taken in extreme connotation, Bowlby points out that:

Except in the worst cases, she is giving him food and shelter, comforting him in distress, teaching him simple skills, and above all is providing him with that continuity of human care on which his sense of security rests (1952:68).

Meers comes to similar conclusions, providing a picture of typical institutional problems in child care:

The child care giver is an employee, and there are prerogatives that derive from that status that are denied to most biological mothers, such as, coffee breaks, sick leave, holidays and the option to leave one's charges if the conditions of work are not sufficiently gratifying. Continuity of care, however, provides two major advantages for the child: (1) his mother will know him with sufficient intimacy so that, in his preverbal months of life, she can understand and alleviate his needs so he will not experience undue pain; and (2) the baby is afforded an option to accommodate to a consistency of care that evokes his continuing interest in an attachment to an emotionally responsive person. It has been this author's experience that nursing staff covertly resist continuity of care of any one or more babies (1970:11).

For these and other reasons Meers, Bettelheim (1969) and others note that substantial changes have been underway in recent years to provide for closer parent-child liaison in Eastern European countries and in the Kibbutzim of Israel.

In confirming Bowlby's, Geber's and Meers' implications for the home environment *vis a vis* schooling for young children, Blatt and Garfunkel (1969:30) found it necessary to reject the research hypothesis of their own study involving low SES children who "were at least two years away from entering the first grade". They initially hypothesized:

That a 2 year intervention with preschool lower class children will enhance their demonstrated educability. This hypothesis was tested with a variety of measurements over a 3-year period and included the testing of cognitive, noncognitive, and environmental factors. The analyses of the data led to the unequivocal inference that the groups were no more different at the conclusion of the study than they were at the beginning (1969:121).

Blatt and Garfunkel concluded that (a) the home is more influential than the school, (b) the school can do little without strong home support, (c) disadvantaged parents "are often anxious to cooperate" and (d) school organization and requirements are often "foreign" to these parents who in turn are blamed by the school for not readily accepting them (1969:119-120).

Meers (1970:6-27) made an intensive optimistic study of overseas child care programs in Eastern Europe and the Soviet Union "from inferential data". However, after careful study in these countries he found that indigenous leaders were disenchanted with the communal type care. It would seem to be apparent that for a normal child, if his home can be made reasonably warm, stable and consistent, it should be the principal agency and focal point in his development.

#### THE HOME SCHOOL IDEA

It is our thesis that the home is a more promising investment than the school in terms of use of the state's resources. Gray (1971:127-129), Levenstein (1971:130-134) and Schaefer (1972:236-238) are among the rapidly increasing number of researchers who appear to agree.

#### ATTITUDES AND VALUES

It must be assumed that the California State Task Force has a profound concern for the building of sound attitudes and values. Yet the school-centeredness of the Report places the home by inference in second position in the development of these qualities.

This is an area which deserves much more investigation, for unquestionably the school has both an opportunity and an obligation to provide an education in values.

Rohwer (1970:8-13) reviews a series of studies, however, which supply strong evidence that school achievement as measured by grades has little positive relationship with out-of-school attitudes and success. After developing rank order correlations from Husén's data (see p. 48) Rohwer (1970) found a significant negative correlation between entry age and attitudes toward school. Particularly alarming in this study, comments Rohwer,

Is the suggestion . . . that the longer the student was enrolled prior to testing, the more negative his attitudes toward school itself. Clearly, there is no indication in these results that revising the mandatory age of school entry to younger levels would improve the student's chances of subsequent within-school success (1970:9).

Is there an environment that holds greater potential than the home for the development of values and motivation? Is there a locale that is more provident for the development of initiative, order, promptness, thoroughness, dependability and integrity than the home with a warm one-to-one relationship between mother and child—boy or girl—as they "keep house", do family chores, build manual skills and progressively learn new appreciations and consolidate their gains in a continuous, secure environment? Is this goal less obtainable here than in the school? Is it less legitimate in terms of the thrust for early childhood education?

Gordon found that "What is needed is education so designed that parents can provide children not only with an affective climate which tells them they are loved and worthy but also with a cognitive climate that allows the child to be competent as well as to feel loved. Adequate self-esteem requires this combination" (1969:94-378).

The pressures of school appear to have much in common with the trauma incurred by deprivation in taking blame for a wide variety of learning problems. Says Mitchell (1968:9, 10) "A growing number of educators are beginning to suspect that the pressure of competition in learning to read for example, may be contributing to the increase in youthful mental patients as well as delinquents".

#### THE HOME SCHOOL VISITOR-DEMONSTRATOR

The place of the home in child development is not only becoming more obvious to researchers but it is becoming the center of much experimentation. Speaking of the home, Gray concedes that "The potential is sometimes difficult to tap but it is there" (1971:127). She speaks of the deep concern of mothers for the welfare of their children, and of their "latent ability" which provide fertile soil for home education programs. Gray's conclusions emerged from a number of home-centered experiments.

Levenstein is another who has shifted primarily to home-centered child development programs. She describes her successful experience with what she calls the "Mother-Child Home Program" (1971:130-134). Because of the resistance of some mothers, particularly of low SES families, to teacher visitation, she terms her visiting personnel, "Intervenor" or "toy demonstrators." She does not use teachers, but places primary emphasis on preparation of empathetic visitors. One of her major findings in the Mother-Child Home Program is that "there is much to learn from mothers on a two-way street of 'demonstration'". Welkart, also a veteran at home education, adds, "The primary lesson to be learned by teachers from parents is that the teacher's role is to provide service to the parents rather than 'expert' translation of middle-class social wisdom into universal child-rearing practice" (1971:135).

Gordon recruited disadvantaged women parents to help in a parent education project. He cautiously reported positive results in learning accomplishments of the children and in parent educators and the mothers. He affirms clearly that parent educators can profitably be recruited, selected, trained, and placed in the homes (1967).

Butler introduces another factor which focuses on optimum utilization of the parents and home. It is the "phenomenon of modeling" in which the child looks to his parents as behavior models. Butler describes it as "the most important reason for involving parents in the educational activities of their children".

If parents and other close associates of young children are given motivation, opportunity, and exposure to the kinds of activities that are enjoyable and instructive for young children, they can do a great deal to further the psychological development of the children in their midst (1970:76, 77).

She adds, "The influence of the middle-class teacher as a model for the disadvantaged child is limited," although in small classes it appears more meaningful than in large classes (1970:76, 77). The development of sound attitudes and values, while not the exclusive domain of either the home or the school, deserves its most productive environment.

Heffernan asks: Are we denying children their childhood by forcing formal language and reading on them at too early an age? There is a cultural pressure in our society to make every child learn to read in kindergarten or first grade. Children with a developmental lag in language maturation are extremely vulnerable in our society (1968: 496-97).

On the basis of these findings then, if there should be State intervention, it should begin with the parent, and be home-centered wherever practicable rather than in the school, except in extreme cases noted elsewhere in this report. Such experiences as those of Gray and Levenstein should be carefully studied. Not only does research report the parent-home environment (with the help of the intervenor or demonstrator) to be more productive than the teacher-school, but it also can be utilized in community homes with relatively small capital investment.

Such programs as Gray and Levenstein and numerous family day care centers are demonstrating the viability of small "home schools" where child care is necessary. The home school leader is selected on the basis of her (or his) aptness for children. Studies are not yet conclusive, but indications are that these home situations may be better sanctuaries than schools for those children whose mothers are absent or unable to care for them. They promise also to provide quality day care at relatively low cost—lower than experience indicates that schools can now do. (See NSPRA, 1970-40).

Whether or not these home schools should be concerned with cognitive development is an unsettled question for many. To follow Bloom's concern for the years of most rapid intellectual development it could be reasoned that we should concentrate on ages one to three rather than four to eight (See Beadle 1971:192). But neuropsychological research suggests that we should worry less about hurrying intelligence and concern ourselves more with developing stability and maturity from birth to age eight or later.

#### NEUROPSYCHOLOGY AND COGNITION

The study of the developing brain represents one of the most urgently needed areas of research. There is a current body of neuropsychological and neuropsychological research which deserves the attention of every ECE planner and which may provide some indices of neuropsychological readiness for abstract thinking.

There are impressive experiments which

lead one to question whether children normally should be required to undertake regular cognitive tasks that require sustained high cortical thought such as reading until they are at least eight years old; some researchers and clinicians suggest until age nine or even adolescence (Rohwer 1970, 1972; J. T. Fisher, 1951:13,14). This does not suggest that a child will not be *allowed* to read, although research suggests that even too much elective reading may damage a young child's eyes.

Many neurophysiological studies demonstrate significant changes in brain maturation (anatomical, chemical and electrophysiological) between ages seven and eleven. Some researchers suggest the child's increasing ability to handle and sustain increasingly complex perceptual and cognitive tasks relate to these and other aspects of brain maturation.

A number of investigations (by Corbin 1951, Nicholson 1956:42, Lairy 1962, Nelson 1967:1088, and Metcalf and Jordan 1972:127, 128), indicate that appreciable brain neurophysiological development is ongoing in the normal child from birth into adolescence. Some children are still developing in this respect until age eleven or twelve.

Metcalf and Jordan report that the EEG [Electroencephalographic] changes throughout the life cycle from earliest times (including prematurity) to old age. These changes are particularly rapid during the first two years. Development continues at a decelerating rate through adolescence after which there is a trend toward relative "plateauing" of development. The marked developmental changes in the EEG from birth to adolescence have led behavioral scientists to seek relationships between brain maturation (as seen with the EEG) and other areas of development, whether they be at the physical, physiological, or psychological levels. We have noted, for instance, that the EEG changes associated with adolescence are correlated with the very earliest sign of adolescence (epiphyseal closure—presumably under hormonal control), and therefore precedes adolescence as typified by secondary sex changes, psychological changes, and physical growth changes (1972:127, 128).

Data on physiological development of the brain is supported by findings of Yakovlev (1962, 1967 and 1972) indicating that structural maturation of the brain appears generally consistent with Piaget's period of concrete operations (see p. 45). Nagers notes that in this early developmental process:

Myelination and function are very closely related. Here again there is hard evidence from animal experimentation suggesting clearly that environmental stimulation has significant effects upon ultimate structure and function (1972:5).

#### VISUAL MATURITY

Another area closely related to brain development on the one hand, as well as cognitive and perceptual development, is that of visual development. The central nervous system (CNS) processing of visual stimuli is a complex matter, and as described by Chalfant and Scheffelin, involves (a) visual analysis, the separation of the whole into its component parts; (b) visual integration, the coordination of mental processes; and (c) visual synthesis, the incorporation or combination of elements into a recognizable whole (1969:23-26).

This dependence of vision upon a complex cerebral system embracing large areas of the brain is described by Chalfant and Scheffelin (1969:22, 23). They point out, "it is generally accepted that the retina is an outward extension of the cerebral cortex" (1969:23). When this description is joined with the reports of Yakovlev (1962/67) it is not difficult to acknowledge the probable stresses on the young child who is subject to reading and other complex cognitive or conceptual tasks.

Thus reading-readiness depends upon appropriate maturation and controlled integration of complex CNS (biological or physiological) and cognitive (psychological) systems.

An interesting longitudinal illustration of this relative maturity is provided by Hilgartner in a paper presented to the Texas Medical Society (1963):

In studying my records, I find that the earlier the children start to school the more frequently nearsightedness is discovered, between the ages of 8 and 12.

The legal school age in Texas in 1906-7 was 8 to 17 years, the entrance age was reduced in 1907-8 to 7 to 17. In the year 1910, when my father refracted 151 children, there were 116 hyperopes to 15 myopes, a ratio of 7.7 hyperopes to 1 myope. This ratio held fairly constantly until 1930, when the ratio changed to 2 to 1.

The legal school age was again changed in 1930-31 from 7 to 6 years, and five years later the ratio was 1.8 hyperope to 1 myope. In 1940, ten years later, the ratio was practically 1 to 1. In 1945, 1946, 1952, 1957 and 1962, the ratio changed greatly and the number of myopes greatly exceeded the hyperopes. The average is now 5.0 myopes to 1 hyperope. For contrast, in 1910 it was a majority of 7 to 1 in favor of the hyperopes. (1963:3, 5)

Newton, 1972) a Dallas ophthalmologist, in checking his records found the Hilgartner figures to be conservative. Dr. Hilgartner makes specific application to the modern school:

The educators, at least the ones I have talked to, say that in the first grade of school, there is little book work or reading that the child experiences. They say that the child plays and he is taught to draw and he begins to learn about the birds and bees. For the sake of peace, I will concede that the actual amount of reading the first grade or kindergarten child does is nil. However, I will not concede that he does not use his eyes excessively for near work, while in the school room. I make the charge that most of the morning he is looking at pictures, making drawings, or watching the teacher draw pictures on the nearby blackboard.

During the 3 or 4 hours that the beginner, age 6, is in school he is using all the ocular muscles for accommodation and convergence, in order to see the pictures, drawings, etc. If he were outdoors, playing robber, soldier, or other games, he would not be using his eyes excessively for close work. The internal and external recti, the superior and inferior recti, as well as the obliques would not be working excessively to make the child see a single object. (1963:4)

For parents or teachers who wonder why many of their bright children do not read well, Strang (1964:164-5) and Carter and McGinnis (1970:48) noted that when these children cannot adjust to the difficulties and discomforts of tasks requiring close vision, they simply give up trying to read. Under this pressure and frustration many lose their motivation, when if allowed to mature they may have done well, see Empirical Evidence, page 51). Carter and McGinnis say

... the visual mechanism at six years of age is unstable and many children have difficulty in fixating at definite points and in keeping their place in reading. Children at this age make many regressive movements and are inaccurate in moving from one line of print to the next. ... Some children who cannot adjust to the difficulties of near vision find reading so uncomfortable that they give up trying to learn (1970:48).

Although much remains to be learned about the child's vision, it is well established that normally there is a gradual development until he is at least eight years old. Ilg and Ames point out that if a child cannot shift his focusing posture from the chalkboard to his desk by age eight he is in trouble

(1965:241). But Ames notes that there may be problems, for example, in trying to teach the five or five-and-a-half-year-old to read: "The five-and-a-half-year-old is more experimental visually than he was six months earlier. His big problem, so far as reading goes, is that he easily loses his visual orientation and thus may often reverse his letters" (1967:57). After that, although all children do not develop at the same rate, the child becomes more and more ready to read.

#### AUDITORY MATURITY AND OTHER FACTORS

As a child matures there is a progressive improvement in sound discrimination. According to Carter and McGinnis (1970:51, 52), the ability to differentiate among speech sounds is considered by many investigators to be of prime importance in successful reading. If a child is unable to differentiate between sounds he will be unable to reproduce the sound correctly in speaking. This would also handicap him in recognizing written words, since improper pronunciation would lead him to expect a different spelling of the word.

Wepman (1968:1-6) says that in some children auditory discrimination and auditory memory—"ability to retain and recall speech sounds"—are not well developed until the age of nine.

Even more complex and demanding of maturity are the *intersensory* demands on the young child. Birch and Lefford (1963:39) studied intersensory development in children from five to eleven, with a mean IQ of 115. Results of the experiment, exploring and relationships among visual, haptic (active manual exploration) and kinesthetic ... sense modalities for recognition of geometric shapes, showed that the ability to make various intersensory judgments (same-different) follows a general law of growth and improves with age. For judgment of both identical and nonidentical forms, the least number of errors was made in visual-haptic judgments. Seventeen percent of the five-year-olds made no errors in judgment using visual and haptic information, while no five-year-olds performed perfectly with haptic-kinesthetic or visual-kinesthetic information. The integration of the kinesthetic modality with visual and haptic modalities does not take place until the children are seven or eight years of age. They concluded that "The evidence for normal children strongly confirms the view that the elaboration of intersensory relations represents a set of developmental functions showing age-specific characteristics and markedly regular curves of growth" (1963:39).

It is in these *neuropsychologically-related* areas that teachers can give the mothers *objective* help in the home, and earn her trust and friendship. Valett (1970:259, 260) lists six such major areas in the order of their emergence: (1) gross motor development, (2) sensory-motor integration, (3) perceptual-motor skills, (4) language, (5) conceptual skills and (6) social skills.

#### COGNITION AND RELATED DEVELOPMENT FACTORS

Piaget's studies of cognitive development are designed to demonstrate the order in which the child becomes able to do a variety of tasks. He has demonstrated a series of operational levels of cognition (processing, ordering and articulating information), ranging from primarily motor-sensory to primarily abstraction. Overton summarizes Piaget's four major steps in cognitive development as follows: (a) the sensory motor period—birth to two years; (b) the pre-operational period—two years to seven years; (c) the period of concrete operations—seven to eleven years; and (d) the period of formal operations between eleven and fifteen years (1972:96).

The relationship of these developmental "stages", and the neuropsychological indices previously noted, indicate the need for more complete understanding of the coupling be-



tween neurophysiological development and developing cognitive capabilities so that we can achieve a more rational neuropsychological approach.

Note the close relationship neurophysiologically and cognitively of Piaget's order of basic learning abilities and Piaget's major stages as noted by Overton (1972:95-97). It seems clear that (1) these must not be ignored in programming a young child's learning, and (2) the readiness factor must not be ignored in view of the well-established sequence of these learning stages.

Overton notes that the change from pre-operational to concrete operational periods of childhood finds the very young child involved in direct perception relationships with a minimum of reasoning. So this child as evaluated by Piagetian "conservation tasks" relates quantity to shape and form of objects, but if the shape or form is changed he is confused; he must also change the quantity. For instance, he cannot understand how a low, wide glass can hold as much water as a tall, narrow one. It is not until he is seven or eight or later that he becomes a fully "reasonable" creature. As he goes through this transition he begins to reason abstractly instead of limiting himself to direct relationships (1972:96-103).

Almy's replication of Piaget's work demonstrated "that only 48% of the second-grade children, in the middle class school, with a mean chronological age of seven years and four months, were able to conserve in all three of the Piagetian tasks" (1966:83) which were designed to measure cognitive maturity in terms of abstract thinking normally required for primary grades. Almy concludes that "failure to conserve [Piagetian term for ability to grasp certain problems of abstract reasoning] at an early age may be associated with a failure to grasp much that goes on in the classroom and elsewhere" (1966:99).

Says Furth of this development period, describing the Piagetian timing:

"The age range of five to ten years . . . constitutes the establishment of what Piaget calls "operational" intelligence. It is during this time that the stable concepts of space, time, relations, classes, combinations, etc., become available to the child, and it is precisely these broad concepts that are the stuff of general knowledge or intelligence. These general concepts of the developing intelligence evolve whether the child goes to school or not, because they are not dependent upon specific instruction. Moreover, these concepts are the base on which the learning of any special knowledge must rest if it is to be anything more than rote memory (1970:3)."

On the hurrying of the education of American children, Phillip points out that Piaget: "When asked whether or not the stages of the development of the child's brain can be speeded up, called this the "American question". Piaget's basic answer to this question was that it probably can but probably should not be speeded up. Piaget feels that there is an optimal time for organization of operation of the brain. And feeling that there is an optimal time, he goes further to point out the optimal time is not the minimal time. His concern is for maximal development more than acceleration (1969:132)."

Jensen suggests that there are two general varieties of learning ability, *associative* and *conceptual* (1969:41). The first is primarily identified with the early sensorimotor and preoperational years of the normal child's life. The second relates more to the later ability to reason from cause to effect, to think abstractly. Without going further into Jensen's conclusions, Rohwer notes his observations that the schools tend to demand learning tasks that "become increasingly conceptual in their demands with succeeding grade levels" (1970:4).

Kaufman underscores the sensorimotor nature of learning for children six or under. Utilizing interference and priming reaction

time models, she explored the relative effectiveness of touch and vision in early childhood developmental change. She reports:

"For younger children (3-6), tactual stimulation proves to be more effective, while for older children (7-9), visual is more effective with a shift occurring between ages 5-7."

"An additional finding that emerged from results of the priming model suggests that intermodal stimulation has an inhibitory effect on reaction time for younger children, with tactile priming stronger, and a facilitatory effect in older children, with visual priming the more potent stimulation (1971)."

Rohwer sees an intrusion on the child's freedom to learn associatively during his pre-operational years. In his review of ECE research he found "little evidence to support the rationale for progressively lowering the age of required school entrance if by evidence one requires data demonstrating a positive effect of early school entrance on later school achievement" (1970:78). He offers an illustration:

"For example, consider the sacred cow of reading proficiency. Reading instruction begins almost uniformly with the onset of formal schooling, usually at age five, and the child's progress in reading typically becomes the major desideratum for judging his success in schools. Yet there is no compelling evidence that delaying the onset of reading instruction by one or even several years would retard the rate at which the component skills are acquired. Furthermore, there is no persuasive evidence that reading is the principal means by which the student can acquire the other kinds of information that might be useful to learning during the first five years of schooling; even given current schooling practices the evidence for this is thin and it is much more than with respect to the issue whether or not the presentation of information in text form is optimal for learning in the case of highly proficient readers (1970:7)."

Dr. J. T. Fisher supports this thesis from clinical observation and affirms a need for a primary effort in behalf of the home rather than developing more schools. When school time does come, he infers a need for non-gradedness:

"Psychologists have demonstrated that a normal child commencing his education in adolescence can soon reach the same point of progress he would have achieved by starting to school at five or six years of age. I have often thought that if a child could be assured a wholesome home life and proper physical development, this might be the answer to a growing problem of inadequate classroom space and a shortage of qualified teachers—and the instinctive reluctance of all of us to hand over tax dollars for anything that doesn't fire bullets (1951:13,14)."

Husen (1967) made an international correlation study of mathematics achievement and attitudes toward school. He drew stratified samples from the entire student population enrolled in the modal grade for thirteen-year-olds in Australia, Belgium, England, Finland, France, Germany, Israel, Japan, Netherlands, Scotland, Sweden and the United States. Rohwer (1970) was able to rank Husen's samples in terms of age of school entry and of national medians in each country. While he observed no significant negative correlation between age of school entry and mathematics achievement, he found a significant negative correlation between school entry age and attitude toward school ( $\rho = -.72, p < .01$ ). That is, the longer the student had been in school before the sampling the greater the probability of negative attitudes toward school. Pontius' studies (1972) underscore the detrimental behavioral effects of speeding up "concrete" adult demands on children.

Elkind (1969:332) found that "Not only is there no clear cut longitudinal data to support the claims of lastingness of preschool instruction, there is evidence in the opposite direction". And citing several key studies, he suggests "a negative correlation between early physical maturation and later intellectual attainments . . . the longer we delay formal instruction, up to certain limits, the greater the period of plasticity and the higher the ultimate level of achievement". He sees "intellectually burned" children who before they reach high school have become so frustrated and anxiety ridden by unrealistic educational measurement and objectives that they are unprepared for intellectual success or for achievement that might otherwise be theirs.

*Summary on Neuropsychology and Cognition.* From a review of ECE research, it is difficult to find evidence supporting generalized school intervention down to age four. Research in fact, generally suggests the opposite. It offers strong reason for delaying schooling as commonly conceived until age eight or later. Whatever consternation this might trigger in family or professional circles, the evidence is quite clear, whether the data is clinical, empirical or from other research.

The young child, however bright, has a structurally incomplete central nervous system until he is at least eight to ten. This includes visual, auditory and other sensory-motor faculties. Most children appear to be unready for the type of abstract thinking or stress of continued encouragement of reading by many schools until a similar age. And emotionally they are normally less likely to experience deprivation if school intervention is withheld until at least seven or eight. If early intervention is to be generalized, a large body of ECE research indicates it would best be directed toward providing counseling for parents.

We agree that special needs exist in severely deprived homes; more attention could profitably be given the acutely-deprived or handicapped than some now receive. If the State should in a variety of ways make clear to parents the nature of the affective and neurological developmental needs of their children, parents may be more responsive to their needs and less demanding of the schools. It is in this articulation with the home where many educational systems may have principally failed. California laudably expresses a determination to change this. (1971). Other states are joining.

Piaget, who is given much credit for the "rediscovery" of the infant and the young child, and therefore for much of the ECE renaissance, is yet, from a reading of almost any of his works, found to be among the first to question the need for wisdom of early childhood acceleration (Gordon:1968:11).

Once the normal child has been left free to develop affective, cognitive and neurophysiological readiness, research suggests that he will quickly learn the necessary skills with which he currently wrestles. Fisher (1951:12) suggests that the experience of unpressured normal development should be available to every normal child. The principal question, it appears, should be not so much one of providing more schooling, as of assuring a warmer, more enlightened home environment until the child reaches appropriate cognitive and neurophysiological maturity. For reading with understanding, writing effectively and performing abstract operations, this appears to be much closer to age eight or ten than to age four.

#### EMPIRICAL EVIDENCE AND SCHOOL ENTRY AGE

There remains here the obligation to cite investigations which have compared the results of early schooling on the one hand with later entry on the other. Such evidence should go beyond immediate measurement

of results, to examine long-term retention, development of attitudes, quality and degree of motivation, and general maturity. This research should cross all SES levels, and should consider the differences in rate of development between boys and girls.

Except for the handicapped or severely deprived, research provides scant evidence for lasting benefits from early schooling, and then efforts are usually expensive, small-scale, with three to five students per teacher. Empirical evidence favors later admission for normal children. It strongly suggests that for early entrants there is a greater likelihood of regression of loss of motivation (as well as deterioration of attitude as demonstrated by Husén) as the years pass, while the late starters appear generally to improve their positions.

#### COMPARATIVE STUDIES

Most academic schooling, it will be assumed, eventually rests upon an ability to read. In turn, Nila Smith points out, "Dozens of investigations indicate that reading maturation accompanies physical growth, mental growth, emotional and social maturity, experiential background and language development" (1968: 61). Olson found that "children of the same age and the same grade location are regularly found to differ by as much as four or five years in their maturation and their readiness to perform tasks" (1947: 502-3).

Several questions are presented: Is the child ready for school? Even more importantly, does he demonstrate this readiness by sufficient maturity to sustain learning? Will the early starter be as well or better motivated and less frustrated and anxiety-ridden as the one who starts later? A wide variety of studies contribute answers to these questions.

King (1955:331-336) reports an Oak Ridge, Tennessee, study of two groups of children, involving 54 children who were five years eight months to five years eleven months old when they started school who were compared with 50 children who started at six years three months to six years eight months of age. I.Q. scores of the younger group averaged 102.04, the older group average 100.08. Stanford achievement tests at the end of grade six for these children showed a distinct difference in reading ability, strongly in favor of the older group (a range of 3.8 to 9.6 for the younger group, 5.4 to 11.3 for the older group). In this study, of the 11 children who were retained in a grade, only one had started after six years of age, 19 boys and 16 girls of the younger group appeared to be maladjusted in some way, while only 3 boys and 3 girls from the older group were considered maladjusted.

ECE studies involving retention of learning have been done at virtually all grade levels and SES levels with remarkably uniform results. Keister (1941:587-596) reported that five-year-olds could often develop enough skills to get through first grade reading, but the learning was generally not retained through the summer vacation.

Gott compared 171 kindergarten children who were about four years nine months when enrolled, with 171 who entered at five years seven or eight months. She reports:

"Children with continuous attendance in one district through sixth grade were selected from the 1953, 1954 and 1955 kindergarten enrollees in the public schools of a California city of 45,000 with an average elementary enrollment of 9,800. Those who were four years nine or ten months of age at entrance formed the younger group; those five years seven or eight months of age formed the older group. In each age group there were 171 cases, 102 girls and 69 boys."

"Each age group was divided into five ability groups determined by the California Test of Mental Maturity, Elementary Short Form, given in the fourth grade. Younger

children were compared only with older children of the same ability group. Reading readiness tests were used at the end of kindergarten. The Stanford Achievement Tests measured reading, arithmetic and spelling at the end of grades two through six, and social studies after grades four, five and six. Social-emotional development and leadership honors were judged by records and faculty reports. . . ."

"All younger groups achieved less than all older groups in all subjects at all grade levels, except for one zero difference, in the ninety comparisons of mean scores. (1963)"

Davis (1952:140-41) studied 235 first grade children with these results:

ARITHMETIC		
Percent of low marks (1)		
Age of pupil in years:		
5½ to 6-----	49	
6 to 6½-----	34	
6½ to 6¾-----	19	
6¾ to 7-----	19	
READING		
(Percent of low marks)		
Age of pupil in years:		
5½ to 6-----	38	
6 to 6½-----	17	
6½ to 6¾-----	16	
6¾ to 7-----	16	

He provides additional data and comes to some conclusions about the fortunes of birth dates:

"Marks of Fair and Poor were considered low. Marks of Excellent and Good were considered high. Ages are as of October 1, 1951. A similar study of marks earned by these same children during their kindergarten year showed an even higher percentage of poor marks received by the younger children."

"If your child was born just one day too late and is just unlucky enough to miss entering school this year, the chances are that he is just lucky enough to miss an unhappy school experience and gain a happy one."

Other comparisons of reading achievement of early and late starters were made by Carroll (1964:290) in the third grade, Halliwell and Stein (1964:631-39) in the fourth and fifth grades, and Hambleman (1959:331-34) in the sixth. All found generally that later entrants significantly excelled those who started earlier. Similar studies with similar results have also been reported by Carter (1956), Baer (1958), Green and Simmons (1962).

John Forrester (1955:80-81), discovered on a study of 500 school children from grades 1 through 12 in Montclair, New Jersey, public schools, that the very bright, but very young pupils at the time of school entrance, had not realized their potential in school success. From junior high on, 50% of them earned only C grades. However, the very bright older-at-school-entrance group excelled generally throughout their school careers.

While many of these studies were undertaken with a combination of low and middle-SES children, the higher SES groups apparently perform similarly. Mawhinney (1964: 25) reports how during over a total of 14 summers from 1949-1963, children from Detroit's elite Grosse Pointe, Michigan, families were selected by psychologists because they were considered mature enough or of sufficient potential to be admitted to kindergarten before age five. He states:

"During the 12 summers of 1949-60 there were 1,378 boys and girls tested, and 777 (56.4 per cent) were approved for early entrance, although only 745 actually entered. During that period, 359 (48.2 per cent of the 745) withdrew from Grosse Pointe Public Schools."

"In May and June of 1961, pupil personnel surveyed the special kindergarten program, focusing upon the 386 now left. Their records were studied and their teachers and counselors were polled for evaluations of so-

cial and emotional adjustment, demonstration of leadership and academic status.

"Nearly one-third (30.6 per cent) of the early entrants were said to be poorly adjusted. Only about one out of 20 (4.6 per cent) was judged to be an outstanding leader, while nearly three out of four (74.4 per cent) were considered entirely lacking in leadership. Nearly one in four (24.4 per cent) was superior academically, and one in four (25.3 per cent) was either below average or had repeated a grade."

Such has been the story for over fifty years, as Reed (1927), Caswell (1933), and Wright (1936) report. These and other researchers found that from 1915 to 1935, 20 to 40 per cent of first grade children were failing because of inability to read. As a result of these statistics, Nila Smith notes, that "the reading readiness concept was introduced" (1966:62). This is the concept that some planners now reject. (Time, July 26, 1971)

As pointed out by Halliwell and Stein after a review of literature on early and late starters, these "findings . . . do not in any way negate the value of individualizing programs or of accelerating pupils through the grades" (1964:658). There may be a time for acceleration as the able child demonstrates maturity. And it should again be observed here that provision should be made through non-graded schools to accommodate these differences. Nevertheless, say Halliwell and Stein these studies "do seem to warrant the conclusion that succumbing to current pressures for an early entry date for first-grade pupils is extremely difficult to justify especially in the light of the more positive findings for other forms of acceleration" (1964: 639).

#### READINESS DIFFERENCES BETWEEN BOYS AND GIRLS

While Pitcher and Ames (1964:44) noted "surprisingly few" systematic studies of early sex differences, one factor seems to stand out clearly: "boys are harder to raise than girls" (1964:49) This has been suspected for years. Cutts and Mosely (1957) provide several sets of figures, each of which demonstrates overwhelmingly the greater number of behavior problems among boys than girls.

Rexford (1959) reports in one study that fifty-five out of fifty-seven delinquents were boys.

Hall (1963:396-99) found in a study of 12,800 elementary school pupils that three times as many boys were retained as girls. The retentions were attributed to slower maturation. Pitcher and Ames concluded, as do many investigators, that "so far as school goes, on the average girls are ready to meet the demands of first grade a good six months earlier than boys" (1964:51). Rubin (1972) and Gesell and Ilg (1946), express concern, with Schaefer (1971:18. See page 8, this paper), that educators and parents "ignore" or "overlook" developmental facts which research makes plain. Says Rubin:

"Educators have long stressed the need to adapt instruction to children's developmental needs and capacities. Still the widely recognized developmental age difference between boys and girls of the same chronological age is almost universally ignored in educational planning for children in their early school years (1972: 265)."

Gesell and Ilg (1946:388, 389) after extensive research and clinical analyses, found that school tasks such as reading, writing and arithmetic "depend upon motor skills which are subject to the same laws of growth which govern creeping, walking, grasping". The resulting awkwardness and immaturity "is often sadly overlooked by teachers and parents":

"When the school child was a baby the adult attitudes tended to be more reasonable. One did not say he should walk at this or that age. Feeling confident that he would walk at the most reasonable time, one was



more interested to observe the stage and degree of his preliminary development. If reading readiness and walking readiness are appraised on similar grounds, more justice is done the child (1946:388, 389)."

Research substantiates Hymes' findings that "A child pressured into achievement before he is ready . . . runs the risk of becoming a less sturdy, less sure, a less sound and healthy personality . . . [and] resisting and rejecting when he is a free agent, the learning that is forced on him" (1970:136). Say Ames, Gillespie and Streff,

"Inevitably, many children have not merely one but several of the problems just listed [immaturity, vision or perceptual, emotional disturbance, brain-damaged, retarded atypical personality, endocrine imbalance, etc.]. But whatever other difficulties they may experience, the majority of children referred to our clinical service [i.e., the Gesell Institute] because they were doing poorly in school were overplaced and underendowed for the schoolwork being demanded of them (1972:57)."

Clinical help outside the home may often be required for advanced cases of deprivation, but these are yet the exception. And even in these cases, according to research cited in this paper, the typically-deprived child will normally respond better to a home type environment in which he may identify with a mother or mother-surrogate who understands and provides him affection.

#### COMPLIMENTARY ASPECTS OF EARLY CHILDHOOD EDUCATION

There are a number of factors which will inhibit or advance optimum child development. Among these are the nature of the home, the structure of the school, the costs involved and the direction which research takes and extent to which its evidence is systematically followed.

#### THE HOME

There are unquestionably homes which are not appropriate habitats for children. Many of these are in low SES communities but they may also be found in middle and higher class areas. For warmth and continuity, as pointed out by Geber and others, are far more important to the child's overall development than the material assets of the home. Parent education is therefore one of the most urgent needs.

Some educators believe that this approach will not be fruitful, for "what parents want to do they will do". Yet if public information on a massive and persistent scale can turn millions from the nicotine habit or addiction, and if it can make America ecology conscious, much can be done to educate parents about their part in the development of their children. Research, as noted, tends to support this conclusion.

#### THE SCHOOL

While research massively contraindicates schooling before age seven or eight, except under conditions cited in this report, the school should be prepared for the children of those parents who prefer to delay their school entry until age seven or eight or later. It would seem appropriate that many state legislatures should reconsider their requirements for school entry. Mandatory school entrance before age seven or eight appears to be contrary to a large body of reproducible research evidence.

In preparation for later entries the schools should build flexibility into their curricula. There is no reason why a well-adjusted child who appropriately begins school at age eight should be kept in lock step through school and graduate from high school at 20. Fisher (1951:14) points out that a "normal child", given a flexible, i.e. nongraded, school program can start even as late as adolescence and finish with or ahead of those who started at five or six. But a simple, non-graded plan with a reasonable set of per-

formance standards is essential. Otherwise, as if often done, the late starter may well bypass the first, second or even later grades, depending on age and maturity.

Costs. While research is not yet entirely clear on dollar costs of homing and of schooling, experiments by Levenstein, Gray and others favor the home. Says Schaefer:

"Evaluations of these programs suggest that working with the mother has greater cost-effectiveness in promoting the child's intellectual growth. The long term effects are greater, the cost can be lower than bringing the child into day care or preschool, the mother applies her skills to her subsequent children, and neighbors, friends, and relatives learn improved skills from the target mother. (1972)."

The ERIC (1972) analysis of a study by Barbrack and Horton tends to agree. (But a caution must be observed here: When cost comparisons are made, the bases should be consistent. For example, a cost which includes schooling or day care plus comprehensive services (medical, psychological, etc.), should not be equated with a figure showing costs of schooling alone. Nor should whole-day schooling or care be costed against care for briefer periods. Through neglect of this caution, the literature has often been confusing.)

Shannon (1972) in his analysis of the Mondale-Javits Bill, states that comprehensive early schooling or child care "could easily cost \$2,600 a year a child". Considering the services Riles has in mind, his report (1972: 12) strongly suggests that many if not all California four-year-olds fall into this category, (although he is budgeting only \$500 to \$600 per child). Shannon's figures provide legislators and taxpayers ample incentive for desiring that ECE efforts be built on sound bases of reproducible research, before local, state or federal governments embark upon wide-ranging programs for all children. Otherwise parents may, for increased costs, receive services which actually impede the development of their children and which may in some cases cause damage.

Some experienced observers fear that the current ECE drive may get so out of hand that the movement will be irreversibly harmed. White recently expressed a concern that the early schooling movement "will work itself into so much trouble within six years or so that it will wipe out the gains special education has made and possibly ruin the future of early childhood education" (See Moore, 1972). White has recently completed a comprehensive study of federal ECE spending programs.

In this connection, Jencks (1972) in his analysis of the Coleman Report, indicates that increased spending levels in schools have shown relatively little promise, while working with the home shows definite promise.

#### RESEARCH

Research is crucial as a base for future ECE programming. Among many research and development areas of urgent need are:

##### 1. PHYSIOLOGICAL AND PSYCHOLOGICAL DEVELOPMENT

There is research evidence that the brain does not physically mature until the child is eight or ten. Studies on cognition also reveal a readiness for sustained high cortical thought—such abstract thinking as required in mathematics, reading, etc. only after age seven or eight. Studies are needed which correlate neurophysiology and cognition in given groups of children between ages three and four to nine or ten.

##### 2. MINIMAL BRAIN DYSFUNCTION

Some have held that this is primarily a genetic, organic or metabolic problem. Is this true? Or is it possible that what appears to be minimal brain dysfunction may be caused by early stress in home or school?

##### 3. BRAIN LOBES

There are some striking new theories on the function and relationships of the lobes of the brain in young children. These should be thoroughly investigated.

##### 4. VISION AND HEARING AND SENSORY AND INTERSENSORY PERCEPTION IN GENERAL

There remains much controversy, for example, about visual readiness for reading. Yet research to date warns of dangers to the young child. What, if any, is the effect of television on the child's visual-perceptual apparatus?

##### 5. EARLY STRESS AND DELINQUENCY

There is reason to believe that anxiety frustration and loss of motivation incurred in part by early schooling or seriously deprived homes may be the seeds of delinquency. Ethical deprivation or retardation may be a more serious concern than mental retardation and similar cognitive anomalies.

##### 6. SOCIABILITY AND AFFECTIVE DEVELOPMENT IN THE YOUNG CHILD

Many educators and parents intuitively believe that the young child between birth and five or six requires socializing experiences outside the home, i.e. school. Further studies are needed of attitudes, motivation and social/emotional development in general. (cf. Ainsworth, Bowlby, Geber, Husén, Spitz, Yarow, etc.)

##### 7. MATERNAL DEPRIVATION

The effects of maternal deprivation urgently need further study and highlighting to insure that parents and educators understand better the way children are affected generally when they leave the warmth and environmental continuity of a good home, and/or when their homes do not provide this warmth and continuity.

##### 8. HOME SCHOOLS

It must be concluded in the face of evidence provided here that there are better and perhaps less expensive means to insure optimum early childhood development than early schooling for all children. Parent education on a more systematic basis, including small "home schools" or small "family care centers" on a 1:3 to 1:5 adult-child ratio where necessary, is one possibility. The work of Levenstein, Gray, Schaefer, Weikart, Gordon and others along this line needs to be expanded, with much more experimentation on home-and-family-centered education. Project Home Start, recently initiated by the Office of Child Development of the U.S. Department of Health Education and Welfare, is a beginning in this direction.

##### 9. MATERIALS AND METHODS

Whether for mothers who keep their young children at home or for teachers in schools, research should provide more and better age-appropriate and development-appropriate learning tasks for the young child. Simple, manageable criteria or performance targets—usable by mother or teacher—should be developed on an age-specific basis rather than by grade, providing flexibility and usefulness for non-graded schools. These should provide for each child to move along at his own optimum speed.

#### SUMMARY

The research evidence presented here has been limited to a few major and commonly-discussed facets of early childhood development. The number of areas of substantial developmental change which take place between the ages suggested by the California Task Force for school entrance (age four) and the ages indicated by research (approximately eight to ten or eleven) is surprising. White (1970:41-57) documents a wide variety of these between ages five and seven. Yet a review of this limited cross-section of ECE-related research leads to several general conclusions and in turn to more detailed findings:

First, it is difficult to see how California and other states and cities can justify schooling for all four-year-olds (or younger) in view of substantial evidence to the contrary. This does not deny the need for intensive intervention for the handicapped or seriously deprived.

Second, in the face of known school costs based on teacher-student ratios of 1:20 or 1:30 or more for typical elementary classrooms, the education of four-year-olds at the ratio of 1:10 or "at least one adult to every ten children" recommend in the Task Force Report (1971:3) will be prohibitive on a generalized basis. Yet to compute the costs on the 1:10 ratio is not educationally realistic in terms of the "eleven successful programs" cited in the Report (1971:31). In every program cited in which ratios were provided (six out of eleven) the ratio of teacher to student was 1:5 or less. Considering the potential costs, both capital and operating, the generalization of the program to make it available to all California four-year-olds would likely through dilution of effort or funds, pose a threat to intervention programs which are seriously needed, i.e., for the handicapped and seriously deprived.

Third, Those proposing early schooling for all children should take time to analyze systematically (1) the broad ECE goals as stated from a comprehensive view of all facets on which research evidence is available, and (2) the interrelationships of those facets.

Fourth, There should be little or no discrepancy between research and planning, and greater care given to systematizing research, some of which is reviewed here.

Among the many vital ECE research areas which cannot be ignored if a true systems approach is made, but which were essentially omitted from the California Report are:

1. Evidence of parental willingness to solve their ECE problems in the home with such help from the city or state as may be indicated.

2. Maternal deprivation and the specific relationship of early schooling to losses so incurred.

3. The imperative of neurophysiological and cognitive maturity providing for optimum development of the young child's intelligence. This includes, visual, auditory and other sensory factors.

4. The many research reports which indicate that as a group children entering school at an older age achieve better academically and have fewer emotional problems than their younger counterparts.

5. Experiments with the "home school", particularly recent efforts, which show promise of greater success at much lower cost in homes where intervention is indicated, and which strengthen the normal province of the home instead of providing substitutionary measures through schooling. This is a creative challenge to early childhood specialists.

Fifth, There are many aspects of the California Report relating to older children and to other aspects of early child care which can be well supported by research.

It is the broad scale inducement of early schooling for all, even though not mandatory, that thus far has little or no support by reproducible research.

#### CONCLUSION

It should be pointed out in conclusion, perhaps, that a number of reputable scholars, researchers and clinicians, after experimentation or review of research, have found it necessary to reverse or clearly modify their positions after assuming that early schooling or other well-planned, institutionalized day care was virtually synonymous with sound early childhood education. Among these are Blatt, and Garfunkel (See p. 35). Schaefer (1972) and Meers, below. Educational planners for local, state and federal governments might profitably note the experience of one of the more candid of these.

Meers, who is both a clinician and researcher, first details his original conclusions which he declares "have since proved to be singularly erroneous." (1970) These included open admiration for selected programs in Eastern and Western Europe, Israel and the United States. The concluding statement of his paper prepared for the Office of Economic Opportunity seems to summarize well the findings of the research team of the Hewitt Research Center in preparing this report on early schooling from a systematic research point of view, and specifically as it relates to California and other government plans:

In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.

Some clinicians and child development researchers, such as this author, are presently in an anomalous position. They have long and fervently recommended and supported the establishment of Day Care centers for special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start Group Day Care entails far greater risks and these should be taken only where the alternative [sic] are patently worse. (1970)

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#### WHEN SHOULD SCHOOLING BEGIN

(By Burton L. White)

Among interested professionals and many parents, the topic of pre-school education is a sure bet to arouse emotion. Especially during the last decade, when a good deal of attention has been focused on the issue, we have heard one strident voice after another. In this Kappan, Moore, Moon, and Moore present a provocative but reasonable analysis of the problem which to me merits serious consideration. Put simply, they claim that the recommendation of the California Report—California Task Force Report, "Report of the Task Force on Early Childhood Education," Sacramento, Calif.: Wilson Riles, State Superintendent of Public Instruction, and the State Board of Education, November 21, 1971—that all children four years of age and older receive formal schooling is based on a seriously erroneous interpretation of research evidence, and indeed is directly contradicted by that evidence. The authors would rather see more public support go toward preparing people to become effective parents and for programs for early detection and treatment of educational deficits. As for children without obvious difficulties, they would have the reader consider the idea that formal schooling ought to begin no sooner than the ninth year of life.

My colleagues and I have been studying the development of infants and young children for over 14 years. For the last seven, the work has been pursued at a graduate school of education. We have been continuously aware of the fact that though humans begin to learn at least as early as birth, most societies do not provide organized educational support until a child is six or seven years old. This has been the case for Western civilization for all its recorded history. It is my guess that the major reason for this tradition is that at six or seven years of age most children can be taught (in groups) to read without great difficulty. Substantial numbers of students of child development (including myself) are totally convinced that all children are being "educated" in areas of profound importance during the first six years of life. This education takes place mostly in the home. Too many children are failing this course of study, and failure at this stage apparently usually means failure throughout life. Until very recently, educators have paid relatively slight attention to questions of the curriculum, the staff, and the methods of the "informal schooling" of the first six years of a child's life. But, whether educators examine the process or not, it goes on for all children, and many of us believe that our current professional neglect of the educational developments of the first six years is a serious disservice to most children, including many we consider perfectly normal.

I believe that within a few decades most Western societies will assume public responsibility for guiding the educational development of all children from birth. I do not mean to say that all infants and toddlers will attend schools, although a minority may in cases where a child needs remedial treatment; or where a family (even with outside support) cannot provide minimally acceptable educational experiences for a baby.

If public responsibility for pre-school education does not mean formal schools, what does it mean? My ideas are quite compatible with those of Moore et al.

First of all, parents need to be educated for parenthood. If there are better and poorer ways to rear young children, we have to identify them and make them a serious part of our public education curriculum. Over and above knowledge, families will often need other kinds of support. Parents we work with seem to need someone to talk with during more stressful periods, such as during an infant's second year of life when he becomes both more accident-prone and more negativistic.

Second, we do not currently know much about sensory development in the first years of life. The consequences of untreated sensory defects, especially in the areas of hearing and vision, can be devastating to a child, yet in most cases any but the grossest defects of this sort are not discovered until a child is six or seven years of age. We now have usable techniques for detecting most significant handicaps during the first three years. Each community will someday use these techniques in systematic ways.

Third, once a handicap is identified in an infant, we should treat it. In the case of a hearing deficit, hearing aids can be used, apparently with infants as young as six months of age. How can we tolerate letting children pass through the first three years of life, the period of language acquisition and primary socialization, with an undetected hearing loss? We are allowing this to happen every day to thousands of young children.

Here at Harvard we have been studying how some families provide remarkably effective early education for their young children. These families, affluent and poor, from many different backgrounds, are rearing children who at three years of age are remarkably competent. They not only score at about 140 on a standard I.Q. test, but they are equally impressive in their social abilities. In addition, they are not fragile or precocious little geniuses, but instead seem secure, independent, and happy. We have been trying to discover what role the family's educational practices play in such beneficial outcomes. Though we do not have all the answers, we believe we have acquired much practical information. Studies such as ours can lead to a better-informed public, to better child-rearing practices, to better early education in the home, and to better development of children.

In Brookline, a suburb of Boston, we have begun a five-year test of the feasibility of a public school system assuming a formal professional role in guiding the educational development of children from birth. The plan has the following major features:

1. Strengthening each family's capacity to rear young children through provision of parent education, professional consultation, and support and materials when needed.

2. Identification of educationally relevant handicaps as early as possible through a systematic medical and psychological diagnostic program administered continuously from before the child is born on through the pre-school years.

3. Treatment of identified handicaps such as sensory deficits, language acquisition and other learning difficulties, mental retardation, etc., beginning at birth.

4. A high likelihood of continuity with elementary educational experiences by virtue of the fact that the school system is the initiator and director of this experimental venture.

Currently, we spend comparatively little public money on the education of children until they are six years of age. Subsequently, we tend to spend more and more each year as children move through the system. There is good reason to question the wisdom of this arrangement. It may turn out to be more sensible to invest heavily in the first years of a child's life and spend less as he moves through elementary and secondary education. Such a shift of resources would be sure to meet resistance, but I believe it is inevitable.

The schools as they presently operate are falling many of our children. Everyone knows that. We all want to change it, but we know we cannot change it all at once. What we must do is find the best place to begin making the necessary changes, and I believe that early childhood is the best place to start.

Soon after I took office as California's state superintendent of public instruction, I ap-



pointed a group of distinguished researchers and experts to an *ad hoc* task force on early childhood education, with a mandate to rethink the education of primary children in this state. The task force was broadly representative, multi-ethnic, both men and women, and included parents, teachers, and experts from early childhood education, medicine, sociology, home economics, psychology, business, and architecture.

From the report of that task force came a declaration of priority from the California State Board of Education. The report became the framework for an implementation plan which is the basis for early childhood proposals now being considered by the state legislature.

In this brief article I can mention only some of the highlights of the current thrust for improvement of primary education in California.

#### TASK FORCE PHILOSOPHY

The following passages drawn from their report summarize the philosophy of the *ad hoc* task force:

The Task Force on Early Childhood Education hereby dedicates itself to the proposition that since all men and women of every race and creed indeed do have inalienable rights to life, liberty, and the pursuit of happiness, it is the business of society to assure these rights for every child. He is, we emphasize, tomorrow's adult.

The past decade has produced a new body of educational, psychological, and medical research documenting the crucial importance of the first eight years of life.—Benjamin S. Bloom, *Stability and Change in Human Characteristics*. New York: John Wiley & Sons, 1964. And we are convinced that these early years are critical in determining the future effectiveness of our citizens and in the long-range prevention of crime, poverty, addiction, malnutrition, neurosis, and violence. Even though research is still in progress and conclusions continue to evolve, we believe enough evidence is in to indicate that the following are clearly warranted now:

1. The people of the state of California must make a long-range commitment of funds to the proposition that the first eight years of life are the most important period in determining the future effectiveness of all our citizens.

2. Implicit in this commitment is the recognition of the desirability of providing educational opportunities for all children. . . .

3. School should be a happy place, a stimulating environment without the traditional artificial barriers, which provides an opportunity for continuous progress to each child, based upon his own unique needs, interests, talents, and capabilities. . . .

4. Because we recognize the importance of the parents in the education of children, we strongly affirm that parent education and involvement must be an integral part of all programs. . . .

5. There must be encouragement of local autonomy and creativity in program development, with provision for maximum flexibility within broad state guidelines. . . .

6. We believe it is essential that California establish at once for primary children a broadly based educational program that extends at least one year below the system now in existence.—California State Department of Education, *Report of the Task Force on Early Childhood Education*, Sacramento, December 10, 1971, pp. 1-2.

#### PLAN BEFORE LEGISLATURE

A bold, creative effort to redesign primary education in California is being made. Under the proposed plan, state financial support of public education is revised to devote a greater proportion of funds to the critical primary years. The pending legislation provides for completely restructuring the kindergarten and the present primary grades 1, 2, and 3 so that the individual needs of children can actually be met by means of an educational

program that is appropriate for each child. This will obviously require more and better prepared adults in the classroom, as well as better trained management personnel.

It is important to note that the California plan also provides for the optional inclusion of four-year-olds if their parents want them to have this educational opportunity, just as kindergarten has always been optional in this state. Such learning experiences will be oriented toward the child's development and should not be confused with "formal schooling" in the traditional sense or efforts to begin "academics" earlier. Age six is the legal age for school entrance in California. The new plan does not change that.

The key issue in the California proposal, however, is not the admission of four-year-olds. Rather, it is establishing an improved, more effective program for all primary children. There is, of course, no point in sending a four-year-old into any type of learning environment not geared to his needs, interests, talents, and capacities. The primary school as visualized by the task force is characterized above all by an educational environment which is responsive to the individual differences of all children, slow or fast, disadvantaged or not, of whatever race and color.

#### IMPLEMENTATION PLANS

Planners expect a gradual phase-in over the next six years. Plans call for each local school district to submit a master plan for early childhood education which must focus on the needs of the children to be served. Districts must define their goals and objectives for those children. They must design appropriate learning experiences for them. Evaluation must be provided for. Parents and the community must be included in the planning and evaluation. Coordination of all existing school and community resources which affect the education of primary children is required in order to secure program approval under guidelines to be adopted by the state board of education.

#### WHAT RESULTS CAN WE EXPECT?

What will the California plan do for children? It offers individualization, with parents, volunteers, aides, and older students working under the direction of the teacher to provide help for each child when it is needed, not in a later grade when it is more costly and less effective; to inspire interest and motivation; to allow for continuous progress, building upon success and ensuring positive attitudes of self-worth, self-confidence, and self-control. Included, for those who qualify, will be whatever additional services are needed, if not otherwise available. It is recognized that such things as extended day care, health, nutrition, and other social services are all factors which affect a child's well-being and success in school.

These are not new ideas. They just need to be put into action. The heart of the California plan is to stop talking and start doing.

The goal of the early childhood education proposal is that, by the end of the primary level, all our children will be excited about learning and able to proceed successfully with the rest of their school experience, having achieved sufficient command of the skills basic to reading, language, and arithmetic to enable them to do so.

What will it do for families? No longer can we afford the mistakes of the past in telling parents "hands off," that only educators know what is best for their children. This plan will create a parent-school partnership that will strengthen the family by closer home-school ties, make parent education available, and give parents a real voice in the education of their children to an extent we have never before realized.

What will it do for communities? It will create a school-community partnership; provide for coordination of all community services and resources, public and private, with the school; offer an opportunity for older

students to work with primary pupils to the great benefit of both. It will coordinate community, state, and federal agency efforts for young children, and will involve the community in assessing the total early childhood education effort.

#### SUMMARY

I think a fitting close to this brief description is the following quotation from the task force report:

It is time to do a better job of what we already know should be done for young children in school. Let us incorporate the best of what we have learned from all the various kinds of existing pre-school programs, from kindergarten, and from the primary grades with the most promising results derived from a continual review of new research. Given the time, effort, thought, and public resources necessary, we believe the primary school described in this report would welcome rather than fear the increasing emphasis on accountability.

#### ROSEVILLE, CALIF., WINS TOP HONOR FOR PARKS, RECREATION

#### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. JOHNSON of California. Mr. Speaker, recalling in years back when I was serving as the mayor of my hometown of Roseville, we initiated the first park and recreation program ever established in that community. In this connection we provided the land and equipment and staffing which were necessary to get this program underway. We did this with a spirit of great confidence that we would have a very successful program and I am proud to report that this confidence was more than justified.

Just the other day the city of Roseville was designated one of five national winners to receive gold medal awards by the Sports Foundation, Inc. The presentations were made at a session early this month by the National Recreation and Park Association.

I would like to share the report of this honor with you and it is with a feeling of pride that I do this. This was published in the fine hometown newspaper, the Roseville Press Tribune, on October 9, 1972.

#### ROSEVILLE, CALIF., WINS TOP HONOR FOR PARKS, RECREATION

The Department of Parks and Recreation of Roseville is one of five national winners honored in the annual Gold Medal Awards program for excellence in park and recreation management.

Roseville won in Class V (population under 20,000). The award, sponsored by The Sports Foundation, Inc., was presented Friday at the general session of the National Recreation and Park Association (NRPA) Congress at the Anaheim Convention Center Arena.

Among the outstanding elements of the Roseville program cited by the judging panel were the extensive use of volunteers in the running of recreation programs, extensive park facilities and landscaping maintenance, extensive use of surveys of interest areas in determining the needs of the community, well balanced programs for all ages, and the efficient use of school facilities for programs. Of particular note were the innovative use of a home tax to help finance programs, ob-

taining a federal grant for the construction of two parks, and the introduction of one of the first parks and recreation programs for state mentally handicapped children in California. Roseville was a Gold Medal Award finalist in 1967, 1968, 1969, and 1970.

Director Ed Mahany and Recreation Superintendent Mike Uovich presented the materials and information for the award.

Other 1972 Gold Medal Award Winners are: Class I (Population over 250,000): Memphis, Tennessee; Class II (population 100,000 to 250,000): Lincoln, Nebraska; Class III (population 50,000 to 100,000): Downey, California; and Class IV (population 20,000 to 50,000): Naperville, Illinois.

Sound financing, far-sighted land acquisition, strong leadership, balanced but flexible programming, and overall planning and cooperation with other agencies are key program criteria. Of special interest to the judges is the degree to which the department has succeeded in assessing and meeting the recreational needs and desires of the community residents.

Roseville was nominated for the Gold Medal Awards competition by Wilson Sporting Goods Company. Roseville had been a finalist and runner-up in 1967, 1968, 1969, and 1970. The city didn't enter in 1971.

Members of the 1972 Gold Medal Awards judging panel are nationally recognized leaders in the field of park and recreation planning, programming and management. The panel consisted of Dr. Jackson M. Anderson, Coordinator of Graduate Study, Department of Recreation and Park Administration, Central Michigan University; Robert M. Artz, Director of Branch and Affiliate Relations, National Recreation and Park Association, Arlington, Virginia; L. B. Scawater, Director, Scottsdale Parks and Recreation Department, Scottsdale, Arizona (1971 Gold Medal winner); and Bret J. McGinnis, Superintendent, Public Recreation Commission, Cincinnati, Ohio (1971 Gold Medal winner).

The Sports Foundation, Inc., is a nonprofit organization founded to encourage interest and participation in sports and sports-related activities. The Foundation initiated the Gold Medal Awards program in 1966 to focus national attention on the achievements of outstanding community park and recreation departments across the nation.

In 1968, realizing the preservation and protection of the country's water resources are essential to their recreational as well as industrial and general use, the Gold Medal Awards program added a division citing American companies for their efforts and accomplishments in water pollution control.

#### TRIBUTE TO THE HON. ALTON A. LENNON AND HON. CHARLES RAPER JONAS

#### HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. COLMER. Mr. Speaker, two of North Carolina's most distinguished and able sons are retiring at the end of this session from the U.S. House of Representatives. They are, ALTON A. LENNON and CHARLES RAPER JONAS.

For me, as one of the more humble Members of this House, to add anything to the tributes made to these highly respected Members of this body would be like trying to "gild the lily."

Mr. Speaker, I can sincerely state that these two wise and dedicated Members rank in the upper class of my esteem for

the thousands of Members with whom I have served in this body over the past four decades. Although one is a Republican and the other a Democrat, I think the record will disclose that partisanship played no part in the discharge of their legislative duties. Both men have demonstrated a conscientious dedication to this young Republic. To say that they will be missed in the next Congress is possibly the understatement of the year. Their wise judgment and diligence are hallmarks which future Members of this body could well labor to achieve.

Sharing as I do their general philosophy of Government, I have profited immeasurably from my association with them.

Mrs. Colmer joins me in extending to ALTON and Mrs. Lennon and CHARLIE and Mrs. Jonas our very best wishes for a long and happy retirement in their beloved North Carolina.

#### THE REAL ECONOMIC ISSUES OF THE PRESIDENTIAL ELECTION

#### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. FRASER. Mr. Speaker, Charles L. Schultze of the Brookings Institution delivered a concise analysis of the economic issues involved in the presidential election before the Economic Club in Detroit last week.

As a former director of the Bureau of the Budget, he brings keen insight and realism to these issues.

I think all Members will find his analysis helpful in better appreciating what lies ahead for this country. His discussion of the prospects for a tax increase are particularly useful. The address follows:

#### THE REAL ECONOMIC ISSUES OF THE PRESIDENTIAL ELECTION

(Remarks of Charles L. Schultze)

On the basis of the heat and volume of campaign rhetoric, one would list the major domestic issues which now divide President Nixon and Senator McGovern as school busing, the break-in and bugging of Democratic Party headquarters, the \$1,000 welfare reform proposal long since abandoned by Senator McGovern, and the behind-the-scenes maneuvers which went with the Russian grain deal. But if one were trying to forecast the most critical differences between a McGovern and a Nixon Administration, none of these matters would figure high on the list. Campaign rhetoric is a notoriously poor predictor of the future performance of Presidential candidates. Each candidate is trying to establish a particular image of himself with the voters, and to destroy the favorable image which his opponent is simultaneously trying to create. And the rhetoric which creates images often has little relationship to concrete policies. A Richard Nixon, who introduces the first peacetime wage and price controls stresses, in a Labor Day speech, the importance of economic freedom and the danger of the government "butting into the free collective bargaining system." And a George McGovern, who decries the recent rise in food prices, promises farmers 90 percent of parity. Yet, image making is important. Because the future is uncertain and specific

policies must necessarily be adapted to changing circumstances, voters rightly want to get some "feel" for what makes a candidate tick, where his sympathies lie, and how he reacts to crises.

But, after all is said and done, differences on the specifics of public policy are important. While one must dig beneath the rhetoric to get at them, it is not an impossible task. From George McGovern's speeches and public statements one can put together a fairly good prediction of precisely what he would try to do in most areas of economic policy. After some initial false starts, he has been explicit and generally consistent. The task of predicting the future is much harder in the case of the incumbent Administration. With the mantle of the Presidency already on his shoulders, and running far ahead in the polls, Richard Nixon has tried to stand above the battle. Pronouncements on specifics by the candidate himself are hard to come by. But there is a four year record. And his subordinates have been busy speaking for him. There is a basis on which to hazard predictions about another four years of the Nixon Administration.

Identifying the specific policies of the two candidates, is only part of the task. To appreciate how the nation might fare under each candidate one must also test his policies against hard realities. To what extent can the proposed policies actually be carried out; to what extent will promises be modified by experience?

I propose to hazard an assessment of how the things would be different as between a Nixon and a McGovern Administration in two major areas of concern: first, the overall state of the economy, as evidenced by unemployment, inflation, income and profits; and second, federal tax and expenditure policies.

#### THE INFLATION-UNEMPLOYMENT DILEMMA

The most vexing problem of our times for the economic policy maker is the unfortunate relationship between economic prosperity and inflation. If inflation occurred only when the economy had been pushed into a superheated boom, when the unemployment rate had been driven down below the frictional two or three percent which is inevitable in a mobile society, and if once started inflation could be halted by a brief and modest slowdown in the pace of growth, then the task of economic policy would be relatively easy. Fiscal and monetary policy could support a reasonably low rate of unemployment with little risk of inflation, correcting excesses with relatively small adjustments.

But in the American economy of today, as we approach levels of unemployment in the 3½ to 4½ percent range—levels which are still unconscionably high by the standards of other industrial nations—prices begin to rise at rates significantly greater than the one to two percent a year which seems to be politically tolerable. And, if recent experience is any guide, once price and wage increases have accelerated to larger magnitudes they cannot be brought down quickly by modest doses of economic restraint. We have just undergone three years of subpar economic performance and one year of price and wage controls to get the rate of inflation down from five to three percent a year—at a cost of 160 billion in lost output, \$45 billion in lost profits and seven to eight million man years of lost work.

This unpleasant, but very real fact of life raises two kinds of questions for a President. First, when faced with the cruel choice between keeping unemployment high or risking substantial inflation, how will he choose? And second, what policies, including wage and price controls, will he adapt to lessen the inflationary consequences of prosperity?

No politician and no Administration can openly state that it is choosing higher unemployment to bring down inflation or, con-



versely is accepting more inflation as the cost of lowering unemployment. But in the day-to-day business of devising economic policy the choice must be faced. Through its past actions, and in between the lines of its speeches and policy pronouncements, the Nixon Administration has given a fairly clear indication of how it is likely to choose in the future. In 1969, faced with substantial and accelerating inflation, it pursued and strengthened a policy of cooling off the economy, a policy which had been initiated in the final year of the Johnson Administration.

And in the early stages of this policy, the choice was supported by businessmen and economists of all political hues. At first, the Administration hoped that unemployment, then at 3½ percent, would not have to be pushed above 4¼ or 4½ percent to do the trick. But the subsequent two and one-half years of "sticking to the game plan", of watching the unemployment rate climb past 4½ percent to 5, and then to 6 percent, and of holding it there for still another year before the famous reversal of August 15 last year, provides a good basis for forecasting how the Administration will choose in the future.

This evidence is bolstered by the last Report of the Council of Economic Advisers which took great pains to note that there is nothing magic about an unemployment level as low as 4 percent. It is reinforced by speeches of Administration officials emphasizing that a large proportion of the current unemployment is concentrated among teenagers and women rather than among married males. And fresh evidence is also at hand in the fact that, with the unemployment rate still at 5½ percent and the recovery still young the Administration has already switched its attention to preventing the current economic expansion from "going too far".

Senator McGovern, has been quite explicit about how he would choose—again with care not to point out that there is a choice. In his major economic speech to the security analysts last month, and in his more recent speech on wage and price controls, he emphasized the overriding importance of full employment. "I have said before that our highest economic priority is the lowest possible unemployment. . . . Whatever it takes, we will create a decent job opportunity for every man and woman in America who is able to work." Fiscal policy would, on the average, be more stimulative in a McGovern Administration. It would move more slowly to halt a boom and more quickly to promote a recovery. And, fiscal policy to stimulate the creation of jobs in the private economy would be supplemented by a large public service employment program principally directed at the hard core unemployed.

In the volatile American economy, the state of prosperity, the level of unemployment, and the rate of price change will not be steady under either Administration. But, over four years as a whole, I think it is safe to predict that the caution of the Nixon Administration would lead to higher average unemployment, a lower average rate of capacity utilization and less profits than would characterize a McGovern Administration. Conversely, however, there would be longer periods of significant inflationary pressure under a McGovern Administration than under a re-elected Richard Nixon. And while the Federal Reserve Board does read the election results with interest, it is likely to lean against the inflationary pressure with tighter money and higher interest rates.

When we turn to the question of policies designed to reduce the inflationary pressure which accompany a high employment economy, it is much more difficult to make firm predictions about the alternative course of events under the two candidates.

Let us start with the future of wage and price controls. As background, bear in mind that it is much easier to use controls to prevent an inflation from starting than it is to stop one already underway. After several years of rapid inflation, wages in various industries, occupations, and locations get out of line with each other. So too, prices of finished goods, intermediate products and raw materials depart from their normal relationships. Cutting into this jungle of distorted patterns at any one moment of time raises serious questions of both equity and rational economic balance. Those who want large wage increases can point to earlier settlements in related bargaining units, and those seeking large price increases can point to earlier cost advances.

But once inflation has moderated, and more normal relationships have been approximated, the task of controls—particularly on the wage side—is easier. Out-of-line increases can more readily be spotted and prevented since they cannot be justified as responses to other wage and price increases in the immediate past. The success of alternative approaches to the use of wage and price controls will depend in part, therefore, on whether the controls are imposed early in an inflationary period or only as a last resort after substantial inflation has already occurred.

It is not easy to predict the future of wage and price controls under an Administration which came into office inveighing against the relatively mild "jawbone" efforts of its predecessor, abandoned those efforts with a fanfare, and two years later initiated the nation's first set of peacetime wage and price controls. Two things can probably be said. The Administration still hopes to reach a point where controls can be removed. If the rate of inflation continues to diminish, the Nixon Administration will probably begin to dismantle controls, partially at first and perhaps even fully. But it will, I am convinced, seek to keep standby control powers. And if, despite a relatively cautious fiscal policy, inflation should get out of hand again a re-elected Nixon Administration would have no compunctions about reinstating mandatory controls.

Senator McGovern has criticized the Nixon wage and price controls on various grounds. But he has not proposed to abandon them. Rather he has offered an alternative mechanism. So far, his substitute approach has been presented only in broad outline, and many of the specifics necessary for judgment are still lacking. In essence, however, he would do two things: *first*, he would concentrate the control efforts on a narrower spectrum of key wage and price decisions; and *second*, he would rely on voluntary adherence to price and wage standards backed up by power to impose mandatory restraints where voluntary compliance is not forthcoming.

In my own view, such controls would be voluntary in name only, given the club of mandatory restraints which would still loom over those who failed to abide by the standards. There is a virtue in such an arrangement, however. If controls are nominally voluntary, then neither the price controller nor the businessman has to worry about nit picks, the formal legal niceties, and the endless questions of detail which the lawyer necessarily requires under mandatory controls, precisely because violation of mandatory controls is grounds for the imposition of judicial penalties. Under the so-called voluntary standards, both controllers and controlled could concentrate on complying with the basic spirit of the standards, since failure to comply would bring not legal punishment but imposition of mandatory controls.

There are other policies besides wage and price controls which could be adopted to lessen the price increases associated with high

employment and thereby to minimize the painful choice between unemployment and inflation. Most of these policies, however, would strike at various protective arrangements which are dear to the hearts of powerful groups: Reducing barriers to imports; eliminating minimum rate regulation and restrictive entry provisions in the field of transportation; lowering farm price supports; modernizing building codes; strengthening anti-trust laws—these are illustrative of the kinds of policies required. But the mere listing of the actions required itself suggests why they are unlikely to be taken. Neither political party is willing to incur the political costs involved. In this area, there is little to choose among the two candidates.

How do all of the differences balance out in terms of predicting the future of the economy under each of the two candidates? I think it is clear that employment, output and before tax profits, will, on the average be lower under a Nixon than under a McGovern Administration. But inevitably inflationary pressures will be greater under McGovern than Nixon. Would the McGovern approach to wage and price controls be sufficiently effective to offset the greater inflationary pressures which his higher employment policies are likely to engender? Frankly, I do not know. He is less likely to abandon controls and is more likely to have an active control mechanism in place early in an inflationary surge than is Nixon. And, in my own view, his concentrated approach is likely to be slightly more effective in limiting wage and price increases. But the difference in control policy may be marginal, and since the underlying pressure of inflation will almost surely be greater under McGovern, a betting man would have to give a slight edge to the probability of somewhat larger wage and price increases under a McGovern Administration as the price for a clearly higher level of employment.

#### FEDERAL TAX AND EXPENDITURE POLICY

There are two central issues at stake in this election, with respect to federal taxes and expenditures:

*first*, what kind of a tax increase are we likely to get, and

*second*, will the tax increase principally finance an expansion in military spending or in domestic social programs.

Note carefully that I said "what kind of a tax increase," not "will there be a tax increase." I think the probabilities are very high that whoever is elected, and despite any pledges made during the election campaign, an increase in federal taxes will be forthcoming within the next two years.

In May of this year, several of us at the Brookings Institution published a projection of federal expenditures and revenues covering the next four years. That projection showed that expenditures under current programs and the new ones already officially proposed by the Nixon Administration, will grow more rapidly than federal revenues at existing tax rates, even when revenues are calculated on the assumption of full employment conditions. Taking into account developments which have occurred since that projection was published, principally the enactment of large increases in social security benefits, expenditures will exceed the revenues generated in a full employment economy by \$20 to \$25 billion in fiscal 1975, and by a substantial though smaller amount in 1977. Similar projections released this week by the American Enterprise Institute show almost identical results. And the Administration itself does not quarrel with these projections, although it is now promising to cut expenditures by an amount sufficient to avoid a tax increase.

Given current defense policies and Nixon Administration plans for new weapons procurement, military spending will rise dramatically. The Brookings projection estimates

military spending at \$100 billion in fiscal 1977, compared to approximately \$76 billion this year. The American Enterprise Institute's forecast matches this estimate very closely. And a defense department spokesman has recently predicted military spending at \$112 billion by 1980, an estimate consistent with the rate of increase projected in the other studies. Large increases in military pay and a surge in the procurement of very expensive new weapons systems are the chief factors behind the rise.

Even with no new programs, beyond those already officially proposed by the Nixon Administration, spending on civilian programs will rise sharply. Social security and Medicare benefits will grow by at least \$25 billion over the next four years, reflecting recently enacted benefit liberalizations, prospective increases now about to pass the Congress, and growing numbers of beneficiaries. Expenditures on many programs will rise simply to provide the expanded services which accompany rising population and income. Outlays for pollution control and mass transit will grow. And the newly enacted revenue sharing program will add to budgetary costs. Federal revenues will also increase substantially but they will not cover the rise in expenditures.

While it is not inconceivable that a modest full employment deficit will be necessary to promote economic prosperity in the next several years, deficits of the magnitude foreseen by the projections will certainly not be appropriate. The projected gap between revenues and expenditures will have to be reduced by at least \$15 to \$20 billion, calling for either a tax increase or substantial cuts in expenditures.

The President and his subordinates have repeatedly pledged not to raise taxes, and to eliminate the gap by expenditure cuts. Two special press conferences have been called solely to provide White House staff the opportunity to reiterate this pledge. And, at the moment, the President is strongly pushing a bill to limit federal expenditures to \$250 billion in fiscal 1973, as the first step in cutting back federal outlays.

A closer examination of the \$250 billion expenditure limit will give some idea of the implications of cutting expenditures. In the first place, the \$250 billion limit already exceeds by \$6 billion the estimate of 1973 expenditures made in the President's January budget message. Without the limit, expenditures are likely to be in the range of \$257 to \$260 billion even after taking into account cuts in the military budget now being made by the Congress. To keep within the limit, therefore, some \$7 to \$10 billion will have to be cut from 1973 projected outlays. By the time the expenditure limit is enacted and the necessary administrative steps gotten underway, five months of the fiscal year will have passed. As a consequence the annual rate of outlays will have to be cut by \$12 to \$15 billion during the remaining seven months of the year to reach the \$250 billion target. And the areas where cuts can be made quickly are very limited.

The President and the Secretary of Defense have been vigorously supporting the Administration's military budget proposals in the face of attempts by liberal Congressmen and Senators to cut it. Since the Congress is already in the process of cutting some \$4 billion in funds from the military budget, it is unlikely that the Administration will cut that budget further. Another large area of spending cannot be touched for legal or practical reasons; social security and veterans benefits, interest on the debt, public assistance, unemployment compensation, and the newly enacted revenue sharing programs are principal examples. There remains only about \$75 billion in programs from which expenditures can be readily cut. To reduce such programs by an annual rate of \$12 to \$15 billion—which would be necessary to reach the \$250 billion ceiling—represents a cut approaching twenty percent. And most of the

programs which can be subject to cuts represent grants-in-aid to State and local governments for education, manpower training, health, pollution control, urban mass transit, and similar purposes.

Some part of the reductions in budget outlays may not represent real programs cut but simply financial transactions which reduce the apparent size of the budget without affecting its real magnitude. Sales of mortgages from government owned portfolios, or proceeds from the disposal of the government-owned Alaska railroad are examples. But the 1973 budget already includes an unprecedented allowance for such devices, and it is hard to imagine how they could be increased—although one should not underestimate the ingenuity of determined accountants and budget experts.

Difficult as it may be to achieve the \$7-\$10 billion cuts needed to reach the proposed \$250 billion ceiling this year, it will be even more difficult over the next several years to cut the \$20 billion required to bring the full employment budget into near balance in the mid 1970's without a tax increase. So long as the Nixon Administration holds to its current military programs and policies, the reductions would again have to be concentrated on civilian programs, and within those programs, the political or legal inviolability of social security and similar items would continue to force the cuts to be made principally in grants-in-aid to State and local governments, which as I pointed out earlier, are chiefly devoted to education, health, manpower training, urban rehabilitation, and environmental control.

There are, I believe, three things which can be said about a policy of cutting back civilian expenditures by sufficient amounts to avoid a tax increase.

First, since most of the cuts would in practice have to be concentrated on grant-in-aid programs to state and local governments, these governments would find it necessary to raise taxes to offset at least some of the losses. A federal tax increase would then have been avoided at the price of driving up state and local taxes, which on balance are less rational and less equitable, than federal taxes. Moreover, it would indeed be ironic if an Administration which quite properly takes credit for having pushed through Congress a general revenue sharing bill to aid state and local governments should take back with its left hand several times as much as it has given with its right. Second, the cut in civilian expenditures needed to avoid a tax increase is approximately equal to the increase in military expenditures now implied by current defense policies. When the chips are down, I doubt if an Administration which justly prides itself on reducing tensions with the nation's chief adversaries, can simultaneously support a budgetary policy of transferring some \$20 billion from social programs to increased military spending. Finally, the policy of avoiding a tax increase by large cuts in civilian outlays just will not work. Even a Congress with an enlarged Republican membership is not likely to stand by idly while its favorite children are being massacred. And the President cannot, in practice, veto virtually every appropriation bill which comes across his desk.

None of the above considerations take into account the fiscal implications of President Nixon's pledge in this year's State of the Union Message to devise and propose a program of federal support for education as a means of reducing local property taxes. The Administration has asked the Advisory Commission on Intergovernmental Relations to study and make recommendations on several alternative proposals to achieve this result. While it has previously made favorable noises about the imposition of a national sales tax, in the form of a value added tax, as a means of financing the new program, the Administration has not yet committed itself to such a solution.

Imposing a federal tax whose proceeds

are then used by local governments to reduce or eliminate the property taxes now devoted to education would not at first glance seem to constitute a net tax increase, but merely a substitution of one tax for another. A little reflection, however, shows that a simple substitution of federal taxes for local property taxes is not possible. Residential property taxes used to support schools now total about \$13 billion.

A federal program which provided \$13 billion in funds to local governments, to be used solely as a replacement for residential property taxes, would necessarily be a distributional monstrosity. Great Neck, Long Island spends from local property taxes about \$1500 per school child on education. A typical rural school district in North Carolina spends from property taxes about \$75 per child, in part because it is poor and in part because in North Carolina, and some other states, the state government provides the bulk of financing for local schools.

Clearly no proposal which would give federal funds of \$1500 per school child to wealthy suburbs and \$75 per child to poor rural district is morally tenable or politically feasible. Indeed, any program of aid is most likely to contain an equalization feature, under which poorer districts would get proportionally more funds than rich districts in relationship to their property taxes. A growing number of court decisions in various states have called for equalization of educational expenditures within states.

In any event, no federal aid program can simply mandate local property tax relief and replace the lost revenues with federal dollars. Whatever distribution formula is adopted—and many alternative versions are conceivable—not all of the federal dollar will go towards property tax relief. Some will be devoted to increases in education outlays particularly in poorer school districts. As a consequence, a federal tax increase whose proceeds were devoted to aid to education, will not be offset by equal reductions in property taxes. Some net tax increase will occur.

My own forecast is that a re-elected Nixon Administration will end up with some mixture of three policies. It will seek to reduce civilian programs below what they would be under current policies, but will have only small success, in the face of the real difficulties and Congressional opposition. It also will be forced to scale back a bit its projected military outlays. But since the combined magnitude of these efforts will not close the gap between revenues and expenditures, a tax increase will be needed. If the President keeps his pledge to devise a federal aid to education program, the needed tax increase will be much larger.

But quite frankly, there is no basis on which to forecast what kind or kinds of tax increase will be proposed, much less what kind will be enacted. Administration spokesmen have expressed some disenchantment with the value added tax without explicitly rejecting it. On the basis of the past record, and statements to date from the Administration, it is most unlikely that they will propose closing tax loopholes as the principal means of raising large sums. I suspect that, right now, they principally hope to get by the election without having to make any decision about this most vexing matter.

In the case of George McGovern, the prognosis is much more certain, and whether you like them or not he has made some very explicit proposals as to how he would handle the fiscal problem. He has explicitly recommended that, over a three year period, \$32 billion be cut from the military budget which would otherwise be forthcoming under the Nixon Administration defense policies. And he has also laid out a specific set of tax reform proposals designed to raise \$22 billion in additional taxes by 1975. I think you are familiar with the major elements of those tax proposals. Capital gains would be included fully in taxable income, and unreal-



ized gains would be taxed at death. These two changes alone would yield \$12 billion. At the same time, however, the maximum rate on top bracket income would be reduced to 48 percent from the current 50 percent on earned income and 70 percent on other income. Repeal of percentage depletion and capitalization of intangible oil drilling expenses would yield \$2 billion. Repeal of accelerated depreciation, revision of depreciation guidelines, and amendment of the investment credit to apply to net investment only would add \$6½ billion. While numerous other changes would be made, most of the \$22 billion in revenue gain would come from the three major reforms I have mentioned.

The combination of \$32 billion in defense cuts and \$22 billion in tax reform would provide \$54 billion in additional resources. Of this amount some \$15 to \$20 billion might be needed, at a minimum, to bring revenues and expenditures closer together by the mid 1970's. This would leave \$35 to \$40 billion available to finance new programs. The three major areas in which Senator McGovern has pledged to devote additional resources are: aid to education; welfare reform and public service employment. Some part, but by no means all of the aid to education funds are likely to be used by state and local governments for property tax relief, just as would likely be the case with any aid to education program ultimately proposed by the Nixon administration.

Proposals, however, are not the same as accomplished facts. Should Senator McGovern be elected, and begin to carry out his pledges, how is he likely to fare?

In the first place, a number of outside observers have estimated that the specific defense cuts which Senator McGovern has suggested, even if carried out, would not save as much as the \$32 billion he has projected. The American Enterprise Institute, in the projection to which I referred earlier, has estimated that the McGovern cuts would yield about \$24 billion. The Pentagon—which is admittedly not an impartial observer—has estimated that he may have overestimated the budgetary saving from his cuts by about \$10 billion. In my own view the Senator may have overestimated the budgetary results of his defense proposals by perhaps \$7 to \$8 billion.

Moreover, it is not likely that the Congress even with considerable prodding, would fully accept all of his defense cutbacks. Taking into account both the estimating problem and some resistance from Congress, a McGovern Administration, with a vigorous and sustained effort, might be able to obtain a defense cut which at the end of three years amounted to a maximum of \$18-\$20 billion. Major changes in the international environment, such as a significant breakthrough with the Soviets on the limitation of conventional arms, could provide a framework for larger cuts. But it would hardly be prudent to count on this at the present time.

In the case of tax reform, there is no reason to question the estimated revenue yield from the McGovern proposals. I also think it quite likely that a McGovern Administration could, after much wrangling, get the Congress to enact a significant package of tax reforms. I seriously doubt, however, that they would go all the way with him. Moreover, the Congress has a strong propensity to add tax relief provisions, which cost revenue, to tax reform bills. As a consequence, with a combination of luck, skill, and persistence a McGovern Administration has a fighting chance of securing perhaps \$10 to \$15 billion in net tax yield from a tax reform bill.

Combining the realistic estimates of the savings likely from defense cuts, and the added revenues gained from tax reforms, and allowing for the fact that some of these resources must be used to narrow the forecasted gap between revenues and expenditures, perhaps \$15 billion will remain which

can be devoted to major new federal initiatives in the areas of aid to education, welfare reform, and public service employment. Senator McGovern has recognized that the future of his new program proposals depends on how successful he is in securing tax reform and defense budget economies. In his security analysts' speech last month he pointed out that "only with new revenues and different priorities can we and should we move forward with these new programs."

If my analysis has been reasonably accurate, the major differences between a Nixon and a McGovern Administration in the areas of economic and budgetary policy can briefly be summarized as follows:

Employment, income and profits would, on the average, be lower during the next four years under a Nixon Administration.

Price and wage controls of some kind will remain as a tool for checking inflation under both Administrations, although in different form.

The higher average employment under McGovern would also be accompanied by greater inflationary pressure; despite controls, wage and price increases might be somewhat greater.

Under the Nixon Administration military spending would rise substantially (although a bit less than now planned); some civilian expenditure cutbacks would be made, chiefly in grant-in-aid programs, after much wrangling with the Congress; but some form of tax increase would almost surely be needed. There is no basis from the record or from campaign speeches to predict what kind of a tax increase would be forthcoming.

Under a McGovern Administration, defense expenditures would be cut, significant tax reforms would be achieved yielding additional revenue, and several new social programs launched, though in substantially smaller magnitude than currently proposed by the candidate.

The world would indeed be a different place under each alternative future, although not as different as the campaign rhetoric would suggest.

Having attempted to lay out the major economic issues of the campaign in a relatively dispassionate manner, I beg your indulgence for just a few moments while I state my own preferences.

First, I believe that securing and maintaining high levels of employment and income is absolutely critical for our society. While it is true that a much greater proportion of the unemployed in recent years have been teenagers, young adults and women than was true fifteen years ago, this does not lessen the tremendous importance of full employment. We too easily tend to think of employment for women as something in the nature of a luxury, and not terribly important. But many women are heads of families and the jobs of many others make the difference between poverty and a decent living standard for the family.

This is particularly true for black families. Much of the rapid gain in the income of black families relative to white families in the past decade has been due to the increase in the employment and earnings of black wives. The proportion of black wives who work is much greater than that of white wives, and for them employment is much more likely to be absolutely necessary to provide a decent family income. When the average unemployment rate increases, a disproportionate part of it falls on black women as well as black men.

As a consequence, continued improvement in the status of black families is particularly dependent upon the existence of a high employment economy. In a related vein, making speeches about the "work ethic" in contrast to the "welfare ethic" comes ill at a time of high unemployment, when job opportunities have been severely reduced precisely for those groups in the population who make up the great bulk of the welfare caseload.

Similarly, high unemployment among teen-

agers and young adults is a major social problem, even if those youngsters are not yet family breadwinners. Many of the social ills, the crime, the violence, and the disillusionment in our central cities are related to the scarcity of stable jobs for young people. Their high unemployment rates do not stem so much from steady long term unemployment as from the short term casual unemployment which occurs as they shift from one dead end job to another. Casual jobs as dishwashers, porters, deliverymen, and the like exist even in recessions. But it is only in periods of healthy prosperity that the needed volume of steady, decent paying, and relatively secure jobs is forthcoming.

Without suggesting that full employment is a panacea, I would rate it first among the nation's social priorities. Achieving it is worth, in my view, the irritations and inefficiencies which accompany price controls, and also worth the modest additional inflation it is likely to bring.

As far as tax and expenditure policy is concerned, I see absolutely no need for the large increase in defense expenditures which now appear likely. The added expenditures for complex new weapons systems purchased at fantastic unit costs will not fundamentally improve the nation's security, will likely set off matching increases by our adversaries, and end up providing less security for everyone.

I also think there are areas where cuts should be made in federal civilian spending—farm price supports, expensive maritime subsidy programs, subsidized provision of facilities for private planes, pork barrel water resource projects, loans to bail out failing aerospace companies, space shuttles to reduce the cost of manned space missions which themselves have little ultimate purpose, two percent federal loans for rural electric co-ops, continued subsidies for junk mail, veterans compensation payments for those with no discernible disability, and so on down a long list. But these are precisely the areas of spending which will not be touched. I cannot see the merit in attempts to cut back more important social programs in a futile effort to stave off the tax increases required by a large expansion in military spending.

And finally, with respect to tax reform, I find much merit in a program of closing tax loopholes while simultaneously reducing the top bracket rates by substantial amounts. Equal taxation of equal income is both equitable and economically sensible. I would myself prefer to see the changes in capital gains provisions suggested by Senator McGovern phased in more gradually than he proposes in order to minimize the shock to equity values which changing the taxation of capital gains entails. But on balance the McGovern reform proposals, particularly as they are likely to be modified in their enactment, seem clearly to move in the right direction.

I would also remind you that the higher level of economic activity which is likely to occur under a Democratic Administration will generate more additions to corporate profits than will be taken away by the changes in corporate taxation proposed by Senator McGovern.

As to whether the economic future under George McGovern, as I have painted it, is better or worse than the economic world under Richard Nixon, reasonable men can and will differ. But as I have been at pains to point out, George McGovern has a consistent and reasonable alternative to offer. It is neither radical nor irresponsible. In the process of evolving his position he has, over the past year, changed some of his earlier views. I do not believe that changing one's position on matters of public policy unchanged is a virtue to be sought in a President. George McGovern surely stands out as a beacon of constancy after a year which has seen a Republican Administration impose wage and price controls, devalue the dollar, and support the admission of Red China to the U.N.

# CLEAN AIR ACT AND AUTO EMISSION

**HON. JAMES HARVEY**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. HARVEY. Mr. Speaker, on Friday, October 13, 1972, Mr. John J. Riccardo, president, Chrysler Corp., participated in a panel, in which I was also a member, before the Detroit section of the Society of Automotive Engineers. Because Mr. Riccardo's comments express so clearly some of the problems connected with the Clean Air Act of 1970 as they apply to auto emissions, I have requested permission to include his remarks in the RECORD for the benefit of all Members of Congress. Mr. Riccardo's remarks follow:

REMARKS BY JOHN J. RICCARDO, PRESIDENT, CHRYSLER CORP.

Good morning. It is a pleasure to get together again with the members of the Detroit Section of the SAE. It used to be that those of us in the automobile industry welcomed a chance to get out of Detroit once in a while. These days, we welcome a chance to get out of Washington.

You may recall that the last time we talked back in May of 1970, the major issue facing the industry was how to deal with a steadily increasing stream of regulations flowing from Washington to Detroit. As you well know, that is still a major issue, but a number of things have happened in the past couple of years to make the public begin to question the need for some of these regulations.

This is especially true in the controversy over the standards set for regulation of automobile emissions. Let me just briefly review their history.

Back in the 1950s, the California Institute of Technology and Los Angeles County first began to identify the elements of photochemical smog, and the degree of responsibility that automobile emissions had for creating that smog. As soon as the industry validated those findings, it set out to eliminate the automobile as a major factor in the air pollution problem. And the advances the industry made in cleaning up the exhaust of automobiles has been unmatched by the pollution control efforts of any other segment of American industry.

There was very little public recognition of this fact, but there was a great deal of emotionalism about cleaning up the atmosphere. This victory of emotion over science ultimately led to the passage of the Clean Air Act of 1970. Among other things, that Act requires that by the 1975 model year, automotive emissions of carbon monoxide and hydrocarbons be reduced 90 percent from 1970 levels. By 1976, emissions of oxides of nitrogen must be 90 percent below average levels of uncontrolled 1971 vehicles. The Act also requires that the emission control systems be warranted for five years or 50,000 miles.

What is often overlooked is the fact that carbon monoxide emissions in 1970 were already 62 percent below those of uncontrolled vehicles, and hydrocarbon emissions had already been cut 73 percent. We've made further gains since then. The fact is that the 1975 standards actually require reductions of up to 97 percent compared with uncontrolled vehicles.

The 1970 Clean Air Act was passed at a time when many people feared that the country was already at the point of national asphyxiation, and the automobile was presumed to be the major source. This assumption was based largely on a report prepared by HEW, before the formation of EPA, out-

lining the reforms needed to protect the public health and welfare.

This report presumed the worst possible combination of all conditions. It used the lowest levels at which a pollutant had any effect in laboratory studies, the highest recorded atmospheric concentrations, and the largest projected increase in vehicle population.

When Congress drafted the 1970 Act, it relied on this HEW paper, and also made a number of other assumptions of its own. Reflecting attitudes then generally held, the Congress assumed that the nation's air was getting steadily worse, and that the automobile was the primary cause. It assumed that automobile emissions were the major source of pollutants that are harmful to health. It also assumed that the automobile industry, with its history of technological progress, could easily reach almost total emission reductions if it really wanted to, or had to. Alternative power sources, such as turbines, electricity, and steam were often suggested as logical approaches to meeting the new standards.

Given all these assumptions, it is a little easier to understand how men who were sincerely trying to solve what they believed to be a very real problem could devise the 1970 Act. The motivation was strong, and in the absence of fact, a stringent approach seemed to be the most appropriate. In fact, if any of us had been in Congress, faced with that same set of assumptions, we would have had a hard time voting against the Act.

The initial industry response, after the shock wore off, was to determine how to meet those standards. Your group, the engineers, explored the suggested alternatives—turbines, electricity, and steam. But unless one of you out there is carrying around some secret plans in your hip pocket, there seems to be no power source other than the internal combustion engine that meets our requirements for driveability, durability, fuel consumption, and cost, especially within the time limits imposed on us.

Basically the same drawbacks apply to the second option, emission control devices added on outside the engine. So far, at least, these catalytic and reactor applications leave a lot to be desired in terms of cost, efficiency, and durability.

The third option, of course, is to continue improving the internal combustion engine, and I don't need to outline for this group the progress that the industry has already made with this approach, and at a reasonable cost to the consumer. That progress, I believe, was adequately summed up by Dr. A. J. Haagen-Smit, head of California's Air Resources Board and the man who first discovered the automobile's role in photochemical smog, when he observed: "The problem is so far over the hump that I'm beginning to lose interest."

That conclusion, I believe, points up what is wrong with the way many of us in this industry have been dealing with the issue. Certainly we have an obligation to try to meet government standards. But as citizens we also have an obligation to express our opinion on bad law. I believe we have concentrated too much on the question of *how* these standards are to be met, instead of raising the far more relevant question: *why should they be met?* Ever since the Clean Air Act was passed there have been concerted efforts in the scientific and technological communities to gather the facts required for a reasoned, unemotional, informed approach to identifying and solving the air quality problem.

But instead of seeing a growing number of debates and discussions over the validity of the standards, we are constantly barraged by headlines telling of some real or imagined breakthrough or failure in the struggle to meet them.

It seems to me that all of this is totally beside the point in view of the facts that have been gathered about the assumptions

that were being made back in the late 60's by the public and by those pressing for cleaner air. Those facts all raise the question of why.

Let me cite a number of the key assumptions and the facts now available which refute them.

The first assumption was that America's air quality was getting steadily worse.

The fact is, according to a recent study for the Council of Environmental Quality, there has been a marked improvement in air quality in communities of all sizes.

These improvements, of course, are a result of the work that has been done by other industries in controlling emissions from stationary sources, and also the replacement of older cars by those equipped with effective control devices—controls which were being developed long before ecology became a household word. As these improvements continue, we can expect a continued improvement in air quality.

The second assumption was that man—and especially his automobile—was the prime source of pollution.

The fact is that nature itself, and not man, is the major source of some of the atmospheric gases emitted by the automobile. Perhaps the most surprising discovery in the past year is the fact that natural sources produce about ten times as much carbon monoxide worldwide as all the industrial and automobile sources combined. The automobile does produce up to two-thirds of man-made carbon monoxide. But that's two-thirds of one-tenth of the total amount of CO produced by all sources. Nature also produces six times the hydrocarbons and fifteen times the oxides of nitrogen that man produces.

Moreover, it has been determined that nature is not only a source for these substances, but it also has effective ways of disposing of them. As just one example of these natural disposal systems, fungus in the soil in the United States alone has the capacity to consume more than double the total carbon monoxide produced by all the motor vehicles and factories in the world.

The third assumption was that the automobile was a primary source of pollutants that are harmful to health.

The fact is that while the automobile may be the source of 40 percent of this country's man-made pollution by weight, weight is not a valid measurement of harmfulness. Actually, concentration and toxicity are the important factors. Present studies show the carbon monoxide blood levels of people in major cities across the country are well below the level at which there is any health effect. In fact, looking across the entire spectrum of air pollutants, it is now estimated that motor vehicles account for only about 10 percent of the total problem of potentially harmful pollution produced by man.

Certainly where controls are needed, controls should be imposed. But in light of these facts, the country might better concentrate its efforts and resources on the control of potentially more dangerous pollutants such as sulfur oxides, which come from sources other than the automobile, and which are 30 to 120 times more harmful than an equal amount of carbon monoxide.

Fourth—It was assumed that the 1975-76 standards on automobiles were necessary to achieve the desired air quality.

The facts indicate that they are not. A recent study on the east coast concluded that the 1976 standards for oxides of nitrogen, for example, would have very little effect on ambient air quality. A similar study in California shows that even in that state, reducing automotive emissions to the federal 1975-76 standards will not be necessary to achieve the desired effect on ambient air quality. The problem lies with other sources. As a result, California has recommended 1975-76 standards which are much less stringent than those of the federal government.



In view of the very limited gains in air quality that can now be expected from further reductions in automotive emissions, it is logical to contend that the attention given to the automobile as a source of air pollution as compared to stationary sources has been far out of proportion.

Fifth—It was assumed that the average citizen, simply by driving his car, contributes an inordinate amount of pollution to the air.

The fact is that each vehicle, with present controls, contributes extremely small amounts. If we apply the even more stringent 1976 automotive standards to other activities of the average car owner, we find that the grass in his 40-square foot back yard, just in the process of growing and decaying, would give off as many hydrocarbons as his automobile.

If he burns one log in his fireplace, he'll have used up his daily allotment of carbon monoxide. If he's using oil heat, he's limited to three gallons of oil each day, or he'll be over the limit in oxides of nitrogen. This is the degree of overkill represented by the 1976 standards.

It would seem to be obvious that the automobile, because of its universal application in American life, and because of its highly visible nature, was selected as the appropriate avenue to air quality reform, just because it is universal, and visible.

Sixth—The assumption was that the industry could meet the standards, and with relatively inexpensive technology.

The fact is that we have no technology—expensive or inexpensive—that will meet all the requirements of the Act. Moreover, the current trend in the development of proposed add-ons involves the use of exotic and very expensive metals—platinum and palladium—which will add significantly to the cost of an automobile. Further, these metals are sourced outside the United States, and the cost of importing about half the world's annual supply would have a negative effect on our country's balance of payments.

The fuel consumption penalty associated with currently proposed add-ons should also be included in any cost-benefit analysis. The initial cost is to the car owner in operating cost per mile, and the secondary cost is in an increase in the nation's \$4 billion annual bill for oil imports, with a further negative impact on our balance of payments. Even beyond that is the social cost of an increased demand on the world's diminishing oil supply at a time when we are entering a serious energy crisis.

And Seventh—It was assumed that the benefits of these standards would more than justify the cost.

The fact is that two different government studies show exactly the opposite. A 1972 EPA report to Congress estimates that in 1977, when all controls on motor vehicles are in effect, the annual cost of those controls will be more than \$8 billion. The projected national annual benefit to "material and vegetation" will be less than \$1 billion. The EPA report points out that health benefits were excluded from the estimate "because of an almost complete lack of data" establishing the health effects of carbon monoxide, hydrocarbons, and oxides of nitrogen. It just happens that these are the three primary emissions from motor vehicles.

Another report from the Office of Science and Technology estimates the cost of the 1975-76 standards will outrun the benefits by between \$5 billion and \$7 billion a year for each of the next ten years, and an average of \$3 billion each year after that.

The study committee concluded "that the nation is embarked on an air pollution program of enormous scope, complexity, and cost, with little measure of the relative harmfulness of the several pollutants being considered."

Now, after reciting these new facts, let me draw some conclusions. Even if automotive air pollution were the only problem in our

country today, the Clean Air Act of 1970 as presently written would still be wrong for the country and for the automobile owner. However, automotive air pollution is not our only social problem, and certainly is not our most urgent one. That problem has basically been solved. There is being list of other pressing problems facing the nation, and the vast amounts of money and resources required to squeeze the last percentages of pollutants from the automotive exhaust pipe could be much more effectively spent on their solutions.

It's becoming more and more clear that our nation's resources—natural, financial, and technical—are limited. This nation needs to reorder its priorities. And our resources need to be applied to the most important of these problems, and on a priority basis.

Those of us in science and technology need to work as hard in telling these new facts about automotive air pollution as we did to discover them. It has become increasingly obvious that given the facts, the Clean Air Act must now be reconsidered. Enforcement of the unreasonable standards set for 1975-76 should be suspended, and present standards should be maintained, until new standards can be set on the basis of need, cost, and feasibility. Since the EPA already has the authority for setting emission standards for stationary sources, and since the EPA has been the public agency most familiar with the new data, it would seem logical that it should also bear the same authority for mobile sources.

This seems to me to constitute the only responsible and intelligent course of action, and it is essential that all of us work toward it. I was encouraged by the recent observation by Representative Louis Wyman, of New Hampshire, on the floor of the House, that the Clean Air Act of 1970 is "environmental overkill . . . unrealistic in terms of cost, result, and public need."

Our job won't be done until the truth of that statement is in the minds of the majority. I urge your support in getting that job done.

HON. DAVID PRYOR OF ARKANSAS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to our colleague, DAVID PRYOR of Arkansas, who will not be joining us in the next Congress.

DAVID PRYOR is a young man with a great future in public life before him, and certainly his loss in a close Senate contest reinforces rather than diminishes his unlimited potential in public service.

It can be simply said that DAVID PRYOR is a nice guy, warm, genial, personable, courteous and considerate gentleman. It was my pleasure to serve with DAVID on the Committee on Appropriations and specifically on the old Subcommittee on Independent Offices Appropriations.

He is a diligent legislator, eager to learn and move ahead, and it is to his credit that he devoted much of his time in the House to protecting the interests of our elderly citizens. In furtherance of this goal and objective, he personally worked in a nursing home to learn of conditions first-hand of the Nation's elderly.

DAVID PRYOR has served his district, State, and Nation faithfully and well,

and I am sure all of us wish him the very best of good luck and success in the years ahead.

FRANK HOYT—A RESPECTED AND DEDICATED PUBLIC OFFICIAL

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. McFALL. Mr. Speaker, I rise to offer a personal tribute to my friend, the Honorable Frank L. Hoyt, a man whom I am privileged to have as my county supervisor, and a gentleman who is completing his career as the highly respected—and liked—Fifth District supervisor in San Joaquin County, California.

Frank's life and his years of service to his neighbors—both in private and elective life—epitomize the best in the tradition of our democracy.

A native of Nebraska, Frank began his life of work breaking horses at the age of 14. He distinguished himself as a soldier in World War I, a rancher, flood control specialist, businessman, head of a growers association, and a family man.

In 1919, Frank Hoyt served as a delegate to the historic Paris caucus of the American Legion, which led to the official formation of that great organization. He has continued to devote many years of service as a member and holder of high Legion office.

Frank is best known as a dedicated elected official—a man who consistently has endeavored to represent his constituents in the highest traditions of American democracy.

"Call Frank Hoyt." This phrase is often heard in the Fifth District when an emergency or problem arises when his constituents need help. Frank is there and ready to be of assistance.

On the issues and problems brought before him, he first listens, then speaks softly, but forthrightly, and finally acts with incomparable wisdom. His natural ability has earned him the esteem and affection of the people of the Fifth District who have asked him to serve for 12 years.

I have had the privilege to work with Frank on many projects to promote the economy and quality of life for our constituents. Frank's name is richly interlaced in the record of congressional committee hearings, since he has come to our Nation's Capital many times to help us obtain adequate support for these programs. The reality of dams and levees protecting our cities, drainage facilities to protect our environment and agricultural lands would not have been possible without Frank's generous time and effort.

The coming years will bring deserved relaxation and time to enjoy the pleasures of life. But we will feel secure knowing that Frank will be there as a source of valued counsel and friendship.

Frank Hoyt's life is an inspiration to all of us in government, elected and appointed, local, State and Federal, who strive to make democracy work. He has our admiration, respect, and gratitude for a job well done.

## SALE OF SOYBEANS IN RUSSIA

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. SISK. Mr. Speaker, I am inserting in the RECORD an article regarding a sale of soybeans to the Soviet Union.

I was particularly impressed with the statements made by Mr. Barksdale, the author of the column, in connection with the manner in which Cook Industries conducted this sale and the statements made by Ned Cook in regard to his company's policies. To me, this illustrates the proper manner in which our export sales should be conducted.

The article follows:

[From the Farm Quarterly, Fall 1972]

THE LAST WORD

(By Bill Barksdale)

Soybean growers have experienced a history of ups and downs through high and low prices, over- and under-production, strong and weak markets, and bright and grim outlooks. The current upswing in soybean activity and optimism is due to many factors, but one of the most significant is the first major sale of U.S. soybeans to the Soviet Union.

What are the details of that sale? Who consummated the deal? And what are the prospects for more like it? To learn the answers to these and other questions, I recently talked at length with the man who handled the trade. Soybean growers should know him and his kind.

Edward W. "Ned" Cook, president of Cook Industries of Memphis, Tennessee, had just returned from putting the Russian traders on a Moscow bound plane when I met with him in Chicago in late August. I went into our meeting knowing that Cook Industries, now a conglomerate of six groups, is the outgrowth of Cook & Company, a cotton trading firm established by Ned's father, Everett R. Cook, in 1919. For more than 40 years, the firm largely confined its activities to cotton trading on an international scale.

In 1962, the younger Cook yielded to his ambition to enter grain trading with an emphasis on soybeans. He was advised to reconsider his ambition; to proceed slowly. Ignoring the counsel, he plunged into an industry governed by custom, caution and competitiveness.

On the second day of my meeting with Cook, the August 19 issue of *Business Week* described his firm as "an upstart in the grain trade". In spite of the derogatory sound of the word, the main definition of the word "upstart" is as follows: "One that has risen suddenly." This accurately applies to the Cook firm. In its scant 10 years of grain trading, it has become one of the very largest exporters of U.S. soybeans. For example, Ned Cook estimates that his company handles close to one-third of all U.S. soybeans moving to Japan.

As I talked with Cook, I realized that this word "upstart" also describes the soybean industry. Hadn't it "risen suddenly" in comparison to our other leading crops? This perspective set a new tone for our interview.

Cook Industries sold about \$225 million worth of soybeans and wheat to the Soviet Union. Typical of the fraternity of grain traders, Ned Cook refuses to specify the volume of soybeans involved. That would reveal to his competitors the highly guarded price per bushel. It is rumored in the grain trade that the sale involves 30 to 40 million bushels of soybeans. Cook would only say, "The volume of soybeans and wheat that we sold to

Russia is equal to the production of some 3,000 square miles of cropland."

This is not the first sale of U.S. beans to Russia. In 1965, the Soviet Union bought from the United States "about three million bushels" of soybeans. But the Cook deal, 10 times as great at the most conservative estimate, is a landmark trade because of its magnitude.

Shipments, Cook said in late August, were to begin immediately and to continue through early 1973. Included will be soybeans from virtually all producing regions of the United States; the Russians stipulated no regional preference as a source of their beans. Shipments are to be made from ports on the Great Lakes, the Atlantic coast and the Gulf coast.

The soybean sale followed the government's July 8 announcement of Russia's intention to buy \$750 million to \$1 billion worth of feed grain and wheat over a three-year period. Those purchases are to be financed through U.S. credit. By contrast, the soybean sale is a private transaction between the Soviet Union and Cook. No government credit is involved.

Does Cook wonder if he will be paid for his soybeans? "Getting paid is one of the last things I'll worry about," he said. "The Russian traders have an impeccable record . . . we know of nothing they have ever done in trading that was commercially immoral." Ned Cook should know. His firm began trading cotton with Russia during the mid-Thirties. More recently, it sold Russia European grain and bought Russian vegetable oil for sale in Europe.

Will the Russians return to buy more U.S. beans? Cook declines to make any prediction. He will only say, "They could return next month or never—we just don't know. But the history of other countries buying U.S. soybeans is that once they make a purchase, they usually return for more."

What, if anything, should be done as a followup to the sale? American Soybean Association officials hope they will have an opportunity to offer the Soviet Union the technical assistance of processing experts and/or animal nutritionists, if needed. Said Ralph Jackson, ASA executive vice president, "We want to assure that the Russians have a successful experience with American beans so they'll be a good customer of ours in the future." I personally relayed that message to Ned Cook, and he indicated a willingness to cooperate with ASA in coordinating the offer of such services. An ASA mission, including president Harold Kuehn, visits Russia in late September.

American farmers have a vital, but often silent, battery of partners in Cook and the other major grain and oil-seed traders. Ned Cook defined his position with a surprising degree of humility: "The producer and the consumer are the important parties," he explained. "Let something happen to me or some other trader, and business will go right on; but let something happen to a large percentage of producers, or lose a large number of consumers, and your market is gone."

That, I thought, was quite an admission for an upstart who had laid the groundwork for new opportunities in an upstart industry.

THE HONORABLE WILLIAM M. McCULLOCH, OF OHIO

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, permit me to pay a brief but sincere

tribute to our colleague, the gentleman from Ohio (Mr. McCULLOCH), who is retiring at the close of the current session of the 92d Congress after a distinguished career of more than a quarter century of public service.

BILL McCULLOCH has done outstanding work as a member of the Committee on the Judiciary, where as an able attorney he has contributed greatly to legislation and constitutional amendments reported by that great committee.

He also served for a number of years as the ranking member of the House Select Committee on Small Business, and in both capacities his work was outstanding.

He has an astute legal mind and a keen intellect and is a genial, personable gentleman who is highly respected on both sides of the aisle.

BILL McCULLOCH, a classmate of mine of the 80th Congress, served his district, State, and Nation faithfully and well and will be greatly missed.

I wish him the very best of good luck, health, and happiness in the years ahead in a richly deserved retirement.

## CONGRESS WINDS UP SESSION

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. DENNIS. Mr. Speaker, in accordance with custom at the end of a congressional session, I am sending to residents of the 10th District of Indiana a "wrap up" of the activities of the 92d Congress.

I take this occasion to place this "wrap up" in the RECORD for the consideration of my colleagues and the convenience of my constituents:

## CONGRESS WINDS UP SESSION

Dear 10th District Citizen: A "wrap up" of the actions of the 92nd Congress is now in order, along with an assessment of Congress' successes and failures. A great deal of important legislation has been considered in the House of Representatives since I summarized the accomplishments of the 91st Congress two years ago.

As a member of the 92nd Congress, I have voted on all important measures and have actively participated in the debate and discussion on the floor, in the case of many of them.

As you know, since my election to Congress in 1968, I have regularly and faithfully reported to you as to all of these debates and as to each of these votes.

The 92nd Congress considered, and has dealt with in one way or another, a wide variety of important legislation.

Among these may be mentioned ratification of the SALT agreements, revenue sharing, Social Security increases, the Clean Water Bill, the Higher Education Act, rural development, extension of the Equal Employment Opportunity Act, amendments to the Occupational Safety and Health Act, increase of the minimum wage, and consumer protection legislation. In addition we have extended wage and price controls, upheld HEW vetoes, defeated "anti-war" amendments, provided for the national defense, adopted an equal (women's) rights amendment to the Constitution, considered and acted on welfare reform, eased income taxes



and prepared to end the military draft. This list, while not complete, will serve to indicate the variety and importance of measures before the Congress.

No one can truthfully say that the 92nd Congress has been a do-nothing Congress, although there is ground for debate as to the wisdom of much that we have done.

On balance, I would give the 92nd Congress good marks for its ratification of the SALT agreements, its environmental action in support of clean water, its genuine and not entirely politically inspired concern with the problems of the day, and its willingness to at least address itself to many of these problems.

I would fault the 92nd Congress for top-heavy spending and financial irresponsibility, for its failure to set up a Congressional budget, for showing entirely too much disposition to place ever-increasing regulations and controls on American business and private enterprise, for its quota of political demagoguery and its yielding to political pressures, and for the usual legislative habit of doing comparatively little for months and then having to attempt too much in the closing weeks of the Session.

Landmark legislation would have to include the SALT agreements, revenue sharing and the Clean Water Bill.

Important legislation which has failed of final action includes welfare reform—although the Senate (not, so far, the House) did vote to test out several different proposals, an approach which I have long advocated as a step to take before adopting the President's family assistance plan—consumer protection legislation, and proposed increases in the minimum wage. All of these are highly controversial, and the solutions are not easy.

Developments which may foreshadow fundamental changes in American society include the institution of wage and price controls in our free peace-time economy, and the apparently approaching end to the military draft.

Tax reform is an important topic facing the 93rd Congress and is discussed at greater length elsewhere in this same newsletter.

The ever-growing federal deficit—for which both the Congress and the Executive are to blame—is a matter of very serious concern to thoughtful people, and it, too, has long range implications for our society.

My own concern in this field has led me to vote against many spending measures and, so far, to vote to uphold all money saving Presidential vetoes. It led me to support the \$250 billion spending limit urged by the President, even though it does give him some powers to reduce expenditures which, in Constitutional theory, may be to a degree objectionable.

We have a representative government, and, over all, Congress, in its strengths and weaknesses, pretty well reflects the people. Intelligent and active participation by the people is essential if our form of government is to do its job. The United States is the most powerful country in the world as we approach our bi-centennial, and in my judgment as in yours it is, in every way, the world's greatest nation. Nevertheless, mediocrity and politics-as-usual can be the seeds of our own destruction. A patriotic, industrious, intelligent and concerned citizenry must remain the strength and the shield of our Republic.

#### UNRESOLVED ISSUE, NEXT CONGRESS FACES TAX REFORM

One of the live topics of the day is tax reform.

Property tax relief—which is basically a State and local matter since the rates are set by State law and local action—is now discussed as a field for Federal intervention.

There is much talk also about the plugging of so-called "loop holes" in the Federal income tax laws.

Much of the talk is unfortunately neither well-considered nor informed.

Both Presidential candidates have referred to the possibility of some form of Federal relief for local property taxes which every land owner (myself, of course, included) regards as being too high at present.

Just how this is to be done remains at present writing, very much to be seen. Current legislative proposals for "no strings" revenue sharing cannot be the answer, for—aside entirely from philosophical objections on the principle to this legislation—there is nothing in it which requires the Federal distributions to localities to be used for tax relief rather than for additional or new projects or services. Moreover, payments to units of local government cannot be used for the operation of school systems, and units of local government which are eligible for payments under the bill are defined as general purpose units of government and do not include school corporations or districts. Education costs are, of course, the chief reasons for high local property taxes.

"Loop hole" elimination may be, and in some cases no doubt is, desirable. But exactly what do we call a "loop hole?" Strictly speaking, interest on one's mortgage for which a deduction is taken can be called a "loop hole." So can deductions for medical payments, so can gains on the sale of a residence by persons over 65, and so can the retirement income credit. More generally we hear discussions about tightening up the treatment of income from capital gains so as to treat such gains on the same basis for taxation as ordinary income, abolishing tax-free interest on state and municipal bonds, abolishing the oil depletion allowance, cutting down on depreciation, striking out the investment credit, etc.

Some of the suggestions may have some merit, but none are as simple as they sound.

A private enterprise system depends upon a reasonable ability to accumulate some capital, municipal bonds may not sell if the interest is taxable (and if we subsidize the interest that will again require additional tax monies); present oil depletion may be excessive but we are in fact dealing with a wasting asset; depreciation is, within reasonable limits, also a fact and a real factor in conducting a business, the investment credit—first advanced by President Kennedy—is designed as a business stimulant; and so on.

Rep. Wilbur Mills, chairman of the House Committee on Ways and Means, who calls the income tax law of 1969, for which I voted, "the most comprehensive tax reform measure in our history," has introduced an interesting bill designed to force an orderly reconsideration of all of these so-called "loop holes" by providing that each of them shall expire at various fixed dates in the future, some on January 1, 1974, some on January 1, 1975, and some on January 1, 1976.

Either by use of this vehicle, or by other methods, tax reform will no doubt be one of the important items of business for the 93rd Congress which convenes in January 1973.

Meantime, it is an interesting fact that some of my colleagues, and others, who talk the most about tax reform are, at the same time advocates of such huge additional spending programs as cradle-to-grave health insurance on the Kennedy model, \$4,000 or more guaranteed income per year to a family of four, comprehensive Federal child care centers, additional millions for Federal aid to education and health, 100 percent parity farm payments, greatly expanded Federal housing, direct Federal Treasury support for Social Security with expanded payments, millions for model cities and mass transit, and other programs, the total expense of which would out-strip by far any tax savings or increased tax collections which could possibly be achieved if every single "loop hole", good or bad, were to be plugged once and for all.

Tax reform is indeed worthy of and truthfully demands careful study, but it definitely does not lend itself to cheap or easy solution.

I regularly report to you the things I am doing as your representative in Washington, D.C. An equally important part of my job as your Congressman, and perhaps more enjoyable for me, is the time I spend back in my home district, travelling to the many cities and towns that go together to make up the 10th District. The pictures on these pages are fairly representative of how I spend my time in the district, and I can say that I have been in the district on most weekends this year, as well as during Congressional recesses. These visits allow me to visit the many county fairs, parades and service club meetings, as well as giving me the chance to hold office hours where constituents may call on me with their opinions and individual problems. I have enjoyed these opportunities to meet the public and intend to continue doing so. It is important that a representative not rely on mail, petitions and phone calls alone to keep abreast of the people's sentiments, but travel among them, listening to and talking with them.

Dennis Bollenbacher, of the Adams County Health Department, took me to the New Corydon area, along the Wabash River, to see the logjam clearing project contracted by the U.S. Army Corps of Engineers. Mr. Bollenbacher and others contacted me about the problem which they said had been flooding crop lands and roads, and causing health hazards for almost 37 years. I was very happy to ask the Corps of Engineers to look into the problem, and very pleased when they agreed to go ahead with the clearing project, which I inspected this day.

Mrs. Dennis and I were invited to take part in the Henry County Sesquicentennial Parade in New Castle. The event drew a very large and enthusiastic crowd.

The Jay County Fair, at Portland, was a pleasant occasion and I enjoyed chatting with friends and acquaintances there.

The opportunity to hear one man's views, clearly and unequivocally expressed, is refreshing after spending a working week in Congress.

I always enjoy talking to news media representatives from the district, as here I had a pleasant chat with a reporter from WIUC-FM in Winchester.

I visited many county workers in the Courthouse at Decatur during one of my stops through Adams County.

A sunny Saturday afternoon in Pendleton afforded the opportunity to renew many acquaintances and make new ones, as well as the chance to address a group of constituents on matters of current interest.

Mr. H. Vernon Scott, left, president of the National Associated Businessmen, recently presented me with the "Watchdog of the Treasury" award for my 91.7 per cent economy voting record in the 92nd Congress. This is the second time I have been given the award, having also been cited during the 91st Congress two years ago. The award itself is not so important, but I feel that this may in some way show that I do follow the wishes of my constituency by voting only for reasonable expenditures and appropriations by the government. I get many letters from people in the district who are upset about the waste of government funds and the huge budget deficit we now have. Basically, I just don't believe the Federal government can cure all the ills of our world by papering over them with dollar bills.

Nearly 20,000 people in the district have placed their names on my mailing list to receive more frequent reports on Congressional activities. If you would like to receive the reports, please fill in the address form below and send it to me. Reports such as you have in hand now are mailed four times a year.

# THE INDEPENDENCE OF THE INDEPENDENT COLLEGES

## HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. JONAS. Mr. Speaker, under leave to extend my remarks in the Extensions of Remarks, I include a speech recently delivered by Dr. Samuel R. Spencer, Jr., president of Davidson College, Davidson, N.C., before the Dilworth Rotary Club, Charlotte, N.C.

This thought-provoking speech of Dr. Spencer deserves widespread attention. The subject of the speech is of current interest and deals with one of the most pressing problems confronting the independent colleges of the land. I am pleased to have this opportunity to make it available for reading by my colleagues and all others who read the RECORD.

The speech follows:

### THE INDEPENDENCE OF THE INDEPENDENT COLLEGE

(By Samuel R. Spencer, Jr.)

My attention today is focused on something more important, in the long run, than the customary preoccupation of college presidents with financial problems. Last fall in Williamsburg, Virginia, Dr. Clark Kerr of the Carnegie Commission on Higher Education issued a warning to Trustees gathered there for the Association of Governing Boards Conference. Despite the serious financial situation of American higher education, he said, the most serious problem for our colleges and universities in the next decade will be not preservation of a balanced budget but preservation of their autonomy and independence. The evidence is bearing him out.

When the university is no longer free to serve as the open market place of ideas, society itself is no longer free.

Some months ago I visited a number of German universities as a guest of the German Academic Exchange Service. During the course of this visit, I was at Heidelberg, one of the proudest and oldest of German institutions. Hundreds of thousands of Americans know it through *The Student Prince*, *The Red Ox Inn*, and the ruined red stone castle which overlooks the Neckar River from the heights above the town. It was late afternoon when I turned off the narrow main street past the old University on the left and into a modest building of University offices for an appointment with the Dean of Faculty of Philosophy, or what we would call Arts and Sciences. He was not there when I arrived, and I was told to wait in his office.

When he came in, he offered me a glass of sherry, poured one for himself, and flung himself in his chair. Seeing how obviously tired he was, I offered to come back another time, but he stopped me and proceeded to tell me why he seemed near the point of exhaustion.

He had been involved all that day and the preceding one in a long drawn out negotiation with leaders of the student radicals at the University. Six months before, the radicals had objected to the teaching of a language professor whose practice was to assign certain texts to be translated in class. The objection was not to the method but to the texts selected: the material was attacked as bourgeois. The radicals insisted that the professor make selections from texts which conformed to the Marxist party line. When he refused, they disrupted his class to the point that he could not continue to teach. After several attempts to carry on his lectures, met each time with disruptive tactics, he discontinued

the class completely. The stalemate had lasted for months. Finally, the negotiations in which the Dean was involved had arrived at an uneasy compromise: The professor was to submit a large number of texts with greater variety, and the students would choose those to be used. What a humiliation not only for the particular professor but also for the University and for the traditional freedom of teaching! The tactics were not new. They were the same as those used by Hitler's bullies in the 1930's.

Lest you think it can't happen here, it is already happening. The first threat to the independence of our colleges is from within—from persons and groups in the colleges and universities themselves who would like to shout down or refuse a platform to those with whom they do not agree. Political figures, regardless of affiliation, have been heckled and egg-spattered on American campuses to the point that they could not continue to speak. One university has refused its platform to a Nobel prize winner because of the pressure of student groups who disagree with his point of view. Professor Arthur Jensen, who has dared to suggest that there should be further study of the possible inherent differences in the capabilities of racial groups, is unwelcome at many universities. Professor Herrnstein of the Harvard Psychology Department, the author of a controversial article in the *Atlantic* on IQ, which supported Jensen's position, has been hooted and hounded by leftist groups who would like to remove him from the university. (To the credit of the Harvard faculty, a large number arose to defend, in a publicly signed statement, Professor Herrnstein's right to freedom of speech.)

But there is another side to this coin. There are those beyond the campus who would like to do just what the radicals within are doing: to inhibit the freedom of speech of those with whom they do not agree. The most flagrant demonstration of this kind of pressure on our home ground came in the effort some years ago to pass a speaker-ban law in the state of North Carolina. I am proud of the fact that the Davidson College faculty, recognizing the threat to the free exchange of ideas represented by the proposed speaker-ban law, helped lead the fight against it.

In this day of high visibility for college students and faculty members, individuals and groups on the campuses often do or say things which raise the hackles of persons beyond the campus community. For example, our Student Government Association last year invited Rennie Davis, one of the Chicago Seven, to speak at Davidson. I said publicly at the time that I thought the expenditure of a thousand dollars of their money—it was their money—was a highly questionable use of funds. On the other hand, I can understand their desire to hear Rennie Davis, and would certainly defend their right to make such a decision even though I might disagree with it. The public must realize that there are many groups who invite speakers on many subjects to college and university campuses today, and that the appearance of a speaker in no way constitutes an endorsement of him or his views by the institution.

Similarly, many friends of both public and independent colleges and universities are sometimes upset by things that students (and occasionally faculty members) say in public speeches, interviews, and letters to the editor. On occasion these situations are quite frankly damaging to the institution. There is no question about the fact that they sometimes undermine rather directly the financial support on which the college or university depends. It is especially galling to many constituents to have faculty members, as they say, bite the hands that feed them. The typical reaction is, "Why don't you fire that guy?" The very simple and practical answer is that in the case of a tenured professor, a

college couldn't fire him unless it could prove beyond any reasonable doubt that he is incompetent or morally deficient.

But the real answer goes to a matter of principle. You do not fire a teacher because he says something with which you do not agree. An essential function of a college or university is to provide a sanctuary where unpopular and unorthodox views can be expressed without fear of reprisal. If this principle is not maintained, we are no better than the radical Marxists at Heidelberg who wish to stifle the expression of all those who do not conform to their party line.

But the threat to the independence of American higher education that concerns me most comes, with all good intentions, from another quarter. Back in the 1960's, when large sums of money were first offered to independent colleges by the Federal Government for new facilities, college presidents and trustees shook their heads with considerable concern. Finally most of us decided that it would be all right to accept such grants because they were "one shot" affairs with no continuing entanglement. At the time, most of us also said that we would not for a moment want to be on the Federal payroll in such a way as to compromise our independence. Even then, many institutions, and especially our large universities, had large research contracts with the Federal Government which amounted to a sizable proportion of their operating budgets. Today, relatively few of our 3,000 institutions of higher education in this country are free of some sort of federal involvement. We get federal funds for loans and work-study jobs for our students, for library and laboratory equipment, for new buildings, for research. The Higher Education Act recently passed by the Congress goes the whole way by providing unrestricted grants for operating purposes. When those become a reality, we will indeed be on the Federal payroll.

Even before that tune is played, the piper is beginning to submit his bill. Please remember that I have already said that the intentions and objectives are good ones. Fundamentally, the Federal Government is trying to guarantee that there shall be no discrimination on the basis of race or sex in admissions and employment. No one can quarrel with this. But the administrative extensions of the laws prohibiting discrimination, and the bureaucratic intrusions into institutional and personal affairs, are ominous.

As many of you in other professions and businesses know by experience, the enforcement device used by the federal agencies is what is termed a "Compliance Review." Such compliance reviews are now being conducted with increasing frequency and intensity at colleges and universities. The initial step is a letter to the institution notifying it that it is scheduled to be investigated by an HEW Compliance Review team. The letter requests that various kinds of information be assembled in advance of the review, information such as the following: a listing of all employees and employed students by race, sex, and ethnic origin, with job category, rate of pay, status, number of hours, date of hiring, date of last promotion, and age; a list of all persons hired in a recent period, usually six months or a year, identifying job or position classification, date of hiring, starting pay rate, race or ethnic origin, and sex; copies of tests and other criteria used in making selections for employment, upgrading and promotion; and copies of manuals or other materials that describe matters affecting the employment or treatment of employees such as faculty manuals, administrative practice manuals, personnel procedures, and operating guides. HEW teams are even asking to see the confidential personnel files of specific employees—a procedure sure to raise the temperature of a man as fiercely protective of individual rights as Senator



Sam Ervin. As one bulletin says, "The review process may be completed in a scant three weeks or it may last for months."

During the past spring, a HEW team visited us "to evaluate Davidson College's compliance posture in relation to the requirement that all facilities and services provided by recipients of federal financial assistance must be provided without regard to race, color, or national origin." The thrust here had to do with our admissions policies in relation to minority students.

There is no question about the firm and unequivocal commitment of Davidson College to a non-discriminatory policy in all areas. That is not the issue. Some time ago the Davidson Trustees had not only opened the door to minority students, but had directed the administration to intensify its efforts to recruit them. At the same time, the Board took a firm stand that in fairness to all candidates for admission, including minority students, no arbitrary quotas should be set and admission standards should not be lowered.

Three weeks after the visit, the Chief of the Education Branch of the Atlanta Office of HEW wrote a four-page letter in which he acknowledged that Davidson had "generally eliminated barriers which would prohibit admission or participation of any person on the basis of race, color, or national origin." Despite this, he continued for three more pages to detail seven "observations and suggestions". At the end of the letter, he stated "We ask that you indicate within sixty days affirmative actions taken and planned by Davidson in relation to the above report."

In addition, he requested "that adequate records be maintained of efforts to eliminate past patterns of segregation so that information may be provided periodically to our office." The "observations and suggestions" included such things as the following: that we should attempt to raise the number of black students to 10% of our student body; that we should "allow for more flexibility in admission requirements"; and that we should make "improvements in our curriculum to include additional emphasis on black contributions in all areas of academic instruction."

In replying to this letter, I stated that the primary thrust of the observations and suggestions was in line with the announced policies of Davidson College. I said further that we would discuss the suggestions with the trustees, faculty, staff, and student body, and with black students already on our campus—but that we would then act upon those which we ourselves judged to be wise and feasible for Davidson College.

I do not have to labor the threat to institutional autonomy and independence inherent in the procedure I have described. What if the same kind of "improvements" in curriculum were demanded for other areas? What if we were told to include or not to include instruction or library materials in the field of genetics or economics or religion? It is only one step from this to telling us which teachers are competent to handle certain matters and which are not. When Washington begins to dictate what we should teach and who should teach it, one of the essential guarantees of a free society will have been lost.

This country has been blessed with an almost unique dual system of higher education which includes both public and private institutions. The Dartmouth College case of 1819, in which Justice Marshall upheld the autonomy of the college and refused to allow the legislature of New Hampshire to take it under state control, guaranteed that strong private institutions, independent of political domination and influence, would grow alongside America's developing state universities. The importance of this dual system runs deep. The existence, side by side, of state

and private institutions has contributed a healthy competition and diversity which has raised the level of both. But the fundamental importance of the dual system has to do with freedom itself. The colleges and universities of this country will never be shaped to the mold of any special interest or exploited for political purposes so long as some of them remain truly independent.

Do not take their independence for granted. The preservation of it will not be easy.

At the same time that we work to eliminate discrimination in all areas of American life, I hope you will join me and others who are deeply concerned about this in upholding at every turn the right of our colleges and universities to govern themselves and the right of individuals within them to teach and speak at the dictates of conscience.

#### IMPLICATIONS OF GRAIN DEAL WITH RUSSIA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. SEBELIUS. Mr. Speaker, the United States-Soviet grain agreement was truly momentous and will have far-reaching results for American agriculture:

Farm income will increase by hundreds of millions of dollars.

Farmers can expect to rely more on the marketplace for their hard-earned income as opposed to Government payments.

Farmers can expect more individual freedom and less planting restrictions.

Taxpayer costs will be reduced by more than \$200 million.

There will be 25,000 to 30,000 additional jobs created for the American working man.

The agreement will add \$1 billion to the U.S. balance of payments.

The world's two most powerful nations can now move rapidly down the road to normalized commercial relations. Relations of this type can lead to understanding and peace even including cooperation and leverage in ending the Vietnam war and preventing similar conflicts. In addition, similar relations with the third most powerful nation, China, are possible.

Despite the controversy and problems regarding the recent Soviet-United States grain sale, I am hopeful we can enter into an era of cooperation among farm organizations and individual farmers and enter into what could be a new era of prosperity for farmers and agriculture.

To accomplish this, I feel we must achieve greater understanding with our urban colleagues and with consumer interests. In this regard, I would like to call colleagues' attention to two articles; both of which concern the Soviet grain sale and our Nation's current supply of wheat. In a speech before the recent convention of the National Association of Farm Broadcasters in Kansas City, Mo., Joseph Halow, executive vice president of Great Plains Wheat, summarized very well the need for responsible and accurate discussion of the problems we face in agricul-

ture. And, in his latest column, Roderick Turnbull, a long-time recognized authority on agriculture and the director of public affairs of the Kansas City Board of Trade, explains to the housewife that to fully understand the price of bread, she must also understand crop production and supply.

REMARKS BY JOSEPH HALOW

After having missed your winter convention last year it is a particular pleasure to be here with you this morning. Since we in Great Plains Wheat last met with you there has been so much activity it is almost impossible to keep up with it. This may never have been more true than during the past several months. The Soviet grain sale and the controversy surrounding it are only one—although probably the most graphic—example of the extent to which agriculture has come to the forefront. It is unfortunate, however, that, for some unfathomable reason, a great deal of the attention agriculture is receiving has been unfavorable.

This may be because what is sensational is news, and the United States no longer finds it sensational that U.S. agriculture continues to keep the U.S. citizen supplied with an excellent diet at prices more within his reach than in almost any other part of the world. We have apparently all become too accustomed to this pleasant aspect of agriculture and are more fascinated by attacks made on the cost of the agricultural programs, confirmation of new secretaries of agriculture and large grain sales to a bloc of countries we have for some time considered to be our enemies. This attitude is changing, fortunately, and both contenders in this presidential campaign are now favoring a thawing of relations with the People's Republic of China and the Soviet Union.

Even those who want to continue to isolate the United States from these countries must realize what a big plus it is for the United States to be able to supply the Soviet Union something like 400,000,000 bushels of wheat in one year. What a defeat it must be for the Soviet Union, which once was a major grain exporter, to have to come to the United States for this much wheat and a quantity of feed grains which has not yet been determined. It is a real tribute to United States agriculture that we can furnish any one country this much wheat without running into shortages ourselves. Four hundred million bushels is almost equal to total annual Canadian production.

It is more wheat than Australia usually produces in any one year, about equal to what France may produce in one year and far more than Argentina has been able to produce in one year for the past several years. To discuss the significance of the sale for United States agriculture and United States trade would require more time this morning than I am sure we would be able to spend. I feel sure also that all of you are already well aware of this, and I may be merely carrying coals to Newcastle.

Although they produced nothing concrete to substantiate the charges made against the grain trade and the Department of Agriculture, the recent Congressional hearings on the Soviet grain sale will undoubtedly have some lasting effects on agriculture in general and U.S. wheat trade in particular. It is fairly safe to assume that our wheat subsidy program—or export equalization payment program, as it should be properly termed—may never again be the same. What may be the effect of all the publicity in consideration of future farm programs is really anyone's guess. We could continue to speculate on all the other side effects for some time, but such speculation would now probably be futile. We shall just have to wait and see.

One certain result of the hearings—and one which will be of particular interest to all

of us here—is that we can certainly expect the USDA to be asked to provide more timely information on the world grain situation and export prospects for farmers and the general public. The Department of Agriculture maintains it has provided all available information, and the grain trade statements indicated the information available to them was also available to the interested public. What then constitutes "better" information? When asked recently whether or not there was any early indication that the Soviets would be in the market for U.S. grains, a New York Times reporter responded in a special article that there were "several straws" in the wind.

We in Great Plains Wheat noted some of the straws in the wind as early as two and a half years ago when in the Spring of 1970 we stated there were strong indications the Soviets would be major importers of agricultural products. We stated also that the Soviets would be net importers of grains, which they would need because of a program for a sharp expansion of livestock production. (We were quite flattered, incidentally, when in their testimony before the House Agriculture Subcommittee on Livestock and Grains, Cargill, Inc., one of the largest grain companies in the world, cited the Great Plains Wheat newsletter as one of their sources of information.)

Early this year we reported that the Soviet winter wheat crop had apparently suffered a serious setback due to the coldest winter the Soviets had experienced in fifty years. When the sale was announced in July it did not immediately have a particularly strong effect on the markets. We wrote in our newsletter we expected wheat futures might easily rise by as much as 20¢ per bushel during the next several days. When any of our constituents called, however, to ask what we felt the market might do—and we knew they were debating whether or not to sell their wheat—we advised them, in effect, that we could not serve as brokers since we could not take the responsibility for their decisions. The decision would, of course, have to be their own.

After they stated in their testimony that all the information they had was available to the interested public Cargill, Inc., added that what they withheld from the market was their own analysis of these facts. If their own analysis were to be correct it would obviously be to their advantage. They would withhold this information obviously because it would cost them an advantage they might have over their competitors. This is not a problem with the Department of Agriculture. Their concern is more one of moral obligation and responsibility.

An analysis may be right or wrong, and if the individual making it, does not stand to gain or lose he could feel more comfortable about making a bold analysis. He knows, however, that when he speaks on behalf of a Government agency he is expected to be an authoritative source of information—or at least an official source of information. If he feels farmers may base their economic decisions on his analysis his own obligation becomes much greater. It is not his money he is putting on the line but someone else's. He does not stand to gain anything if he is correct and can lose a great deal if he is wrong. This is the situation we find ourselves in when our constituents ask us what we feel they should do.

We wonder, however, whether or not this should really be expected of us or of the U.S. Department of Agriculture. Farming has become more than a way of life—it is a business. It has had to become a business to exist. Before we go pell mell in one direction we should attempt to determine whether or not, under normal circumstances farmers want anyone telling them when to buy or when to sell. Should they not be able to make these decisions themselves? In such instances is not objective information the best? Wouldn't anything other than objective information

be a move away from a free enterprise system?

Of greater concern to the analyst, however, is his own feeling of confidence in the accuracy of the information he is presenting. A wheat crop does not normally wither away from drought overnight. It dies slowly, day by day. The Soviet analyst who is watching his crop deteriorate must at some point decide that even if rains do come they will then be too late to save the crop. He must then buy quickly on the world markets before the extent of his needs are known and prices are driven higher. Can we logically expect the U.S. analyst, on this side of the ocean from someone else's wheat fields, to outguess the local analyst who is basing his decisions in the midst of his wheat fields?

As farm broadcasters you speak with our farmers regularly and on a more personal basis than anyone else. It is you who in many instances take the raw data supplied by the Department of Agriculture and other sources, put it into context, and present it to your listeners. The problem of what information, how much of it, and in what form, is one you have all lived with for some time. The current controversy about not having advance information is one which will serve as a strong reminder of our obligation.

#### AMERICAN HOUSEWIFE AND FOOD SUPPLY (By Roderick Turnbull)

KANSAS CITY.—With bountiful fall harvests just getting under way, perhaps the time is appropriate to suggest that the American consumer, the housewife who buys the groceries, doesn't concern herself with supply.

All she is interested in is price.

The reason is pretty simple. In her lifetime, the American housewife never has seen the time she couldn't go to her store and get all the food she wanted—if she had the money. She hasn't even had to stand in line. She never has known a problem on the supply side.

But she does know that food takes a substantial part of her budget. When prices go up, she takes notice.

Of course, supply has something to do with the price Mrs. Consumer pays at the grocery store. When, as an example, demand is extremely heavy for beef all across the United States, so strong that every ounce of beef offered for sale finds an immediate buyer and there is no surplus, the price on a steak rises.

But Mrs. Consumer still will find the meat counter full, just as she will see ample supplies of eggs and milk in the coolers, stacks of bread and canned goods on the shelves. As she walks down the long aisles of the grocery store, her eyes will be on the price tags, not in a vain search of something available for sale.

This is one mark of a land of plenty.

These comments were triggered by a look at the government's most recent National Food Situation Report, a 33-page booklet prepared by the Economic Research Service of the U.S. Department of Agriculture. The reports are issued quarterly.

The booklet is replete with charts, tables and explanatory comments on the food situation.

The very first paragraph states:

"The all-food retail price index this year may average 4½ percent above last year. Most of the rise for the year already has occurred."

The next few pages are devoted entirely to food prices.

The next major heading is "Food Spending and Income," which is followed a page or two later by a section on "Per Capita Food Consumption."

All through the report are references to crop production, but the main emphasis is on what is food costing the consumer, which

obviously reflects the principal consumer interest.

Under the circumstances, Mrs. Consumer should not be criticized for her lack of attention to, or concern over production statistics. She doesn't particularly care whether the corn crop this year is 4,900 million bushels or 5,100 million; or whether the number of cattle on feed as of July 1, was 12,455,000 or 10 percent less. These aren't directly her problems.

But to the trade which supplies Mrs. Consumer, the statistics on production are part of the lifeblood of business. At the Kansas City Board of Trade, for instance, grain men not only become fully cognizant of the periodic government crop reports, but they keep as fully aware as possible on day-to-day weather, not only in this country but around the world; they watch the figures on storage stocks; they keep informed on the volume of utilization or disappearance of farm commodities.

In fact, the trade, as near as it can, tries to assess every bit of information available both on supply and demand.

Five flour millers from Japan visiting the Kansas City Board of Trade a few days ago, took careful notes not only on what our government thinks the wheat carry-over will be next July 1, but what estimates were being made in the trade. They were interested in available supplies for next year.

Members of the Board of Trade are not alone in this endeavor to equate supply and demand, although they specialize in it. Everybody involved in farm commodities, from the producer to the retailer, seeks to be knowledgeable on the subject.

It is the judgment of all these people, as expressed in the market, which sets prices.

Despite all the effort to keep abreast of available supply-demand factors, surprises occur. The weather can alter the supply situation in a hurry, ruining a promising wheat or corn crop in a matter of a week or so. On the demand side, the huge Soviet purchases from the U.S. this year have come almost completely as a surprise, and they continue to amaze the trade.

The market never can take any situation for granted for any length of time. In other words, observance of the supply-demand factors requires constant attention from the trade.

Incidentally, if Mrs. Consumer should be concerned, the U.S. food larder should be well stocked this fall and winter, the Food Situation Report avers.

On Page 23, the booklet states:

"Net production of food commodities by U.S. farms in 1972 may total 3 percent less than in 1971. Ten percent higher stocks at the beginning of 1972 more than offset the decline in production, so supplies this year were greater than in 1971."

"Crop food commodities may be down as much as 5 percent from last year's output. Output of livestock food commodities may at least match last year's record level with better than a 50-50 chance of exceeding it. Though net production is expected to decline this year from 1971 levels, earlier prospects indicated a slight increase in stocks. Based on utilization so far this year, plus the impact of the grains agreement with Russia, it now appears stocks of food commodities will change little."

WATKINS M. ABBITT

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. WHITTEN. Mr. Speaker, the Nation loses a distinguished and able Mem-



ber in the retirement of my good friend, WATKINS M. ABBITT, of Virginia. Virginia has given to the Nation many illustrious public servants, so many I cannot here enumerate them. Truly WAT ABBITT has carried on in the true Virginia tradition. Intelligent, a hard worker, War as he is so well known, has always displayed the courage of conviction. A conservative, he has never believed in change merely for change's sake, but only when, in his judgment, such change was for the better.

I know the Nation is the better for his services; the future will not be as good because of his absence.

War, we shall miss you as a friend as well as a colleague. To you and your family, we wish the very best always.

#### THE CASE OF GEN. JOHN D. LAVELLE

#### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. SCHMITZ. Mr. Speaker, this will probably be my last entry into the CONGRESSIONAL RECORD. It is addressed to my distinguished colleagues who, I believe, if they were aware of the facts, would start sincerely asking themselves the question why failure to win wars and actual efforts to lose them are being rewarded while American military officers who have given their full measure of devotion to duty are relieved, demoted, and dismissed in disgrace. Such is the case with Gen. John D. Lavelle. Nothing is more critical to the survival of this Nation than the nature of the case of General Lavelle.

I wonder if there is a single journalist in the United States who has taken the time or made the effort to read in entirety the testimony of General Abrams, General Lavelle, General Ryan, or Colonel Gabriel. This testimony before the Senate Armed Services Committee is the most illuminating I have ever read, and I hope that my fellow Members will take the same time in their busy schedules that I did to make themselves aware of the facts.

Some months ago, the chairman of the House Armed Services Committee, the late Mendel Rivers of South Carolina, warned that this Nation was on the verge of national suicide. I could not agree more. When General Lavelle was relieved and came back to this country, we had a very brief discussion on the subject, and due to the classified nature of the circumstances, we agreed that I could do nothing except follow very closely the facts in the case and make a judgment accordingly. This I have done and with earnest hope that my fellow Members will read what is contained herein, I pass on the facts that have been revealed.

General Lavelle was commander of the 7th Air Force and as such was responsible for the offensive and defensive air operations in the entire area of Southeast Asia. I would like to ask you to keep that in mind and put yourself in the position

of this individual as you read on. As General Lavelle stated in his sworn testimony before the Senate Armed Services Committee, he was facing a 1972 environment under 1968 rules of engagement. These rules of engagement—ROE—place limitations on a commander operating in a hostile environment with severe restrictions as to capacity to respond to enemy offensive actions. As General Lavelle said:

The North Vietnamese had moved into the area north of the DMZ (the demilitarized zone) the largest concentration of missiles, anti-aircraft, artillery and radar we had ever seen in Southeast Asia.

Among the actions that led eventually to General Lavelle's being relieved were the following:

First. The enemy had netted their defensive missile systems to the point that they could not be detected as being armed for firing by those electronic aircraft whose job it was to warn our unarmed reconnaissance aircraft.

Second. From enemy airfields in North Vietnam, Mig aircraft had attempted to shoot down a B-52 bomber and a highly sophisticated intelligence KC-135 aircraft which contained America's topmost electronic and communication secrets.

Third. Adjacent to the border of Laos in North Vietnam several portable missile transporters and related equipment were waiting for bad weather to cross into Laos for offensive action against our aircraft as well as protecting the transport lifeline for bringing trucks and equipment illegally through Laos to kill our ground troops in South Vietnam.

That was the situation, and what did General Lavelle do? He had to think of his unarmed reconnaissance pilots going into North Vietnam who now could be shot out of the skies without warning. As he stated, he had been asked to fight an onerous war under morale shattering handicaps which his fighting men found difficult to understand. General Lavelle interpreted the rules of engagement as that whenever his reconnaissance planes entered North Vietnam, the North Vietnamese with Russian equipment now offered no warning but did, in fact, at all times exercise hostile radar.

To make this a bit clearer, the layman has to understand that the ROE required hostile action—arming of missiles and "locking-on" of radar—before we were allowed to knock out those missiles that could shoot down our men in flames. As there was now a centralized and computerized control, the hostile environment was present automatically at all times.

What is significant here is that General Abrams knew it. The Joint Chiefs of Staff knew it, and the Secretary of Defense knew it, and according to the testimony that was brought out, he told General Lavelle to find justification under the existing rules and they would back him up. General Lavelle took the necessary action against two airfields where the Mig's were that attempted to knock out our B-52's and our highly classified intelligence aircraft.

It should also be noted that the portable missiles in North Vietnam adjacent to the Laotian border shot down in Laos from across that border a C-130 gunship

with 15 men aboard and two other aircraft, taking the lives of a total of 19 airman. These men can never be returned to the United States because even their bodies were obliterated by those missile firings. Again, General Lavelle took the necessary action and hit these missiles and their related equipment.

In all, we find that General Lavelle attacked two airfields, several semipermanent missile installations, and some mobile missile transporters with accompanying equipment. At no time nor under any circumstances did he hit anything other than a strictly military target. It should be noted that as General Lavelle stated, out of 40,000 strikes, the 20 that later came into question included four against airfields, one against a radar site, six against missile sites, and eight or nine against missiles on transporters and supporting trucks and equipment.

It is most interesting to note that in General Lavelle's original testimony, the American aircraft that were shot down were cited and declassified. However, in a subsequent clarifying letter that General Lavelle wrote on the 26th of September, the number of deaths and of aircraft was deleted by Department of Defense censors. This suggests that the administration does not want it known that General Lavelle, instead of acting offensively without authorization, was, in fact, acting solely to save American lives. This is one of the particular reasons why I hope that colleagues of mine who are red-blooded Americans will get to the bottom of this entire disgraceful episode.

During an attack on one of the airfields, known to and specifically permitted by Admiral Moorer, General Lavelle found himself in the combat command center at 7th Air Force. The code name for this combat command center is "Blue Chip" and it is well known to those who have survived the war in Southeast Asia.

In the heat of the strike against this airfield, General Lavelle noted that the enemy gave no reaction. General Lavelle stated that at that time he could not in fact, report it as no reaction because, as has been stated, since the enemy had computerized their system with Russian equipment it would be absolutely true to report that enemy reaction was hostile radar. I would ask any of my colleagues in this House, if they would not, in fact, report as hostile the enemy reaction in all instances where no warning could be detected and the system had been "netted" so that any of our planes could be shot down at any time.

In the meantime, at Udorn Air Base in Thailand, operation reports, commonly referred to as "OPREP-4," were being prepared and forwarded to General Lavelle's headquarters. General Lavelle never saw these, as it was the responsibility of subordinate officers in the chain of command to guarantee the accuracy of such reports. The average working day for a man with General Lavelle's responsibility was 18 hours per day, seven days per week.

A sergeant at Udorn Air Base according to his own interpretation said that these reports were being falsified by reporting that hostile action was being executed by the enemy. General Lavelle never saw or heard of any such falsifica-

tion until the Inspector General came to Vietnam. His subordinate deputy for operations, did not report them to him. He, in fact, never knew about them in the exact same manner that General Abrams and General Westmoreland never knew nor heard of the alleged atrocities which were committed at My Lai. You will note that I said alleged, because I aim to discuss the My Lai affair very shortly.

Based on all the testimony of all the principals involved in this action, I cannot under any circumstances accept in my mind, nor should any other of my fellow Members accept that General Lavelle should have been treated in the manner that he subsequently was. These are essentially the facts. Now I would like to add a few of my own observations.

In examining the testimony I noted that one of the Senators on the Armed Services Committee in interrogating General Lavelle asked him to comment on a column written by one Seymour Hersch. For a U.S. Senator to quote Seymour Hersch as an authority before a duly constituted investigative body of the Senate amazed me no end. Seymour Hersch first came to light when the alleged My Lai atrocities were being discussed. It was brought out at that time that Hersch received a substantial sum of money from the executive director of the Stern Foundation Fund for Investigative Journalism, which is tax exempt. The executive director of that fund is James Boyd, former assistant to Senator Thomas Dodd, who copied the Senator's files and turned them over to Drew Pearson in order to smear Senator Dodd.

The Stern Foundation Fund was established by Edith Rosenwald Stern and her late husband Edgar Stern. Mr. Stern's millionaire brother, Alfred, is a Communist spy who fled behind the iron curtain with his wife, Martha Dodd Stern, to avoid prosecution for espionage against the United States. I also call your attention to the fact that the Stern operation which is personally funded by Philip M. Stern, was an active supporter of the Communist-dominated "moratorium" and "new mobilization" operations which were investigated by the House Committee on Internal Security.

We came across Mr. Hersch's name also in connection with the attack on military intelligence. This attack stemmed from a publication called the Washington Monthly, which is well staffed by such people as Richard Rovere and Murray Kempton and significantly enough there we found the same executive director of the Stern Fund, James Boyd. The attack against military intelligence was written by Christopher Pyle, an ex-military intelligence officer, who admitted that a substantial amount of the information that he conveyed in the articles in the Washington Monthly was based on hearsay. In the same issue that Pyle wrote his article is another anti-military article written by none other than the funder of the Stern Foundation, Philip M. Stern.

Not long after this, Seymour Hersch took up another attack, this one aimed directly at destroying an officer whose only crime was to defend the lives of his men, Gen. John D. Lavelle. As a parting note on Seymour Hersch, whom the Sen-

ator on the Armed Services Committee quoted as an authority, I call your attention to what Mr. Pete Seeger, Communist Party member stated in a Saturday Review article:

Monday (March 20, 1972) I do two 25-minute broadcasts that will be broadcast to G.I.'s over Voice of Vietnam. I have been thinking all week about what I will say and sing and after talking with Seymour Hersch (the U.S. writer and author of 'My-Lai Four') and Toshi (Mrs. Seeger) decided to stay strictly away from political explanations of any sort.

This is Pete Seeger writing on his trip to the capital of the enemy and his subsequent broadcasts over Radio Hanoi. What more proof do you need than that fact that one of the well-known enemies of this Nation, Pete Seeger, has to go to Seymour Hersch to get advice as to what to broadcast over Radio Hanoi. I hope that my colleagues in the House will never be as prone to quote Seymour Hersch before an official investigative body, as did one U.S. Senator.

I have looked for answers to this national disgrace in many areas, and can come to no other conclusion than that it was deliberate policy, right up to the White House, to bring about the crucifixion of General Lavelle. I know of no parallel in the history of the United States except the case of General Billy Mitchell.

It seems interesting that the general who now takes General Lavelle's place in Vietnam, Gen. John W. Vogt, has not had a command for 26 years. The last command that this officer had was a squadron in 1946. Such lack of command experience in an officer appointed to so high a position is almost incredible. So far as I can tell, the only real qualification this man has is that he has been a close associate of both Richard Nixon and Henry Kissinger. General Vogt was citizen Richard Nixon's escort officer in Southeast Asia in 1966.

In 1970 we find this military man engaged in that most mysterious conference that was held in Vermont, commonly referred to as the Bilderberger Conference. In the matter of General Lavelle, the testimony brought out that when General Lavelle attacked the airfield in North Vietnam where the MIG's came from that tried to shoot down our B-52 and our intelligence ship, that General Vogt released orders in his capacity as secretary to the Joint Chiefs of Staff that General Lavelle had not, in fact, hit the target hard enough.

Another friend of Henry Kissinger, who seems to be overlapping in the job of Commander in Chief, is just-appointed four-star Army General Alexander Haig, Jr. This man in a space of 4 years has gone from colonel to four-star general—a move not equalled since Gen. George C. Marshall was promoted to Chief of Staff of the Army in 1939.

In 1969 columnist Jules Witcover attended a private briefing dinner with Kissinger and eight other important columnists, and there, according to Witcover, Kissinger suggested strongly that—

The Nixon Administration is not unalterably opposed to an eventual communist takeover in Saigon so long as the Administration is not blamed for it.

And it would be General Haig that would tell Parade magazine—

Henry and I developed a special rapport. From my perspective, I find most of his views compatible with mine.

My colleagues, as a closing request, I beg of you to rise above your political party and work to restore the reputation of General Lavelle in the eyes of the Nation, but more especially in the eyes of those whose lives he tried to save. I cannot help but reflect back to the memory of the tattered soldier of the Continental Army at Valley Forge whose message I would like to share with you as I leave the House:

I gave you a birthright of freedom only in trust

And you are squandering it on a luxury labeled expediency.

I stood in snow without shoes to give you a right to vote

And you stay home on election day whenever the weather is bad.

I left my family destitute so that you could have freedom of speech

And you remain silent because it might be bad for business.

I orphaned my children to give you a government to serve you

And through neglect you permit it to become masters of your children.

#### TRIBUTE TO MR. ASPINALL

#### HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WHITE. Mr. Speaker, I welcome the opportunity to justly laud a gentleman I respect and admire very much, Congressman WAYNE N. ASPINALL of Colorado. The fact that he will not be returning to be among us this next term is regretted by all members who know him. To each of us he has extended innumerable courtesies and assistance. My wife Kathy, before her death, counted him among her favorites in Congress. We both spoke of him as one of the most able and fair members in the House.

My entire district acknowledges Mr. ASPINALL with credit and appreciation, for it was he more than any other person in Congress gave life and impetus to my bill which created the Guadalupe Mountains National Park. This year it was dedicated by the charming Mrs. Julie Nixon Eisenhower as the only national park so dedicated this centennial anniversary year, commemorating the creation of the first national park, Yellowstone National Park.

Chairman ASPINALL thoroughly supported me in our interest in obtaining a national park in preference to any park of lesser stature. And so this year it became a reality. I am particularly pleased that it was dedicated during the tenure of Chairman ASPINALL.

I further regard Chairman ASPINALL's retirement from office as a particular irony and tragedy because few men in Congress have been as responsible for preservation of a vast number of historical sites, monuments, parks, and de-



velopment of irrigation and reclamation projects as has Mr. ASPINALL. These conservation, irrigation, and reclamation projects have added immensely to the economy of this Nation and have safeguarded precious soil of the countryside. Yet this was not recognized by those who failed to understand the reasons Mr. ASPINALL applied to legislation before his committee. He knows that this Nation must function in all aspects and that no one interest or advocacy can prevail to the exclusion of others. He is a conservationist and he is also an American who recognizes the additional needs of this country.

It is an experienced fact and irony that though a Congressman has performed well and has won the loyalty and admiration of the greater percentage of the people of his district regardless of party, an aggressive minority within that Congressman's party in a primary can cause his defeat. However, because that aggressive minority does not reflect the greater electorate, of all parties and independents, that seat will be lost in the general election to the opposing party, a seat which could have been held by the incumbent Congressman. The district then loses, the country loses.

Colorado has lost from Congress its most influential Congressman, whose unique position as chairman of the House Interior and Insular Affairs Committee is vital to that State of natural bounties.

TRIBUTE TO HON. WILLIAM R. HULL, JR., OF MISSOURI

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. EVINS of Tennessee. Mr. Speaker, permit me to pay a brief but sincere tribute to the gentleman from Missouri, WILLIAM R. HULL, JR., who has announced plans to retire following a distinguished record of public service in the Congress.

BILL HULL began his service as a Member of the 84th Congress, taking office in 1955—his career in the House spans a period of 17 years and it has been my pleasure to serve with him on the Committee on Appropriations. I consider him one of my dearest friends in the Congress.

He believes in economy in Government and he has contributed greatly to cuts and reductions in appropriations made in budgets proposed by Presidents throughout the years.

I have found BILL to be cooperative and congenial, an effective, solid, and perceptive legislator. He will be greatly missed in the 93d Congress.

BILL HULL has served his district, State, and Nation faithfully and well. He will be greatly missed. I know that we all wish him the very best of good luck and success as he begins his richly deserved retirement at the end of this session of the Congress.

### SPENDING CEILING

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, on October 10, the House passed the debt ceiling bill which included a provision to give the President absolute authority to cut Federal spending in order to limit total expenditures to the \$250 billion ceiling.

I strongly opposed the passage of this bill for two reasons. First of all, I felt it to be an excessive and potentially dangerous grant of authority to the executive branch. And secondly, I opposed the Nixon administration's attempt to politicize this issue in an attempt to focus the blame for the increasing Federal budget on Congress and not the White House.

An editorial which appeared in the October 13 edition of the Washington Post offers an incisive discussion of the political implications of the bill as well as an analysis of how the bill will affect many critically important domestic programs.

At this point I insert the text of this editorial into the RECORD:

#### CONGRESSIONAL POWER AND THE SPENDING CEILING

The House of Representatives is a legislative body composed of people who complain 364 days a year about the erosion of congressional power. And then, on the 365th day, they vote by a large majority to give the President the remnants of their control over spending.

Congress and the President are now engaged in an elaborate game in which the loser holds the bag for the coming tax increase. On Saturday the President said, "A vote against the spending ceiling could prove to be a vote for higher taxes." On Tuesday, the House collapsed in fright and passed, 221 to 163, legislation inviting the President to cut anywhere and anything to bring spending down to \$250 billion this year. This bill constitutes a retroactive item veto, for it authorizes Mr. Nixon to void benefits that Congress has already enacted and to cancel programs already in operation.

Fortunately, the bill has not yet come before the Senate. It is still possible to hope that the majority there will reject Congressman Mills' view that the Democrats ought now to sign away Congress' constitutional responsibilities in order to preserve their majorities and their committee chairmanships.

"I consider the battle against higher prices and higher taxes to be the major domestic issue of this presidential campaign," Mr. Nixon said last weekend. "The issue is clear. I am holding spending at a range not requiring a tax increase now or over the next four years." The casual reader would hardly guess that Mr. Nixon's budget for the current year is running some \$35 billion in deficit. Mr. Nixon keeps complaining that Congress has run wild but, in fact, the current Congress is a rather tame and docile one. Far from running wild, it has passed only one bill over Mr. Nixon's veto this year, an expansion of railroad retirement benefits that added less than half a billion to that deficit.

Everything else in the \$35 billion was either contained in Mr. Nixon's original budget, or it has been added by legislation that Mr. Nixon signed. The real causes of the deficit are, of course, two large tax cuts within the past three years, a recession from

which the country is only slowly recovering, and continuously high unemployment.

The spending ceiling bill is not merely a symbolic gesture in an election campaign. The Senate has a duty to look beyond Nov. 7 and assess the damage that it would inflict if it were actually passed and enforced. It would mean, in the first half of 1973, budget cuts amounting to perhaps one-third of the federal spending in the category that includes housing, urban development, pollution control, public transportation and education. For the following year, Mr. Nixon's current promises would require still deeper cuts because many federal programs, including those that cannot be touched for imperative legal or political reasons, have a substantial rate of growth built into them.

Budget cuts on this scale obviously mean a higher unemployment rate. More broadly, they mean a dramatic shrinkage of Americans' sense of common interest in the society in which we all live. "My fellow Americans," the President said, "this government does not need any more of your income and it should not be allowed to take any more of your salary and your wages in taxes." What the government needs to balance its budget depends entirely upon the way it defines its responsibilities. If Mr. Nixon slashes back the established federal responsibilities in our country, then no doubt his administration can get along with lower revenues. The question is whether a low income tax rate constitutes the most important of this nation's social values.

### REPRESENTATIVE CONTE HONORED

### HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. GROVER. Mr. Speaker, our distinguished colleague, Hon. SILVIO O. CONTE, of Massachusetts, was honored last night by the U.S. Coast Guard Reserve at a testimonial dinner given in his honor on Governor's Island, N.Y. He was presented the Well Done award by the Coast Guard Affairs Committee, ROA, the Distinguished Service award by the Reserve Officers Association, and an honorary lifetime membership in the New York Coast Guard chapter.

Mr. CONTE's leadership in legislative matters affecting the Coast Guard is well known to all of us and known and appreciated by all those who have knowledge, appreciation, and respect for this great branch of our services.

His remarks at the dinner follow:

#### REMARKS BY REPRESENTATIVE SILVIO O. CONTE

I've been called a lot of things in the 22 years I've been in public life. But being referred to here tonight as a "friend of the Reserve" certainly ranks with the very best of what has been said of me.

I'm proud of that title because I know very well the debt this nation owes to its Reserves, and also the stake we all have in keeping that Reserve strong and ready. In times of national peril, either in wartime or peacetime, we must depend on more than just the regular components of the armed forces. In such times, the nation turns gratefully to its reserve force.

You know much better than I, the importance of your role and the many occasions when you are called upon to step into the breach. The outstanding jobs the Coast Guard Reserve did in the aftermath of Hur-

ricane Agnes is only one of countless examples of your effectiveness.

It proved, once again, that your training in the Armed Forces is a resource this nation can ill afford to lose. And so, by your participation in the Reserve, you continue to use and perfect those talents which are so sorely needed by our country.

The Reserve is not an ornament on the country's defense structure. Rather, it is an integral part of the very foundation of that structure. And I want you all to know that I will continue to do all I can to make sure that point is made over and over again where it counts in our nation's capital.

In the 14 years I have been in the Congress, I've had an unusually close relationship with the Coast Guard. As a freshman congressman, I was appointed to the Appropriations Committee. And my first subcommittee on appropriations was the one controlling the pursestrings for the Treasury Department, which at that time had jurisdiction over the Coast Guard. For nearly 10 years I worked with Coast Guard officers to do whatever I could to ensure the continued greatness of this service. The friendships I made over those years are some of the most treasured I have ever made.

Then, as you all know, they switched Coast Guard from the Treasury Department to the Transportation Department. Well, they couldn't get rid of me that easily. At the first opportunity, I joined the Transportation Appropriations Subcommittee.

When the Coast Guard Reserve needed help on appropriations this year, no one had to ask me to jump out in front and lead the effort. You had my support simply because you deserved it. When such an organization does its job extraordinarily well, it doesn't need special favors. It simply needs fair treatment, and that's what the Coast Guard Reserve got this year.

Since 1790, when it was established by act of Congress, until this very day, the Coast Guard has been on the job. Sitting on the Appropriations Committee, I am very well aware that the total cost of a cutter has increased a bit from the \$1,000 the first one cost. But I guess we have to allow for a little inflation over two centuries.

The Coast Guard has distinguished itself in peacetime and wartime; from the days of rampant smuggling into a fledgling nation, to the days of "Fortress America" to the present time of international power and influence. Reserve officers don't have to be told that, for you have lived it. Whether it is wartime combat, search and rescue operations, service in natural disaster, anti-pollution efforts, maritime cargo security programs or a host of other activities, you have been involved.

That involvement deserves our constant support. You can be sure of my backing. If my history of Coast Guard support on the Hill wasn't enough, now I've got this life membership in the New York Chapter to live up to. And, I must add, I have one other incentive. My only son, John, presently is at the Coast Guard Officers Candidate School in Virginia. In fact, he was home for a couple of days recently and I must have heard "Semper Paratus" 20 times before he left.

I indicated earlier that I am overcome by the awards and the honor you have given me. I can only offer a simple "thank you" for them, but I will cherish them forever.

HON. EDWARD A. GARMATZ

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. LEGGETT. Mr. Speaker, I want to join my colleagues in the House and on

the Merchant Marine Committee in praising, I am sure not finally, the work of our Chairman EDDIE GARMATZ, for people, for seamen on the high seas, and for revitalizing our American shipping and ship construction industry.

As the chairman of our committee, Ed has been kind, considerate, industrious, dedicated, and moreover productive.

He has developed a working team through his able subcommittee, chairman, and committee members, which team has produced a record of constructive legislation affecting the shipping industry, fish and wild life, the Coast Guard and the environment never before equalled by any committee in the Congress. For excellence in performance, Mr. Chairman, you have the thanks of the Congress and your Nation.

#### TV CHIEF RAPS INDUSTRY SETUP

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WYATT. Mr. Speaker, recently Clay T. Whitehead, the young and dynamic Director of the Office of Telecommunications Policy, addressed the Oregon Association of Broadcasters at the Kah-Nee-Ta Lodge on the Warm Springs Indian Reservation. Mr. Whitehead spoke on a number of issues including cable television, public broadcasting, and domestic satellites. As a result of Mr. Whitehead's address Francis Murphy, of the Oregonian, wrote two excellent articles for his column Behind the Mike. If there is no objection, I would like to place the two articles into the RECORD as part of my remarks.

[From the Oregonian, Sept. 27, 1972]

#### TV CHIEF RAPS INDUSTRY SETUP

(By Francis Murphy)

Clay T. (Tom) Whitehead, director of the White House Office of Telecommunications Policy (OTP), has been called a "communications czar," an "ogre" and several less complimentary names by his enemies. Federal Communications Commissioner Nicholas Johnson has commented that Whitehead "is scaring the bejesus out of the industry." Both friends and enemies would agree that Whitehead is the most powerful man in the nation when it comes to shaping the future of television, radio or CATV. Surprisingly, Whitehead turns out to be an affable, polite, mild-mannered young man who answers all questions with a directness and sense of humor.

Whitehead paid his first visit to this state to address the Oregon Association of Broadcasters meeting at Kah-Nee-Ta.

Why did President Nixon veto long-term funding for the Corporation For Public Broadcasting?

"Public television has done many good things," he said. "But it should be a supplement to commercial television rather than trying to become a competitive fourth network. It should concentrate on educational and cultural affairs rather than journalism and entertainment."

Whitehead doesn't believe that federal money, contributed by taxpayers, should be used to set up another television network which could compete with the three already in existence.

"Many things we'd like to see on television aren't attractive to a mass audience."

"The Corporation for Public Broadcasting should offer educational stations programming from which they could choose, rather than say to stations in Portland and Corvallis, for example, that they must carry a certain schedule if they expect to receive federal money."

Whitehead's most recent assignment has been to investigate the rerun problem for President Nixon. With many series only producing from 22 to 24 new shows a year, reruns now constitute almost two-thirds of television programming. How does the OTP director plan to solve this problem?

He'll take a positive rather than negative approach. "We're going to talk to the television networks, to the film people, study the economics and see what can be accomplished voluntarily."

"We're interested in increasing the number of original programs rather than putting a limit on the reruns."

"If the public could watch original programs on one network, it wouldn't mind so much if reruns were being offered on other networks."

Despite the "time lag" in flying to Oregon, the 33-year-old Whitehead arose before breakfast for an invigorating hike along the Warm Springs River.

He recalled that he had stood in President Nixon's office exactly two years ago to be sworn in as director of OTP, an office with 65 employees, created by executive order to advise the President on communications. Whitehead said the President must have a sense of humor for he was probably the advisor who knew the least about television.

He admitted that he still doesn't own a television set. This can be explained by his busy work schedule. He works 12 hours a day, watches TV on an office set and at the homes of friends.

Despite his modesty, Whitehead has impressive credentials for his job. He attended Massachusetts Institute of Technology.

There he received a bachelor's and master's degree in electrical engineering and a Ph. D. in management. At 33, he's been a college instructor in political science, a chemical and biological warfare expert for the Army, a Rand Corporation consultant in arms control and air defense and presidential advisor on budget, space and atomic energy. In the Kennedy era, he would have been called a "Whiz Kid."

Whitehead said that three or four domestic communications satellites will be launched within the next few months. "I consider this the first concrete result of OTP." Some of these will be used by the telephone companies, some for specialized data communications. He foresees the possibility that the three commercial TV networks will use the new satellite system if it proves cheaper than microwaves.

But even more important there is the possibility of "new television networks popping up in order to distribute programming to independent VHF stations and cable companies."

And this might solve the rerun problem, he observed. Such a network could provide a constant flow of original programs to the public far more cheaply than can be done under present circumstances.

[From the Oregonian, Sept. 28, 1972]

#### OFFICIAL ENVISIONS CABLE TV GROWTH

(By Francis Murphy)

Will all the optimistic predictions about cable television come true? Will cable soon provide shopping, banking and entertainment facilities, fire and police protection for the majority of Americans?

Clay T. Whitehead, director of the White House Office of Telecommunications Policy, believes that these developments are a good many years in the future.



"One trouble with cable television predictions seems to be that no one specifies whether he is talking about two or 50 years in the future," said President Nixon's communications advisor.

He was having salmon for breakfast at the luxurious Kah-Nee-Ta Lodge on the Warm Springs Indian Reservation, where he had addressed the Oregon Association of Broadcasters.

Whitehead said that the most probable estimates show that half the American homes will be wired for cable by 1980 and that the number will approach 90 per cent by 1990.

He said that cable today is in the same position that regular television occupied in the early 1950s. The number of television sets rose slowly for several years, then accelerated during the 1960s.

"Cable's problem won't be the communications cycle, but the consumer's pocket-book," he observed.

Will cable television bring pay TV through the back door?

"Pay TV will play an important role, but it will be somewhat different than we expected. With cable, there will be almost no limit to the number of channels available. So we face a supply and demand problem, rather than a technical one."

Using a few of these available channels, cable will probably offer entertainment programs not available on regular television—for a price. "By and large, people arguing against this form of pay TV will be opposing something that the public would like to have. However, I don't think over-the-air pay TV is ever going to come."

What about the argument that cable television will be a toy for the wealthy? That minority groups and poverty neighborhoods, which should benefit most from the wired revolution, will not be able to afford it?

"I don't accept that premise. Let's look at it this way. The basic hookup charge for cable is small. The cost per hour per channel per home is between one-one hundredth and one-tenth of a cent. So the cost of receiving the program will be tiny; the cost will come in producing the program."

"We've found that people with lower incomes spend a far greater percentage on entertainment than people with higher incomes."

"If you're living at a poverty level, you can't afford to see all the first-run movies and expensive stage shows. For people in low income groups, TV or cable can provide a tremendous increase in entertainment at a cost they can afford."

"Our studies show that cable penetrates right now into lower income neighborhoods as fast as into higher income ones."

Whitehead agrees with an argument of KOIN-TV's Bill Mears that cable will take pressure off regular television stations to allow minority groups to be heard. Many blacks and chicanos are dissatisfied with the type of minority programming done on the regular television channels. "They come into my office and say, 'We want to do it ourselves, to produce our own programs.' Cable will offer them this opportunity."

Whitehead compared cable TV to the news stand in a drugstore or supermarket.

"You can buy any type of publication you desire—Fortune, Vogue, movie fan magazines, city magazines, even mimeographed sheets on specific subjects. There's no reason this same type of thing can't happen on cable TV."

"Whether we ever realize this potential depends upon how the government regulates it. If we apply such things as the fairness doctrine or some of the other regulations on broadcasting, we will prevent this sort of development from ever happening."

We discussed the lack of network news and commentary on the 19 radio stations in the Portland area, particularly during the Republican and Democratic conventions.

Whitehead said that one almost overlooked aspect of cable TV was its ability to bring 100 FM radio channels into the home.

Some of these radio bands could bring news commentary and classical music (played by automated FM stations) into the home at nominal cost, he said.

Whitehead declared. "We believe that news ought to be left in private hands. The government should keep hands off."

## STAFF ACCOUNTABILITY

### Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. MONTGOMERY. Mr. Speaker, as the 92d Congress draws to a close, I want to reemphasize the need for laws to protect the integrity of this body and its committee system.

My concern is best illustrated by my own experience as chairman of the Select Committee on U.S. Involvement in Southeast Asia. The following article from The Jackson, Miss., Daily News accurately chronicles the actions of one staff member of the select committee. The actions of Tom Harkin were inexcusable, but we had absolutely no legal means to hold him accountable for his deeds. I hope that as an early order of business, the 93d Congress will pass legislation to prevent the recurrence of such shameful conduct.

[From the Jacksonville (Miss.) Daily News, July 26, 1972]

#### PERSONAL GAIN ON DUTY SCORED BY MONTGOMERY

(By Robert S. Allen)

WASHINGTON, D.C.—Free-wheeling employees of Congressional committees may soon be officially prohibited from using their positions for personal enrichment.

That's the intent of legislation being introduced by Reps. G. V. Montgomery, D-Miss., and Philip Crane, R-Ill., of the House Select Committee on U.S. Involvement in Southeast Asia, to establish a code of conduct for Congressional employees.

Major purpose of the proposed code is to crack down on committee employees personally profiting from their official work.

The bipartisan measure was triggered by an employee of the Select Committee, Tom Harkin, who without the committee's knowledge or authorization took photographs of the so-called "tiger cages" at the prisoner-of-war camps on Con Son Island off South Vietnam and sold them for a reputed \$25,000 to a national magazine.

When the committee demanded the money be turned over to the government, Harkin flatly refused.

Similarly, he rebuffed an order from Rep. Montgomery, committee chairman, that the film and photos be given the committee for its official files. Montgomery, a decorated combat veteran of World War II, thereupon fired Harkin.

#### INEXCUSABLE

"His conduct was inexcusable," said Montgomery. "Not only was he an employee of the committee, that is of the government, but he went to Vietnam and Con Son at the expense of taxpayers to work for the committee. Despite that, he acted as if the pictures and the considerable sum of money he got for them were his personal property."

Montgomery stressed that Harkin was dismissed because of this "impropriety and unseemly conduct."

"What this man did impugned the integrity of all the members of this committee," declared Montgomery, "particularly Rep. Neal Smith (D-Iowa) who hired him. Harkin was working as a mail clerk, and Smith arranged to have him hired by the committee for twice the amount he was making. The whole affair was shocking, including the outrageously sensationalized account of the Con Son camp for Communist POWs."

#### WHY CODE IS NEEDED

The Harkin case is cited by Reps. "Sonny" Montgomery and Philip Crane as a graphic instance of the need for a tough code regulating the conduct of employees of Congressional committees.

The Select Committee was created hurriedly and its staff assembled the same way. As a consequence when the committee later sought to recover the money Harkin got for the photographs he took while a committee employee, the Justice Department found there was no legal basis to require him to do that.

The House Administration Committee voted to request the Justice Department to take steps to require Harkin to give the government the money he got from a national magazine for the "tiger cage" pictures. Then-Assistant Attorney General L. Patrick Gray (now Acting FBI Director) informed the committee this could not be legally done as there had been no official description of Harkin's job and functions.

Chairman Montgomery indignantly criticized this opinion, but was unable to do anything about it directly. Indirectly, he and Crane decided to plug up this loophole by introducing a bill placing all committee employees under a code of ethics.

Crane, who had taken pictures for the committee of the Con Son "cages" and proposed selling them to the magazine for \$10,000 worth of food and medicine for the POWs, was sarcastically critical of Harkin.

#### REGRETS HIRING

"Surely," the former Illinois college professor remarked, "no one would want to make pecuniary gains out of the misfortune of others or would they? That's a very good question for Mr. Harkin to answer."

Crane's caustic comment was prompted by Harkin's statement, when he balked at giving the photographs to the committee, that he had a "higher obligation to those jammed in the 'tiger cages'."

To which Crane derisively retorted, "Harkin's lofty humanitarianism would find greater gratification if he would join me in contributing the money he got for those pictures for the relief of the prisoners. Like all too many self-righteous do-gooders, he seems to be confused as to what belongs to the government and what belongs to him."

Rep. John Erlenborn, R-Ill., another committee member also denounced Harkin's conduct, saying:

"It was unfortunate that an employee of the community saw fit to act the way he did. The whole Con Son affair was sensationalized far out of proportion because of the way it was handled by this staff employee. It's very obvious he should never have been hired."

## RETIREMENT OF THE HONORABLE WATKINS M. ABBITT OF VIRGINIA

### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. JOHNSON of California. Mr. Speaker, it is a pleasure to join my colleagues in paying tribute to the Honorable WATKINS M. ABBITT, of Virginia

who is retiring after serving with distinction in the House of Representatives since 1948.

Representative ABBITT served on the Committees on Agriculture, House Administration, and Standards of Official Conduct, when he played a major role in the enactment of legislation so vital to the welfare of his State and the Nation. He will be remembered for his dedication to his constituents and to his country.

I want to thank Mr. ABBITT for his cooperation and assistance, and to commend him on a job well done. He will be missed by all of us who have been privileged to serve with him.

Mrs. Johnson joins me in wishing him every success in his future endeavors, as well as a long, healthy, and happy retirement from public office.

#### TAIWANESE SUCCESS STORY

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. SIKES. Mr. Speaker, there seems to be a concerted effort to induce world powers to turn their backs on the Republic of China. Regrettably, the United States triggered this movement by failing to stage a successful fight for Taiwan in the United Nations. Now one nation after another is succumbing to the blandishments of the Reds and, in the hope of obtaining rich trade concessions, they are ending diplomatic relations with the Republic of China. This is a place for dramatic and forceful leadership by the United States. This trend can be reversed if our State Department or Dr. Kissinger, or both, will lend realistic efforts to the undertaking.

In the meantime, it would be well to consider an article from the pen of Harry B. Ellis entitled "Taiwanese Success Story." It appeared in the Christian Science Monitor on Friday, October 6, and I submit it for reprinting in the RECORD:

#### TAIWANESE SUCCESS STORY

(By Harry B. Ellis)

Taiwan, a "noncountry" according to the United Nations, has achieved what experts call a near miracle of social and economic development.

This may surprise Americans, conditioned to think of Taiwan primarily as an awkward political liability, ruled by a stubborn old general who threatens to embroil the U.S. in a Chinese shooting war.

Generalissimo Chiang Kai-shek is still there, and his government dutifully insists that one day he, or his successors, will lead the Nationalists back to the mainland in triumph.

Few persons outside Taiwan—or, perhaps, inside—believe this, and world powers like the U.S., Japan, and West Germany are paying increasing court to Peking, at Taiwan's expense.

Obscured by this political imbroglio, is a striking Taiwanese success story, proving that, in this case, at least, American foreign aid was well spent.

1. Taiwan, whose annual economic growth rate is about 10 percent, has reduced the island's unemployment to 4 percent.

2. The income gap between rich and poor has narrowed dramatically. The poorest fifth of the Taiwanese population has lifted its income more than 200 percent since 1950. The average small farmer has more than trebled his real income over the same period.

3. Taiwan has raised the literacy rate of its people to 85 percent—far higher than in almost any other developing land of Asia, Africa, or Latin America.

4. Life expectancy on the island has been raised to 68 years, infant mortality has been cut to 19 per 1,000 births, and yet—extremely important—the birthrate has been lowered to a reasonable 2.2 percent.

About the only news generated by Taiwan's delegates to the recent World Bank annual meeting in Washington was the fact that they sat at their table hoping no one would evict them at Peking's demand.

The two men, Taiwan's finance minister and central bank governor, listened while World Bank president Robert S. McNamara warned that, in most developing countries, the gap between rich and poor was widening, thrusting millions of people below the poverty line, and breeding political and social instability.

Taiwan has avoided almost all the pitfalls cited by Mr. McNamara. How?

First, of course, the island's government enjoyed massive U.S. economic aid—\$150 for every Taiwanese over the period 1950 to 1965, when the island's economy "took off" and foreign aid ended.

But other developing nations have had equal or greater sums to work with and have done poorly. Such governments clung to the conventional wisdom, that the benefits of rapid economic growth, based on industrialization, eventually would trickle down to the poor.

The results, as Mr. McNamara pointed out, have been the opposite. An elite few in such developing countries have been enriched, while the rural poor—forming the majority of the population—have been left further and further behind.

Taiwan's rulers, by contrast, adopted a deliberate policy of what might be called social justice. Drastic land reform was introduced. Big landlords were stripped of their holdings and land was parceled out to peasants.

Other countries have done this, but have failed to provide the infrastructure—credit facilities for seed and fertilizer, and market access—formerly supplied by the landlords.

The Nationalist rulers of Taiwan set up a comprehensive cooperative system, to which virtually every peasant farmer belongs, and through which he obtains credit and marketing help.

So successful has the effort been, that—apart from multiplying the income of peasant families—Taiwan's yield per acre has soared.

Hand in hand with land reform went a government decision to spend its education money chiefly on the primary grades, instead of providing secondary and university education for a relative handful of persons.

Here again Taiwan broke with tradition, which held that the creation of a local educated elite was needed to manage the industrial sector on which the developing nation's economy would depend.

Taiwan trained large numbers of what Robert E. Hunter calls "paramedics"—skilled people who fanned out through the countryside, providing medical help for remote communities.

Finally, the Taiwanese Government invested heavily in labor-intensive projects, employing large numbers of people, rather than concentrating on machine-oriented industries.

The end result of these policies, according to Mr. Hunter, a senior fellow of the Overseas Development Council in Washington, was to avoid in Taiwan an escalating gap between

elite and poor. Along the way unemployment dropped, health care improved, literacy rose, and farmers stuck to the land.

Chiang Kai-shek's officials had advantages, apart from U.S. aid, denied to the governments of most developing lands. For example, Taipei accomplished land reform without disruptive strain, by confiscating Japanese-owned industry and giving it to wealthy landlords, in return for their parceled-out land. "No one suffered," commented an expert, "except the Japanese."

No one contends that the example of Taiwan, a small country, is completely applicable to the magnified problems of huge countries, like India or Indonesia.

But the "working model" of Taiwan indicates Mr. Hunter, suggests that poor countries will not solve their problems, until they tailor their social services and economic development "to reach the great majority of their people and not just the privileged."

#### EULOGY TO DR. BURBRIDGE

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. BURTON. Mr. Speaker, several weeks ago with the death of Dr. Thomas Nathaniel Burbridge, San Francisco lost an outstanding and dedicated citizen, a sensitive and warm human being, and I lost a dear personal friend.

Nat Burbridge was a rare combination of brilliant intellect and burning compassion.

He was a gentle and sensitive man who responded to injustice by fighting that injustice with all the zeal and skill at his disposal.

I participated in the memorial to Nat Burbridge and expressed to his wife and family the deep sense of loss which all who knew, loved, and worked with Nat Burbridge shared.

Dr. Carlton Goodlett, publisher of the San Francisco Sun Reporter and a co-fighter in the struggle for equal rights, delivered a eulogy which said what all who knew Nat Burbridge felt. I should like to share his remarks with my colleagues and place them in the RECORD at this time:

[From the Sun Reporter, San Francisco, Sept. 13, 1972]

DR. BURBRIDGE

Early in life, the third son of Dr. and Mrs. Leonidas Burbridge stated that he wanted to be a practicing physician. As he grew to maturity he expanded his horizons and decided that he would like to teach in a medical school. After finishing Tallage College and spending some time at the University of Minnesota, World War II caused his feet to be headed in the direction of the San Francisco Bay Area. During the approximately 30 years that Dr. Thomas Nathaniel Burbridge lived among us, he wove an inextricable fibre into the mosaic of San Francisco, California, and the nation.

We meet on this occasion, not only to mourn the death but also to honor a great man, a beloved husband and father, an outstanding medical scholar, a great humanitarian, a friend and world citizen, for Dr. Burbridge belonged to all mankind.

Although Dr. Burbridge was an academician and researcher of the highest order, he early rejected the concept that he hide his



head in the sands of his medical profession while the winds of social change and controversy, and the evils of racism, war and poverty whirled above him. First and foremost, he was a scientist who deeply believed that the laboratory of society placed as much demand on his talents as did the pharmacology laboratory.

In 1952 he accepted an invitation from the University of Indonesia in Jakarta to spend three years there, during which he established the Departemnt of Pharmacology, in the new medical college, and on his departure from Indonesia in 1955, Burbridge was accorded a state dinner by the leader of that great nation, President Sukarno.

On his return to the University of California he finished the requirements for Doctorate of Philosophy in Pharmacology, and achieved honors and membership in many distinguished scientific societies, including the Society of Sigma Xi, the American Association of Scientists, the Society of Experimental Biology in Medicine, the American Therapeutic Society and Rho Chi.

I am sure his experience in Indonesia, feeling the pulse of a new country in the exciting adolescence of nationhood, must have made him acutely aware of the many problems occurring in the laboratory of human society. On his return, he must have unconsciously made the decision to expand his role beyond the confines of the academy, and while attempting to satisfy the scientific inquisitiveness of his mind and the demands of his Hippocratic Oath, Burbridge began experimentations in the laboratory of society.

His love for people in the struggle made him a beloved figure in the City of St. Francis. As Vice President of the Council for Civic Unity, his work bears glowing testimony to his conviction that the struggle for better tomorrows will be won only by one crossing the indivisible boundaries of race and economic circumstances. Dr. Burbridge served brilliantly as President of the San Francisco Branch of the NAACP, which had for more than a decade struggled with the problem of covert and overt racial discrimination in public education. Prior to his assumption of the presidency, he was chairman of the Educational Committee, and renewed the lagging thrust to bring to a decision the issue: "Can a city exist, with its children—its most precious assets—suffering under a system in which the White majority enjoyed all the benefits and freedom of public education, while its minorities were the victims of a cruel 'de facto' segregation contributed to by zoning laws, unwritten but enforced real estate agreements, and a political power structure determined to use the public schools as an instrument to strengthen and maintain the myth of White superiority?" Under his leadership the movement eventually led to federal court action to rule out the practice of "de facto" segregation of San Francisco's public schools.

In 1963, Dr. Burbridge was awarded the "Man of the Year" award by the Sun Reporter. This was a tangible token from a grateful community for his leadership in the 1963 Automobile Row confrontations. The struggle was won, and even though Dr. Burbridge was called upon to pay the penalty of incarceration for his commitment to non-violent civil disobedience, his name was permanently engraved in the hearts of those who believed that economic opportunity shall not be denied to any citizen because of race, color or creed.

We cannot enumerate all the instances of personal sacrifice and concern demonstrated by Dr. Burbridge; his selfless response to the needs and courage of our Black youth in the Palace Hotel confrontation and the San Francisco State College Black Student Strike; his efforts to establish a medical clinic for Cesar Chavez and the farmworkers strike in Kern County in 1967; his continued

condemnation of a system which permits our courageous Black youth to suffer and die in inordinate numbers in a murderous war in Vietnam.

He clearly knew the insensitive madness pervading the nation, where success is measured by quantitative acquisition rather than by spiritual values and humanitarian deeds. A great diagnostician of social sickness, he recognized that disaster looms on the horizon if we do not divest the nation of racism, poverty and oppression, at home and abroad.

Psychologically, he was a man possessed of eternal youth and, with youth, he rejected the century-old Black attitude of "patience and forbearance." He leveled criticism against our medical profession which has too often ignored its responsibilities and failed to offer sustained leadership in the struggles of the poor, the disadvantaged youth and the victimized racial minorities. He heeded, in his own day, the challenge of Dr. Henry V. Favilli, who said in 1909 to his Rush Alumni colleagues:

"It is idle to discuss mental or moral or physical health in terms of a slum. It is wasteful to spend unlimited money on hospitals and other corrective institutions, while at the same time broadening and deepening the social morass which feeds them."

"The time is already here when to be only a practicing physician is a discredit. Not only has the medical profession to furnish its full quota to the army of social science, but in many respects it must point the way. The pathology of society is as much the function of the medical man as the pathology of human disease."

The problems which haunt the Other America continually concerned our friend, our comrade, our neighbor, Dr. Thomas Nathaniel Burbridge. While a man of unassuming stature, simple and quiet in demeanor, Dr. Burbridge represented an example of our finest manhood, possessed of the highest degree of intelligence, an inquisitive and inquiring mind, seeking always to extend the boundaries of human knowledge—and, more especially, the boundaries of human decency.

He was a man who demonstrated by the deed the fact that he cared. While the university honored him in 1970 with a prize as the faculty member who had made the greatest contribution of service to the community, I personally know that he was grieved that he never attained the full professorship he so justly merited. As we look back on his comparatively brief career, with more than 30-odd scientific papers, with his concern for the spiritual renewal and recruitment of minority students and with his profound dedication to the university outreach program, I venture to guess that a promotion to full professorship would have been a fitting way of saying to Nat Burbridge that "Your peers in the academy accord to you its highest accolades as a full professor in the academic senate." Let us take heed from the exercise of homage which we do here tonight, that it is well to honor a man in memoriam, but it is better to say to a neighbor while he yet lives, "Well done!"

We sometimes have difficulty in formulating a viable concept of man's immortality. Life is a brief journey of an organism known as Man through time and space, biblically allocated as threescore and ten years. While one always contemplates the possibility of living forever, the likelihood of attaining this goal is limited. One thing we do know: that through one's progeny one gains the possibility of immortality, of touching the chords of human history as man moves down the corridors and the space of time.

Nathaniel Burbridge's immortality is assured. A man dedicated to removing the veil of ignorance, causing the sunlight of knowledge to be implanted in the spirits and minds of young people, Burbridge gains immortality through the good work and deeds of his students. When one looks at the vast nation

of Indonesia's developing cadre of medical scientists, one knows that every day in their struggle against disease, poverty and malnutrition, Nat Burbridge lives, because his students live there and continue his good work. When one looks at the Medical School of the University of California-S.F., one knows he has planted a seed, that some who might become pharmacologists, or some who were touched by his boundless concern for improving the circumstances of a suffering humanity, will carry on his legacy.

Not only are the students who sat at his feet his heirs: those of us who meet here tonight have the possibility of being his beneficiaries and propagating the works of this great man. This would indeed be a very sterile occasion, if we came only to mourn the passage of a beloved friend and a colleague. It becomes profoundly meaningful, if from this experience of togetherness we recognize that "No man is an island," and agree to use this occasion to take upon ourselves a solemn covenant: that we will, each of us, emulate in all our relationships with our fellow man the qualities of Nat Burbridge, whom we meet here tonight to honor.

Are there those here who will assume the responsibility of removing the last vestiges of racial discrimination which still remain in Automobile Row? Are there those who will assume the responsibility of carrying the struggle against "de facto" segregation in public education to a successful conclusion? Might we not hope that there can be found at least one who will assume the responsibility of continuing to utilize his or her capacity, honed in the scientific laboratory, as a catalytic agent for change in the laboratory of society?

If there are those present tonight who are prepared to swear to such a covenant, then this experience need not be the end, but a renewal of Nat Burbridge's, as well as humanity's, eternal struggle in the cause of human freedom and human dignity.

As we take our leave, may we draw from this experience the true meaning of Jean-Paul Sartre's mystical belief, that "Man is flung into the universe with the preordained purpose of being free"—and in the quest of freedom, as we stand before all of the awesome constellations of power, one is impressed by the fact that, in moments of triumph, in moments of despair, in moments of hope, and in moments of sorrow, man's greatest possession—and especially is this true among those from whom Dr. Burbridge derived his being, Black America man's greatest possession is that we possess and belong, inextricably, to each other.

#### TRIBUTE TO CONGRESSMAN WILLIAM S. CONOVER II

HON. ROBERT McCLORY  
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES  
Saturday, October 14, 1972

Mr. McCLORY. Mr. Speaker, although his tenure as a Member of the House of Representatives has been brief, it should be noted that our colleague, Congressman WILLIAM S. CONOVER of the 27th District of Pennsylvania, has been a most useful and effective Member of the House of Representatives.

As a former resident of my congressional district in Illinois, I have enjoyed a close personal relationship with Congressman BILL CONOVER. In addition, I have been a long-time friend of his parents who lived in Lake Forest, Ill., while Congressman BILL CONOVER was still a youth.

Mr. Speaker, BILL CONOVER has brought honor and distinction to his family, and capable service to his constituents—and to the Nation. I extend to Congressman and Mrs. BILL CONOVER my best wishes and expect confidently that BILL CONOVER will find many other opportunities for effective public service in the long years which lie ahead.

**MAKE FORT ZACHARY TAYLOR, KEY WEST, A NATIONAL HISTORIC SITE**

**HON. DANTE B. FASCELL**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 14, 1972*

Mr. FASCELL. Mr. Speaker, a recently discovered treasure trove of Civil War artifacts at Fort Zachary Taylor, in Key West, Fla., has made this fort the largest depository of Civil War military memorabilia in the Nation. Today I am introducing legislation to authorize inclusion of Fort Zachary Taylor in the national park system as a national historic site, to insure that the fort and its historic contents will be preserved and protected.

The need for action is urgent.

Fort Taylor has just been declared excess to the needs of the Navy and will be declared surplus property following determination by the General Services Administration that there is no further Federal need. This makes it imperative that immediate protective action be taken that will insure that this historical site, its buildings, archeological finds and other artifacts will not be disturbed or tampered with by untrained individuals or left open to the possibility of vandalism.

I have asked the National Park Service, therefore, to immediately advise GSA of its interest, and to proceed with steps necessary to document its national significance. Fort Taylor has already been placed on the National Register of Historic Places.

Fort Zachary Taylor is a 38-acre complex now under the jurisdiction of the U.S. Department of the Navy. Construction of the fort began in 1845.

**DESCRIPTION OF PHYSICAL APPEARANCE OF FORT ZACHARY TAYLOR**

Fort Taylor was originally 1,000-feet offshore, but is now, because of a continuous filling, completely landlocked. This allows for a generous amount of parking space.

The structure itself is in the form of a trapezoid. Each of the seaward curtains, or walls, extend approximately 255 feet, while the landface, or gorge, which was used as barracks, is 495 feet long. The walls are five feet thick, except for the gorge. It is concrete faced with hard burned brick. Granite, shipped from New England was used for part of the foundation, for trim and for stairways. The brick came from the States of Alabama and Florida, and skilled work was accomplished by German and Irish immigrants with labor done by slaves of local citizens.

The fort is entered through a gap in the troop barracks on the north face, made when the fort was torn down to one story.

A right turn reveals the long face of the barracks, once three stories high, with hardware still in place, spaces for offices, dispensary, chapel, recreation room, mess hall, kitchen (cooking fire-place and oven still there) and other smaller rooms necessary to military business.

There is a sidewalk of brick trimmed in slate all around the inside perimeter with the exception of the section where the 1899 magazine laps over it.

Walking inside the sally port, located in the barracks, one sees the thick white plastered ceiling, vaulted, with the unique iron beams which are tapered at each end but are about one and a half inches thick in the center to support the great weight of the floors above. On each side of this long room are the one stories remaining of the granite stairways which used to go up three stories. On the inside of the huge entranceway, on each side, are what is thought to be either brigs or guard rooms, quite small, with bunks in them.

The mechanism for raising and lowering the drawbridge is still intact on each side of the outside entrance. The drawbridge originally spanned a 30 foot moat. The doors to the little rooms on each side of the outside entrance are six inches thick with brass hardware, all of which are in place.

Cisterns were placed underneath the fort in most sections with the largest of them underneath the kitchen area. This was, at first, thought to be adequate for securing a water supply but was aided shortly by the installation of a desalting plant which has been uncovered recently in the excavation being carried on at the fort.

The wall of casemates running north to west, hold a beautifully fashioned granite winding stairway, the walls of which are bricked in English bond style.

The west wall contains more casemates with a spiral stairway in one section. In this area there is a well-concealed powder room. Several turns are made before reaching the innermost room. Slots in the walls 3 feet by 4 inches allow for plenty of air but no light.

Continuing the description, halfway along the west wall and on around to the present entrance is the battery and large magazine built from about 1899-1902. Inside the magazine are rambling rooms for storage and supplies. In the main section are ceiling monorails on which rode the ammunition carts, two elevators for the ammunition to be carried to the floor above for the guns.

On top of this concrete addition to the fort were placed a variety of guns from disappearing guns to mortars to World War II antiaircraft guns.

A short flight of iron rungs in the south corner of the addition takes one up to the present top of the fort where there is an unobstructed view of the harbor and sealanes and shows the reason

for the location of the structure. Here, also, is the division between the original part of the fort and the later concrete addition in front of it.

At the time the addition was made, the original casemates of the fort were filled with ordnance, including many sizes and kinds of cannon balls and projectiles, parts for gun carriages, gun carriages themselves, gun cradles, varieties of cannon, and the desalting plant. They were then filled to the top with sand.

The outside perimeter of the fort shows the erosion of brick and mortar caused by winds and water. The 2-inch-thick iron shutters, invested by Colonel Totten, later Chief of Engineers, are intact though frozen in place. Iron grills on most of the outside windows are also in place.

The structure is in remarkably good condition considering the age, the many uses to which it has been put and the four wars it has seen.

Little was known of the fort's rich military history until a Naval Station Historical Committee, appointed in 1968, began its archeological excavations. The research, under the direction of Mr. Howard England, a native of Key West and a civilian employee of the Key West Naval Station, and conducted entirely on a volunteer basis involving over 5,000 hours of work during weekends and off-duty hours, revealed a wealth of military artifacts, of Civil War cannons and ammunition. These findings have created an intense interest in Fort Taylor, and indeed have national significance in their import.

Among the finds were two 26,900-pound Parrott rifles which used a 300-pound projectile; eleven 10-inch Rodman cannons; two 10-inch Colomblad model 1844 smooth bore cannons; and an 8-inch Coehorn siege mortar weighing 945 pounds.

The most surprising discovery, however, was Key West's first plant to make fresh water from sea water, installed in Fort Taylor during the Civil War.

In addition, Mr. England is convinced, based on Civil War purchase records and inventories and actual unexcavated sightings, that there are still about 200 pre-Civil War cannon and big rifles, together with 200,000 cannonballs of 8, 10 and 15 inches in diameter buried in the fort. The old guns were buried in the fort's floor casemates at the time it was modernized in 1898-99. According to Mr. England, Fort Taylor possesses the largest collection of old guns of any fort in the country. In fact, Mr. England advises that all the other forts, which were constructed during this period and played key roles in the Civil War, have been stripped, that the guns were removed and melted. Fort Taylor, then, is the only fort where the original munitions can be viewed.

Although Fort Taylor failed to know the glory of exchanging fire with an enemy, it played a highly significant role in the Civil War. It was one of a handful of forts held in Southern cities by Northern troops and was in the only Southern city also held by the North.

Key West was headquarters for the Gulf Blockading Squadron and, at one



time, 299 Confederate blockading ships which had been captured and were tied up in the Key West Harbor under the guns of the fort. Fort Taylor also acted as liaison with the ships in the area and Federal headquarters.

Clearly, the fort and its contents are of tremendous historical value and should be open and available to the public so that our citizens will be able to observe an important chapter in our history.

The entire island of Key West has a rich history, particularly in the field of military activity. No other area in the country has had so much military activity over such a long period of time. This ranges from the days when pirates threatened shipping interests in the gulf and Atlantic regions, through pre-Civil War and Civil War days, the Spanish-American War, World War II which saw German submarines sinking ships off the Florida Keys, the 1962 Cuban missile crisis, through to the present day with the ever-present threat of Soviet submarine activity in and around the gulf, Caribbean, and Atlantic areas.

Other sites of historical interest in and around Key West include the old Coast Guard lighthouse, which has just been transferred to Monroe County, the Martello Tower, Fort Jefferson National Monument, President Truman's Little White House, Ernest Hemingway's house and Audubon house. The citizens of Key West are keenly interested in preserving their historical sites and have undertaken an old island restoration program.

The bill I am introducing today would insure that Fort Taylor joins this list of historic sites in Key West, and will be preserved in its present state. While action cannot be taken this year by the Congress, I am hopeful that, with the support of the National Park Service, favorable action can be taken early next year.

Mr. Speaker, I call to the attention of our colleagues several newspaper articles which further explain the unusual historical significance of Fort Zachary Taylor. I am sure all will agree that this site should have the benefit of the protection provided a unit of the National Park System.

The material follows:

#### THE SILENT GUNS OF KEY WEST (By Dorothy Raymer)

A quotation from Machiavelli's "The Prince" turns in the mind on viewing the old cannons and big guns displayed in the Key West area: "The chief foundations of all states, new as well as old or composite, are good laws and good arms."

In their day, the cannon and guns served well. They are silent monuments now.

The ancient cannon which points seaward at East Martello Gallery is alien. It was found off the shores of Key West by an unidentified naval officer and presented to the museum in the middle 1950's.

The name of the British ship from which it came is also unknown, but the old cannon bears a crown insignia and the monogram "George Rex," indicating that the weapon was in use during the reign of George II, King of England when the American Revolution began in 1776.

A rich historical lode of old cannon has been excavated from the site of Fort Zachary Taylor. The digging began in 1968 and is continuing. Besides two 1853-1854 Colum-

biads, a rifled Parrot cannon, weighing 26,910 pounds, which fired a 300 pound projectile, and several 10-inch Rodman cannon have been discovered.

These early vintage types were brought to the island before and after the Civil War. They were never fired in defense as the federal government was in full control here. The 10-inch Rodmans were named for the inventor, General T. J. Rodman.

The Rodmans weigh close to 15,000 pounds. The carriage on the hefty Rodman in one picture was not made for the gun, although the cradle on which it sits, was. The cannon itself was cast in 1865 at the Fort Pitt Foundry in Pennsylvania. This cannon and the others, have been buried at Ft. Taylor since the period of 1898-1960. An eight-inch Coehorn siege mortar was also located.

During World War I, when the old Key West Army Barracks was activated, three-inch field artillery was posted. One of these guns with its caisson, which was horse-drawn, rests in front of the Veterans of Foreign Wars Southernmost Post 3911, at 225 Elizabeth Street.

Victor Hartmann, WWI veteran, say the artillery piece is still mounted on its original wooden spoked, iron-rimmed wheels. Near the gunner's seat, at the breach-loading end, is the legend, "3-inch field Artillery, Model of 1905."

Long clean modern lines are displayed by the two detached naval guns flanking the Administration Building on the Naval Station. The largest is an open end gun and the smaller is a rapid fire gun, both taken from a Navy vessel of World War II.

A man named John Waller once said, "Guns are left to do what words might have done earlier, properly used."

That is the parting shot of thought on looking at the long silent sentinels of Key West.

#### [From the Miami Herald, Jan. 26, 1972] RESTORATION OF HISTORIC FORT PURSUED

KEY WEST.—Efforts are being made to have long neglected Fort Taylor partly restored, preserved as a national monument and opened to the public.

A major step in this direction was made last April when Congress designated it as a historic site. This qualified it for consideration by the National Park Service for recommendation as a national monument.

Fort Taylor is one of Florida's two most fascinating military structures built since Spanish times. The other is Fort Jefferson. Work on both was started in 1845 and continued through the Civil War.

Both forts are difficult to reach. Fort Jefferson in the Dry Tortugas 68 miles west of Key West, can be reached only by surface boat or flying boat, while Fort Taylor, inside the Key West Naval Station, is inaccessible to the public.

Of the two, Fort Jefferson is the more picturesque. It has been little despoiled, while its chief claim to fame is that Dr. Samuel A. Mudd, who set the broken leg of John Wilkes Booth on the night he assassinated President Lincoln, served a prison sentence inside its red brick walls. Moreover, Fort Jefferson, together with 75 square miles of surrounding water and keys, has been designated a national monument under the National Park Service.

Fort Taylor may be considered somewhat under par with the Ugly Duckling. Once a handsome castle with three-story walls, it was drastically changed and "modernized" during the Spanish-American War. Its two upper stories were knocked down, the lower casements filled with sand, and a concrete bastion was built about 12-inch guns, set up to blow the Spanish fleet out of the water should it try to attack Key West.

While Fort Jefferson was abandoned as a fort after the Civil War, Fort Taylor con-

tinued to serve as a protector for the Key West Naval Station until 1947 when the Coastal Artillery was disbanded as obsolete.

The celebration this year of Key West's 150th anniversary has stirred renewed interest in Fort Taylor. But initial interest in the fort was spurred by a letter written in 1968 by an unnamed reader to the Miami Herald's Action Line.

"Why," asked the writer, "is Fort Jefferson a national monument while Fort Taylor is not?"

The Herald went to Capt. John D. Shea, Jr., commanding officer of the Key West Naval Station, with the question. Shea called in Howard England, a naval architect, born in Key West in 1914.

"What can you tell me about Fort Taylor?" asked Shea.

England could talk about Fort Taylor in a general way, but he discovered that he was shy of detail. Moreover, he could not explain why Fort Taylor had not acquired equal status with Fort Jefferson.

Shea appointed a Naval Station Historical Committee, which included England, and ordered the committee to dig up all the facts it could on the base fort.

Delving into the fort's background, England made a discovery—or a rediscovery. The old guns mounted in the fort at the time it was modernized in 1898-99 were buried in the first-floor casements.

England also learned that the 12-inch guns, set up in the place of the obsolete Civil War guns, remained in the fort until 1939 when Great Britain and France declared war on Germany and its allies. President Franklin D. Roosevelt ordered the guns sent to France under a lend-lease program. There they were mounted on railway flatcars, to help defend France against a German invasion. But the Germans outflanked the big guns and captured them.

Lacking funds, England begged some excavating equipment, and with volunteer labor, went to work on weekends, removing sand and rubble from the filled casements and chiseling away at concrete poured in 1868. He began to turn up buried pre-Civil War guns, gun mounts, hundreds of Cannonballs and other equipment.

One of England's richest finds was a 26,900-pound Parrott rifle which used a 300-pound projectile. He also found 10-inch Rodman cannons and an eight-inch Coehorn siege mortar. Although the mortar was only 23 inches long, it weighed 945 pounds.

But England's most surprising discovery was Key West's first plant to make fresh water from sea water, installed in Fort Taylor during the Civil War.

"On one of the boilers we found a plate identifying the plant as 'Dr. Normandy's Marine Aerated Fresh Water Apparatus, London, No. 189,'" England said. "We wrote to the British Patent Office and received specifications and patents of Dr. Normandy's plant. It was capable of producing 7,000 gallons of fresh water a day from sea water."

England's digging and research convinced him that buried at Fort Taylor are about 200 pre-Civil War cannon and big rifles, together with 200,000 cannonballs of eight, 10 and 15 inches in diameter.

"I believe we've got here the largest collection of old guns of any other fort in America," England said. "Other forts were stripped of guns after they became obsolete and used as scrap metal."

Although Fort Taylor failed to know the glory of exchanging fire with an enemy, it undoubtedly was responsible for Union forces being able to hold onto the important port of Key West during the Civil War. It may have served as a deterrent to attack by the Spanish fleet on the Key West Naval Station during the Spanish-American War.

Like Fort Jefferson, Fort Taylor was obsolete even before its completion. Had the Confederates possessed a navy with modern guns

both Taylor and Jefferson's eight-foot walls could have been pounded into rubble, as Union artillery did to Fort Pulaski at Savannah.

It is the human side of Fort Taylor that makes its story compelling. Work on the fort continued for 21 years, from 1845-66. The cost in sweat and in human lives is like reading of construction dating back to the time of the Pharaohs, when life was cheaper than money.

Yellow fever took the lives of countless workers, while two officers in charge of construction died. In 1854, Capt. Jeremiah M. Scaritt and 15 others died. The following year, Maj. William Fraser died, together with an uncounted number of workers.

In a major epidemic in 1862, 71 of the 448 Union soldiers stationed at the fort died, while over half of the civilian workers were stricken, and 30 died.

How many slaves working on the construction of Fort Taylor died of yellow fever is not known. Nobody bothered to count the stricken blacks.

Yes, the Army used slaves for the construction of both Fort Taylor and Fort Jefferson, leasing them for \$1 a day from Stephen R. Mallory, senator from Florida. Skilled labor, mainly Irish and Germans, received \$4 a day.

The foundation of the fort, laid on bedrock in 11 feet of water 1,000 feet offshore, covered 7.8 acres. Immense quantities of granite from New England and brick from the Gulf shore towns went into the construction. The eight-foot-thick walls rose to 50 feet above water, extended 255 feet along the seaward side and 495 feet along the landward side.

Although the fort would have been a push-over for the better guns available at the time, the Confederates lacked the forces to lay siege, and Key West became the only important southern port to remain in Union hands throughout the war.

Mallory, whose slaves had helped build the fort, found himself as secretary of the Confederate Navy charged with the responsibility of taking it from Union forces. But the attack was never ordered, although the Union Navy, using Key West as a base, played havoc with southern shipping, particularly blockade runners.

The only "threat" to Fort Taylor was made by a 14-year-old boy, Joseph Yates Porter, and a band of fellow teenagers who organized themselves as the "Confederate Volunteers." Waving an heirloom sword as he led a band across the 1,000-foot bridge to the stronghold's door, young Porter yelled out a command to surrender the fort in the name of the Confederate Volunteers.

Porter's cry brought the presence of Capt. Edward B. Hunt, commanding officer and an acquaintance of the Porter family.

"Get out of here," ordered Hunt, "or I'll come down and put that sword on your backside."

Porter ignominiously retreated, followed by his companion volunteers. As Dr. Porter, he would serve as Florida's first public health officer, from 1889 until 1917.

Work on Fort Taylor, was ordered halted in 1866, Fort Jefferson, built at the same time, was converted into a federal prison, but Fort Taylor was manned by military units until 1947 when the Coast Artillery was disbanded and the fort turned over to the Navy. A battery of anti-aircraft guns was maintained at the fort during World War II.

Spoil from dredging operations in recent years has been deposited about the fort, filling the area about six feet or more above sea level. The last dredging was done in 1967, when the Navy made major improvements to the base harbor and channel.

Congressional designation last April as a historic site makes Fort Taylor eligible for matching state and federal funds for the task of clearing the site and protecting the structure. But no such funds have been provided,

and England has continued on week-ends with volunteer help to excavate the century-old armament, remove the rust from the pieces and protect the surface with paint. Much of his help has come from sailors attending the Navy's sonar school.

The next step is up to the National Park Service, upon which rests the decision whether to recommend Fort Taylor as a national monument. England, with the backing of the Key West Naval Station's Historic Committee, has been the most active in pressing for Fort Taylor's recognition.

Key West citizens have sought to help, too, but because the fort is on the Navy base, there is a tendency to look upon it as out-of-bounds.

Recently, Dr. Henry Field, Coconut Grove anthropologist and Harvard University associate, has been writing letters to Washington with the hope of getting action on the fort. Otherwise, Dr. Field has been going about buttonholing people and urging them to write to Rep. Dante Fascell, in whose district the fort is located.

England foresees no problem in handling public visits to the fort, although it is inside the Navy base.

"Shuttle bus or shuttle tram train could be used to transport visitors to and from the fort," England said.

The Conch Train, a popular Key West tour, is permitted to take visitors into the Navy base. Taking pictures or getting off the train is forbidden.

But before the fort could be opened, the Navy would have to find another place to store its vast quantities of odds and ends. England estimates that the cost of just moving the Navy's present equipment and junk from the area and cleaning up the grounds would cost \$25,000.

England and Dr. Field hope to see Fort Taylor cleaned up, partly restored, its history interpreted, and dedicated as a national monument with a flag-raising service on July 4, 1976.

"But I hope it happens before," said England, who has spent so much of his own time and energy on the fort.

#### TRIBUTE TO HON. ALEXANDER PIRNIE, OF NEW YORK

##### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this time means of paying a brief but sincere tribute to my colleague and wartime friend, ALEXANDER PIRNIE of New York, who is retiring from the Congress at the close of this session following more than a decade of distinguished public service.

I first knew ALEXANDER PIRNIE when we were both members of the Judge Advocate General's Corps in World War II. We served overseas together in the European theater of operations and later we again met and renewed our friendship following his election to the Congress in 1958.

ALEXANDER PIRNIE is an able, dedicated, diligent legislator. As a member of the Armed Services Committee, he has contributed much to legislation which has strengthened the defense posture of our Nation.

As a leader in the Republican Party and a member of the Republican policy committee, he has helped set GOP policy in the Congress—although members of

different political parties, this has not impaired our friendship.

ALEXANDER PIRNIE has served his district, State, and Nation faithfully and well, and he will be greatly missed in the 93d Congress.

Certainly we all join in wishing him the very best of good luck, health, and happiness as he takes his leave of the House and enters a richly deserved retirement.

#### LETTERS FROM MY TEENAGED CONSTITUENTS

##### HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. BRINKLEY. Mr. Speaker, quite by coincidence I received in this morning's mail two letters from opposite sides of my district, each from a 13-year-old. Let the word go out that the future can be viewed with confidence, that in the river of the life of our Republic, we can feel the bottom and it is sound. When young people like these are concerned with their fellow man and in their quality of life—whether concerning pollution control or medical services—our outlook is bright.

There is an old Chinese proverb which says:

Give a man a fish, he will eat a meal; teach him how to fish, he will eat forever.

So, may I salute the cities of Forsyth and Columbus, Ga., of which these young people are products, and whose example commends itself to us.

On pollution, of course, we must put things with greater priority first and be willing to pay for them first. That is what Scott Coffee is saying.

Diane Belvin is a good example in compassion. Why not medical services for people who need it early in life. An ounce of prevention is worth a pound of cure, Diane would say; and fullness of life would be an enormous return on modest preventive medical services.

When we consider health delivery plans next year, let us major in ways to keep people well instead of waiting for them to get sick or grow up in a deformed way, mentally or physically.

The letters follow:

FORSYTH, GA.,  
October 11, 1972.

DEAR REPRESENTATIVE BRINKLEY: I am a 13 year old Georgian and interested in politics. You know how we Georgians like to have our state clean. And I think pollution is a big issue in our nation today.

Well I think I have a small answer or temporary solution to our state's pollution.

This is my plan, on an early date in the year, such as Jan. 5 a nickel from each person of the ages 12 through 65 years old be required for the control and research of Georgia's pollution. This plan I think could be used on the United States too. Some might object but if they can spend \$2.46 on a six-pack of Budweiser every night, I think they can scrape up a nickel for my plan.

I think my plan will work if through you it is represented in Congress. If you have any replies or questions about it please write.

Thank you,

SCOTT COFFEE.



COLUMBUS, GA.,  
October 12, 1972.

DEAR MR. BRINKLEY: I am 13 years old. I know you are very busy with the war and other important things, but to me this is very important. I think a law should be passed not to allow freak shows in America. I think it is sad to see a deformed person in a circus to be shown to other people when his deformity could be cured by surgery. I know not many people think about it. I sure wish you could do something about it and if you can't why not.

Yours truly,

DIANE BELVIN.

# UNION CITY, TENN.: A PROCLAMATION

## HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. JONES of Tennessee. Mr. Speaker, many organizations and businesses throughout the United States can be given recognition for their participation, support, and assistance in building a more prosperous rural America in these United States. One such organization, a member of the Cooperative, Free Enterprise System, was recently honored in a unique way by officials and businesses of the community of Union City, Tenn. The honored organization was the Union City office of the Dyersburg Production Credit Association. This association is part of the nationwide Farm Credit System, and specifically, is located in the Fourth Farm Credit District which is composed of Tennessee, Kentucky, Indiana, and Ohio.

The Honorable Charles H. Adams, Mayor of Union City, Tenn., issued a proclamation declaring September 12, 1972, "PCA Appreciation Day," in recognition of the vital service being rendered to that area of Tennessee agriculture through Production Credit Associations, their related farm-oriented services, and other cooperatives. The Honorable T. W. Jones, judge of the Obion, Tenn., County Court also issue a proclamation the same day declaring September 12, 1972, "PCA Appreciation Day." The proclamations issued by Mayor Adams and Judge Jones follow:

### CITY OF UNION CITY, TENN.: A PROCLAMATION

Whereas, agriculture is and has been one of the major industries of Obion County, Tennessee, and has contributed immeasurably to the growth, prosperity and well-being of the citizens of Union City, Tennessee; and

Whereas, the Production Credit Association is a farmer-owned, cooperative lending institution which has provided a dependable source of financing, counselling and encouragement for the growth, development and modernization of the farming industry in Obion County and thereby benefiting the citizens of Union City, Tennessee; and

Whereas, it is the desire of the municipality of Union City, Tennessee to pay tribute to the Production Credit Association;

Now, therefore, I, Charles H. Adams by the power and authority vested in me as Mayor of the City of Union City, Tennessee, do hereby publish, declare and proclaim Tuesday, September the twelfth, Nineteen Hundred and Seventy Two, in the year of our Lord, as Production Credit Association Day in the

City of Union City, Obion County Tennessee.

In witness whereof, I have hereunto subscribed my name and caused the corporate seal of the City of Union City, Tennessee, to be affixed hereto this the 5th day of September, 1972.

### OBION COUNTY, STATE OF TENNESSEE— A PROCLAMATION

Whereas, the farming industry is and has been one of the major industries in Obion County, Tennessee; and

Whereas, a great number of the citizens and residents of Obion County, Tennessee, are engaged in the farming industry and draw their livelihood therefrom; and

Whereas, the farming industry in Obion County, Tennessee, is and has been an innovative, progressive industry that continually seeks to provide a better way of life for all of the citizens of Obion County, Tennessee; and

Whereas, the Production Credit Association, a farmer-owned lending cooperative, has been an active participant in the growth and development of the farming industry in Obion County, Tennessee, providing an adequate and dependable source of funds for those engaged in the farming industry and seeks, continually, to supply technical assistance, encouragement and advice for those so engaged; and

Whereas, the said Production Credit Association, through its efforts has contributed immeasurably to the economy and standards of living for all of the citizens of Obion County, Tennessee;

Now, therefore, I, T. W. Jones, Judge of the County Court of Obion County, Tennessee, by the power and authority vested in me by virtue of my office, do hereby publish, declare and proclaim Tuesday, September the twelfth, Nineteen Hundred and Seventy Two, in the year of our Lord, as Production Credit Association Day in Obion County, Tennessee.

In witness whereof, I have hereunto subscribed my name and caused the seal of this Court to be hereto affixed on this the 5th day of September, 1972.

Harold Jenkins, Obion County PCA manager; Jerry Davis, field representative and Mrs. Katherine Wright, secretary in the Union City PCA office were responsible for coordinating much of the effort involved in celebration of "PCA Appreciation Day." Cooperating in making the entire community aware of happenings were the "Union City Daily Messenger" and "WENK radio" of Union City, Tenn.

During the daylong celebration, members of Production Credit Associations visited all farm supply dealers and merchants throughout Obion County and also visited with factory personnel in the cities of Obion, Troy, Kenton, South Union, and Union City. Participating were: Larry Elgin and Bill Seavers of Trenton, Tenn.; David Henderson and Edwin Tritt of Alamo, Tenn.; Winfred Allen of Humbolt, Tenn.; Daron McNatt and Charles Bell of Dresden, Tenn.; Jimmy Welch, Danny Carpenter, Frank Burnett, Ersie Johnson, and Raleigh Coplen of Dyersburg, Tenn., Mr. Coplen being general manager of all Production Credit Association offices represented in the celebration.

Due to the community acceptance shown and the willingness of city and county officials to participate in these worthy recognition activities in Obion County, other "Appreciation Days" are now being planned for the counties of

Dyer, Crockett, Gibson, Lake, and Weakley, in Tennessee.

## THE OFFICE OF MANAGEMENT AND BUDGET—POWERFUL PYGMY OF GOVERNMENT

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. MOORHEAD. Mr. Speaker, the increasingly wide-ranging activities of the Office of Management and Budget—OMB—of the Executive Office of the President are becoming a topic of major concern to Members of Congress and the public. Unlike other executive departments and agencies that bask in the sunlight of publicity, the work of the OMB has been shrouded in the obscurity of the bureaucratic maze—despite the all-powerful quarterback role that it plays in the executive branch.

An excellent article on the inside work of the OMB was recently written by Beverly Craig of the Washington bureau, Detroit News. It provides a broad insight into the multitudinous functions of the OMB, and includes revealing comments by many experts and other OMB-watchers. I commend the article to our colleagues, Mr. Speaker, and hope that it will help shed necessary light on this unique governmental agency, described as "the President's right arm." The text of the article follows:

[From the Detroit News, Aug. 30, 1972]

NIXON'S BUDGET AGENCY FEARED, HATED

(By Beverly Craig)

WASHINGTON.—The White House's powerful budget agency, the Office of Management and Budget, is like a rich uncle—feared by some, praised by others and, privately, denounced for not spending money more freely.

It's called "the OMB," but critics have shortened even that to "Tomb." OMB has so much clout that it sometimes buries, by deferment, programs approved by Cabinet members and enacted by Congress.

Housing and Urban Development (HUD) Secretary George Romney, in his unhappiness with the administration, recently provided an example of OMB's power. After President Nixon issued anti-inflation directives aimed at reducing the federal bureaucracy, OMB enforced the orders so effectively that HUD lost 700 employees.

Romney appealed in vain to OMB for a bigger staff. He won agreement for an increase only after a personal meeting with Mr. Nixon, during which he vented his frustrations over lack of personnel to prevent FHA scandals such as those which occurred in Detroit.

Congress is the major source of hostility to OMB.

"OMB is the most hated of all federal agencies," said a congressional staff director, stirring his coffee with a vengeance.

"I'd rather deal with the Politburo than the OMB," said a congressman.

OMB, akin to the treasurer or controller of a corporation, is frequently described as the President's right arm. And it implements his policies in the most forceful way of all—cash flow.

The agency also helps Cabinet departments formulate budget requests, apportions funds quarterly, assesses the potential cost and efficacy of legislation proposed on the Hill,

helps push the President's legislative proposals and audits existing federal programs.

Congress feels that its constitutional mandate to appropriate money—the power of the purse—gives it the last word on who gets what. That's the major rub between Congress and OMB. In addition, naturally there would be fiscal friction between a Republican administration and a Democratic-controlled Congress.

The one pops up constantly in this power-oriented city.

After Congress passed the \$18.5-billion higher education bill containing an 18-month bussing moratorium sought by Michigan congressmen, there was daily speculation on whether Mr. Nixon would sign the costly, far-reaching bill. He did—but only after exhaustive review by OMB.

Repeatedly during Senate Appropriations Committee hearings recently on funding for national health training programs, committee members made sly digs at the OMB's budget-cutting proclivities.

"We're not supposed to indulge in blasphemy toward OMB," jested Senator Joseph Montoya, New Mexico Democrat. "Blasphemy toward none," agreed a witness from the National Institute of Health (NIH).

The OMB, described as a "powerful pygmy of government" by the Wall Street Journal, is a drastically different creature than the first Bureau of the Budget, created in 1921. Those were the days of accountants with green eyeshades, and the emphasis was on saving string and turning in old pencil stubs. The government was less complex . . . and less costly.

The two-year-old OMB, as a strong arm of the White House, helps perpetuate the Founding Fathers' concept of separation of powers.

Interviews with congressmen, congressional staff members, economists and past and present OMB officials indicated that the Executive Branch may be eroding Congress' power of the purse. But there are healthy indications that OMB is creating pressure on a marshmallow bureaucracy to request and spend money along the lines of practical national priorities.

The interviews touched on these corollary issues:

Is the OMB a budgetary or political extension of the White House?

Must the President spend money appropriated by Congress?

Are taxpayers' desires for cuts in federal spending likely to be achieved by the OMB and the administration?

The OMB itself is close physically as well philosophically to Mr. Nixon, with quarters in the Executive Office Building next to the White House. Its new director is Casper W. Weinberger, the former deputy who took over after George P. Schultz became secretary of the treasury.

OMB is a relatively small agency, with a staff level of 660, of whom about 420 are professional and the rest clerical. But its salaries are among the highest in government. The staff has grown by about one-fifth in the two years since it was reorganized with a management thrust. Its predecessor was the Bureau of the Budget.

The OMB has requested \$19.8 million for its 1973 operations and spent about \$19 million in 1972.

How do OMB and the budget process mesh? There's a long lead time for the federal budget, as there is for an auto coming out of Detroit. The fiscal 1973 year began July 1, but work on the budget began in the spring of 1971.

As formally presented to Congress in January, the budget strongly reflected Mr. Nixon's priorities, such as an increase in spending on domestic or human resources programs and less on the military.

There's a lot of pulling and hauling before the budget gets to Congress.

Key divisions within departments such as Health, Education and Welfare (HEW) and

Housing and Urban Development (HUD) prepare budget requests internally, subject to review at the cabinet secretary's level. The next step is OMB review, which is intensive.

If, for example, the Veterans Administration (VA) asks to spend several millions more on its hospitals, the OMB, with the "big" budget picture in mind, may say no.

Congress traditionally goes through two stages in its budget process. It enacts legislation which authorizes an agency to carry out a program, frequently setting a ceiling on the money to be appropriated later.

Many bills, such as the higher education package, are authorized for a specified number of years, or indefinitely. Others, such as programs for atomic energy and space exploration, are authorized anew each year.

Permission to spend or obligate money generally comes in the form of appropriations bills.

For fiscal 1973, \$170 billion of Mr. Nixon's requested \$250 billion will have to be approved by Congress.

Congress' money dealings may seem mind-boggling to outsiders—as well as to freshmen congressmen. The House Ways and Means Committee reviews all tax bills, and the Appropriations Committee's 13 subcommittees considers the funding for various federal agencies and programs. After action by the full House, the Senate gets its say. Any differences are resolved in conferences, which frequently are lengthy and contentious.

In this system, the measures finally get to the White House, for OMB review and the President's veto or signature.

Critics of the OMB complain that its disbursing of funds has become highly political, and they are particularly hostile about "impoundment." Impounding funds means refusing to release them. The technique is not new to OMB.

"I had thought that once the Congress passed the appropriation bill and the President approved it and signed it and said to the country that 'This has my approval,' that the money would be used, instead of sacked up and put down in the basement somewhere," groused Senator Lyndon Johnson in 1959. His budget officers impounded up to \$10 billion at one point during his presidency.

By what justification does OMB withhold funds? For one reason, money for complicated legislative programs can't be spent overnight. Congress may approve funds for dozens of new hospitals, but the letting of contracts and coordination with local officials may cause the funds to be kept in reserves by OMB for months or years. Another example is funding for Mr. Nixon's war on cancer. Before the millions can be doled out, grant applications from companies and research teams must undergo complex review procedures.

At the request of the Senate Appropriations Committee, OMB revealed that it had \$9.1 billion in reserves as of June 30 for this kind of "routine financial administration."

Another \$1.5 billion was being held up for other reasons, OMB said without spelling them out. Congressional sources say this is the category in which OMB is sitting on funds for programs the President doesn't favor.

OMB caused a political flap last fall when it impounded \$200 million for food stamps. The funds had been appropriated by Congress and approved by the Agriculture Department.

Another occurred in January, when Michigan's Democratic Senator Philip A. Hart led 40 other senators in protesting to Mr. Nixon the OMB's decision to eliminate a special emergency food and medical services program for the poor.

The Senators said their protest reflected "the growing frustration of members of Congress in the face of OMB directives regarding nutrition programs." They said some Senate officers were interested in exploring legisla-

tion "that would require the OMB to act in strict accordance with congressionally expressed intent."

Those who side with OMB say Congress has vision problems, like the blind men who tried to describe an elephant after touching only parts of it.

"You can't run a \$250 billion budget with a 535-man board of directors even if they all were geniuses," said Charles L. Schultze, an economist, senior fellow at the Brookings Institution and director of the Budget Bureau during the Johnson administration.

"It was different when government was simple as hell," he said. "Now, strong management is required."

Another source pointed out that Congress, with its piecemeal system, "never has to face the tough decision on how to divvy up the pot. Also, there's constant jockeying for position between the authorizations committees, with special interest groups exerting much more pressure on authorizing committees."

How politically visible is OMB?

Rarely does it get involved in politics directly. One exception, according to a veteran OMB watcher, occurred in 1969. OMB's James Schlesinger, now chairman of the Atomic Energy Commission, argued so persuasively against plans for a multimillion-dollar manned orbital laboratory that Mr. Nixon scuttled the project. It was a rare, public overruling of the Defense Department, which supported the lab concept.

Recently, new OMB Director Weinberger gave a candid but partisan assessment of Democratic presidential nominee George McGovern's proposal to reduce the defense budget by \$32 billion.

Said Weinberger, in a U.S. News & World Report interview, "I think this is totally and completely unrealistic. I think it's a proposal that could only be made by a person who has no real idea of the facts or of the composition of the defense budget."

Generally, however, OMB's is an eminently private domain.

One of the most fascinating aspects of the tug of war between Executive and Legislative branches is whether the President must spend money appropriated by Congress. In this area of court tests, there's been no resolution of the question.

"It comes down to whether an appropriation is an authorization to spend or a mandate to spend," said Elmer Staats, formerly of OMB and now U.S. controller-general.

Another insider, looking at OMB's role in this controversy, said that "In no case does OMB have the right to contravene Congress or undo what it has done. OMB can only delay it."

OMB sources point out that money can be held up under the anti-deficiency act of 1950, which permits reserves "to provide for contingencies" or "to effect savings whenever savings are possible through changes in requirements." The latter has been construed as a means to tamp down inflation.

Others point out that even in a simple family budget process, there's always some money in the kitty (hopefully) to cover forthcoming bills.

Weinberger has contended that the President's constitutional mandate "to take care that the laws be faithfully executed" is a rationale for not spending certain funds.

But the Hill people gleefully point out a memo written in 1969 by then Assistant Atty. Gen. William Rehnquist, who subsequently became a Nixon appointee to the Supreme Court. Wrote Rehnquist: "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent."

"It may be argued that the spending of money is inherently an executive function, but the execution of any law is, by definition, an executive function and it seems an anomalous proposition that because the



executive branch is bound to execute the laws, it is free to decline to execute them."

Congress' seniority system which governs who runs what powerful committees is so entrenched, there's no likelihood of any imminent changes in the way Congress does business.

Yet there are thoughtful people who see room for improvement, and Controller-General Staats is among them. He questions whether the annual doubleheader process of authorization and appropriation is necessary for continuing agencies, such as the U.S. Information Agency.

Harley Dirks, a professional staff member of the Senate Appropriations Committee, is a former banker and veteran of the Hill who recalls the days "when LBJ used to invite staff people to the White House, offer us food and at least branch water, and he'd talk to us about our problems."

"And each year, we have a real problem, waiting for authorizing legislation which often comes along late in the sessions." One remedy, he said, might be to devote the first one-year session of Congress entirely to legislation, and the second year to appropriations. Changing the legislative system to provide authorizations for longer periods would provide more continuity and efficiency he said. OMB itself suffers from being "so locked in to the yearly budget process," he said.

A high official at the National Institutes of Health said, "OMB will tell us, 'You can have so much money this year and that's it.' It's up to us to split up the money. It makes us think very carefully about priorities; about where we should be several years from now."

Richard Ney, a health care consultant for the President's Price Commission, said that in the past some medical schools submitted applications for multimillion-dollar grants that were so perfunctory they took up half a sheet of paper. "Now, the applications have to be complete in every possible aspect, including detailed budget applications as well as the educational level of the personnel to be hired—and the taxpayer benefits," he said.

A spokesman for Detroit's Mayor Gribbs said OMB directives encouraging regional offices to team up on shared problems such as welfare, transportation and pollution "make us think as an organic unit."

Weinberger, asked by U.S. News & World Report whether there is a chance of balancing the federal budget in the next few years, said:

"Yes, I think that is perfectly possible if people want it badly enough. It won't be easy to achieve."

"It will require a lot of self-restraint and a willingness to stop relying on heavy federal spending as a cure for almost all ills. But it can be done."

HON. EDWARD A. GARMATZ

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BURLESON of Texas. Mr. Speaker, I wish to join with my colleagues who have expressed very fitting tributes to Ed GARMATZ who will soon retire from this body. Ed, through a dedicated and productive career of public service to his Nation, State, and district has indeed earned a rest. The friendships he has established will be lasting and the high esteem and personal regard in which he is held in the Congress are something I know he can look back upon with the greatest pleasure and fondest memories.

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 State, and district the impeccable service one strives for in this position.

IN MEMORIAM: MAJ. GEN.  
W. J. SUTTON

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. SIKES. Mr. Speaker, few of the Nation's great military leaders have enjoyed warmer appreciation or closer friendships on Capital Hill than Maj. Gen. William J. Sutton. I was one of those who were privileged to share his friendship, and I understood full well the importance of his contributions and the depth of his dedicated service. General Sutton died on September 9, 1972, and his death was a great loss to the ranks of those who believe in a strong America and who recognize the essentiality of adequate Reserve components. General Sutton is survived by his wife, Helen, and his son, Lt. William J. Sutton III. I know that I express the thoughts of Congress when I extend our earnest sympathies and our best wishes to the bereaved.

I feel, Mr. Speaker, that the CONGRESSIONAL RECORD should show in detail some of the very fine work done by General Sutton, and I am pleased to include in my remarks a heartwarming statement, "In Memoriam: Maj. Gen. W. J. Sutton," which appeared in Army Reserve magazine in October 1972; and a biographical sketch provided for me by the Army Liaison.

IN MEMORIAM: MAJ. GEN. W. J. SUTTON:  
APRIL 9, 1908—SEPT. 9, 1972

Men and women of all ranks and grades in both military and civilian life formed a somber company under somber skies on the hillside at Arlington National Cemetery, Va., on 14 September. The men of 1st Bn, 3d Inf, moved with quiet precision through the ancient ritual. The lonely, heartstabbing sound of Taps ended with its reassuring "All is well..."

A friend was gone. A chieftain rested. Full honors had been rendered to Major General W. J. Sutton, USA, Ret. He had been Chief Army Reserve for eight years, the longest period of service in this office yet recorded.

The last time this group had assembled was when the soldiers from this same 3d Infantry had marched in their bright Colonial uniforms under vivid Summer skies to render happier honors. That was on 27 May 1971 at the parade ground just over the hill at Ft. Myer when Gen. Sutton retired. The time between seemed mercilessly short to those on the hillside who were remembering. He had been a man to remember.

Those who worked for him in the Pentagon would never forget. He walked the corridors in his shirt-sleeves like a thoughtful colossus. In his single-minded way, he was thinking, you knew, about the Army Reserve. For he was as fierce and cunning a fighter for the Army Reserve in that confined world as he had been in WW II on the wide combat fields of Europe.

His proud boast was that he was born "the same month as the Army Reserve—April

1908." (You sensed that he would have preferred the actual day identical. He was born on the 9th and the Army Reserve anniversary date is the 23d.)

He had become Chief Army Reserve on 1 Sept. 1963 on a four-year appointment from civil life and a mobilization designation position as Deputy Commanding General for Reserve Forces at HQ, Continental Army Command. At that time, appointment to this position was discretionary with the Secretary of the Army. But under Public Law 90-168, which became effective 1 Jan. 1968, he had been appointed the first statutory Chief Army Reserve.

"Discretionary" or "statutory," he had proved himself the man for the job.

The citation read in connection with the extension of his Distinguished Service Medal at his retirement ceremony spoke of "reorganization and revitalization of the US Army Reserve, encompassing restructuring of the force as well as complete innovation of a new command structure; establishment and direction of a dynamic recruiting effort; overall management of the Individual Ready Reserve. . . Gen Sutton demonstrated a rare ability to inspire confidence and enthusiasm within the Army Reserve forces and provided a personal example of loyal devotion to the service while guiding the Army Reserve through a turbulent period of reorganization. . ."

These achievements could have come as no surprise to his comrades-in-arms in either the Active Army or the Army Reserve. Many had long, long memories of the man they honored. Whether wearing stars or stripes, they had shared his World War II days, and later his years in the Regular Army and the Army Reserve.

The "stripers" remembered that Gen Sutton had had six years of enlisted service. His contemporaries in the officer rank recalled his distinguished WW II service and the medals—the Silver Star, Legion of Merit with Oak Leaf Cluster, the Bronze Star with Oak Leaf Cluster, Army Commendation Medal, Purple Heart, the Combat Infantryman Badge. That Purple Heart had brought him back to the United States for convalescence and the prognosis that he might not walk again. He walked again.

(It gave him satisfaction that "his" WW II combat infantry division was Army Reserve—the 84th, now a training division.)

The "RA's" had served with him when he was in their ranks. They had regretted his resigning his commission as a lieutenant colonel to go into business. But they had known he would do well. He did. Very well indeed.

But he never left the Army he had loved since boyhood.

Although born in Elizabethtown, N.C., his home was in San Antonio, Tex. There, an Army Reserve colonel, he joined the 90th Inf Div and served successively as Regimental Commander, Chief of Staff and Assistant Division Commander. It was a long association—from September 1949 until November 1960 when he went to the CONARC position.

No one in the 90th would ever forget. In Texas, he was known as "Mr. Army Reserve." It was a title to be used later before wider audiences—the Reserve Officers Association, the Association of the United States Army, the Military Order of World Wars, the American Legion, organizations he gave characteristic allegiance and his support.

He had been inducted into ROA's Minute-man Hall of Fame; he had been honored by the Association of the US Army for his concept and implementation of the successful Regional organizational structure. When he died, he was Commander of American Legion Post No. 46 in Washington, D.C., and on the National Board of Directors of the Military Order of World Wars.

He was a member also of the Board of Directors of the National Rifle Association.

Among shooters Gen. Sutton was, first of all, "one of ours." He wore the Distinguished Marksman Badge (Rifle). And his shooter friends would tell you that he had two "legs" on his Distinguished Pistol Shot Badge when duties became too heavy to allow him to shoot competitively for that third qualifying leg.

He was a sport shooter. But his interest in marksmanship was essentially the soldier's. Soldiers should know how to shoot; their lives depended upon it. That's what he would tell you. None among the shooters would forget how he reorganized and pushed the Army Reserve Marksmanship Program toward its present eminence.

Gen. Sutton died at his Arlington, Va., home 9 Sept. He is survived by his wife, Helen, a son, Lieutenant Colonel William J. Sutton, III, a brother and four grandchildren. He is survived also by those at the hillside gravesite and the thousands like them throughout the Nation. However remembered, he would not be forgotten. Those in the Army Reserve knew that they had one final and lasting honor to tender him—to live up to the challenge he left when he said farewell to active service:

"We have a strong, well-led and highly motivated Army Reserve, and I hope we will keep it that way. I hope it will continue to grow stronger with its increasing role in the defense of our Nation and its ideals."

#### BIOGRAPHICAL SKETCH, MAJ. GEN. W. J. SUTTON, CHIEF ARMY RESERVE

Major General William J. Sutton was appointed Chief Army Reserve by the Secretary of the Army, September 1, 1963. When the position of Chief Army Reserve became a statutory position effective January 1, 1968 under Public Law 90-168, General Sutton was nominated by the President and confirmed by the Senate as the first statutory Chief of Army Reserve. He retired May 31, 1971. He died at his Arlington, Va., home on September 9, 1972 and was buried with full military honors on September 14, 1972.

Enlisting in the Texas National Guard in 1926, he was commissioned a First Lieutenant of Infantry in 1929, and entered active duty as S-3, 144th Infantry in November 1940.

During World War II he served in the European Theater of Operation as battalion and regimental commander with the 84th Infantry Division. He was wounded in action in April 1945 and later evacuated to the United States. After a tour with the 2d Infantry Division he returned to the ETO in June 1946, accepted a commission in the Regular Army, and served with the U.S. Constabulary in Germany.

Returning to the United States in 1949, he was assigned as Chief, Training Branch, Intelligence Division, Army General Staff. He terminated his active service in September 1949 to enter private business. In the U.S. Army Reserve he served as a Regimental Commander, Chief of Staff and Assistant Division Commander of the 90th Infantry Division in Texas.

He was a graduate of the basic and advanced courses at the Infantry School, the Command and General Staff College, Strategic Intelligence School, United Kingdom Land/Air Warfare School, U.S. Air Force Air Ground Operation School Indoctrination Course, and others.

General Sutton's mobilization assignment, prior to being recalled to active duty was Assistant Deputy Commanding General for Reserve Forces, U.S. Continental Army Command, Fort Monroe, Virginia.

Active in civic and military affairs, he served as Chapter Officer in the Reserve Officers Association; as National Vice President and member of the Council of Trustees of the Association of the United States Army; as a member of the Military Affairs Committee of San Antonio Chamber of Commerce; was a life member of the National Rifle As-

sociation and member of the Board of Directors; and commander of American Legion, Post 46; Washington, D.C. He was a member of the Military Order of the World Wars, and the Army Aviation Association of America. He was a member of the Board of Directors of the National Board for the Promotion of Rifle Practice.

General Sutton's decorations and awards include the Distinguished Service Medal, Silver Star, Legion of Merit with Oak Leaf Cluster, Bronze Star with Oak Leaf Cluster, Army Commendation Medal, Purple Heart, Combat Infantryman Badge and Distinguished Marksman's Badge.

#### MARINE SANCTUARIES

#### HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. KEITH. Mr. Speaker, I am glad to join with my colleagues in support of the Marine Protection, Research, and Sanctuaries Act of 1972. I believe that I and my office staff first coined and used the phrase "marine sanctuaries." It was over 5 years ago that I first sponsored legislation recognizing this concept. I said upon introducing a bill entitled "Marine Sanctuaries Study Act" in July of 1967:

As man's technology begins to reach out into the ocean's depths, it is vital to the present and future generations of Americans to foster and promote balanced use of this rich environment. Industrial and commercial development can go hand in hand with fishing, recreational, conservation, and scientific uses of the seas—if we are wise enough to see that these various issues are made compatible with each other.

The need for this wisdom is urgent today. In my own district of coastal Massachusetts, the gravel miners loom as a threat to the local fishing banks; the oil seekers worry the many Cape Codders who depend for their livelihood on the tourist trade; they terrify the fishermen whose nets may be rendered unusable by numerous oil rigs. At the same time, Logan Airport in Boston needs gravel for new runways, and homeowners cry for inexpensive fuel to warm them during the long winters.

Pollution from mineral developments has also been a major concern. It cannot be denied that our mineral harvesting techniques have improved tremendously since the initial introduction of this bill. This has resulted in more venturesome exploration and exploitation, more security and more oil.

Nevertheless, the possibility exists that we may have such disasters as those that have occurred in the Santa Barbara Channel and off the coast of Louisiana. The balancing of these dangers against the competing uses in our ocean areas requires that there be authority in some agency of government to establish and maintain marine sanctuaries. We must continue to assure that our fishing, recreational, and conservation needs get as fair a hearing and as evenhanded treatment as do our oil and mineral developments. Both are essential to our way of life. This act makes that possible.

#### EFFECT OF SOCIAL SECURITY INCREASE ON NON-SERVICE-CONNECTED PENSION PROGRAM

#### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the committee has received several inquiries as to the effect of the recent 20-percent increase in social security benefits on non-service-connected pension benefits payable by the Veterans' Administration.

In discussing any aspect of the non-service-connected pension program, I think it is important to keep in mind that this benefit was initiated for the purpose of providing financial assistance based upon need. It therefore has always contained an income limitation and is further devised to pay benefits on a graduated scale whereby the person with the least income, and obviously the one with the greater need, receives the greater rate of pension. In view of this, any change in a pensioner's other income would directly affect the rate of non-service-connected pension received from the Veterans' Administration.

Persons receiving non-service-connected pension benefits have incomes from various sources such as social security, railroad retirement, civil service retirement, State and municipal retirement, union pensions, and other public and private retirement annuities, as well as from dividends, interest rental, and employment.

There is probably not a day that passes in which some non-service-connected pensioners do not receive an increase in their other income. Therefore, the committee continually receives letters urging that action be taken to exclude the counting of some particular type of income or for a change in the income limitations in order to prevent some group of pensioners from receiving a reduction in their VA benefits because of an increase in other income.

In view of the large variety of sources of income that non-service-connected pensioners receive, obviously it would not be possible for the Congress to enact legislation each time a group of pensioners receives an increase in their other income. Therefore, in order to prevent a recipient of VA non-service-connected pension from having a loss in his aggregate income whenever he receives an increase in his other income, Public Law 92-198 created a new formula for the payment of pension which accomplished this.

Under this formula, each dollar increase or decrease in other income will affect VA pension by a few cents, but as long as the pensioner's income is within the maximum income limitation, the decrease in VA pension will always be less than the increase in other income, thus, the pensioner will always have a net gain in his aggregate income.

The Veterans' Administration has informed me that the VA pensioner who receives social security benefits received an average increase of approximately



\$26.50 a month in his social security benefits as a result of the recent 20 percent social security increase. The Veterans' Administration further advises that, as a result of the social security increase, the average loss in non-service-connected pension payments will be approximately \$7 per month. Therefore, the VA pensioner will have an average net gain in his total income of approximately \$19 a month.

The committee has received information from veterans indicating that there have been reports published in certain publications indicating that because of the recent 20 percent increase in social security benefits over 100,000 pensioners will have their pensions terminated because of the social security increase.

The Veterans' Administration has assured me that this is incorrect. They advise that it is estimated that of the approximately 2.3 million persons receiving non-service-connected pension benefits less than 1 percent or approximately 20,000 will have their VA non-service-connected pensions terminated because their incomes will exceed the maximum income limitation for payment of non-service-connected pension as a result of the increase they received in their social security benefits. These limits are \$2,600 a year for a person without dependents and \$3,800 a year for a person with dependents.

The Veterans' Administration further states that this compares to an average 50,000 to 60,000 persons whose non-service-connected pension benefits are terminated each year because of the increases received in incomes other than social security.

The committee has received inquiries as to the reason social security benefits are counted as income by the Veterans' Administration in determining a veteran's entitlement to a non-service-connected pension. As I previously pointed out, Mr. Speaker, the purpose of the non-service-connected pension program is to provide financial assistance to eligible veterans and widows based upon need. It has been the committee's belief that, in determining need, it is the amount of income a person has rather than its source which is important.

Therefore, inasmuch as recipients of non-service-connected pension benefits have incomes from such a variety of sources to exclude the counting of one type of income, such as social security, would in effect be providing preferential treatment for one group of persons and discriminating against the pensioner with equal income that is derived from some other source.

Historically, the Congress has increased non-service-connected pension benefits whenever there has been an appreciable increase in the cost-of-living index. Since the initiation of the non-service-connected pension program, Congress has increased these rates by approximately 400 percent whereas over the same period of time there has been approximately a 225 percent increase in the cost-of-living index.

Therefore, one can readily see that the increase in pension rates provided by the Congress has approximately doubled the increase in the cost-of-living index. The latest increase in non-service-

connected pension rates became effective January 1, 1972, and since that date there has been approximately a 2 percent increase in the Consumer Price Index.

Legislation to assure that no non-service-connected pensioner shall receive a reduction in his VA pension as a result of the 20 percent increase in social security payments would have a first-year cost of approximately \$420 million. There is presently under active consideration by the Congress H.R. 1 which I understand would provide a further increase in social security benefits and particularly an increase in the benefits payable to widows. Therefore, in considering legislation relating to the VA non-service-connected pension program and social security payments, it is felt that it would be more appropriate to await final outcome of the pending H.R. 1 which, if enacted, will increase many categories of social security benefits.

I wish to further point out that the 1972 increase in social security benefits would not affect VA pensions until 1973. Therefore, Mr. Speaker, I wish to assure my colleagues that following the convening of the 93d Congress, it will be the intent of the Committee on Veterans' Affairs to give consideration to the non-service-connected pension program at which time we will examine the impact of the various increases voted by this Congress in social security, railroad retirement, civil service annuities, and so forth.

#### THE 25TH ANNIVERSARY OF PETKOV EXECUTION

**HON. SAMUEL S. STRATTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. STRATTON. Mr. Speaker, it was 25 years ago last month that a brave Bulgarian patriot was executed by the Soviets for his political beliefs.

In spite of overwhelming odds and in the face of death, Nikola Petkov spent his life fighting to retain the independence of his Bulgaria. After leading the underground movement against the Nazi occupation, he turned to containing the Communists in the new coalition government in Bulgaria. When the Soviets attempted to seize full control of the Bulgarian Government in the election of 1946, Petkov and 100 of his followers overcame attempts at ballot-rigging and intimidation at the polls to be triumphantly elected to the Grand National Assembly.

It was in the Assembly that Petkov revealed to his countrymen the plans of the Communists to make Bulgaria a province of Russia. He accused the Communist leaders of being Stalinist agents and of being responsible for the deaths of innocent Bulgarians.

Fearful of the effects that the popular hero would have on the Bulgarian populace, the Communists promptly arrested Petkov on trumped-up charges of conspiracy against the state and the Soviet Union and sentenced him to death.

The morning he was to be executed,

September 23, 1947, Petkov was offered pardon by the Communists if he signed a document declaring his repentance. Petkov's words in reply will live forever:

I do not seek any mercy from you! I want to die so that my people may be freed sooner!

The heroics and bravery of Petkov continue to serve as an inspiration to all freedom-loving people everywhere, and his death should be a reminder of the self-serving goals and vicious tactics of the Soviets.

#### PLEDGE OF ALLEGIANCE DAY

**HON. THOMAS P. O'NEILL, JR.**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. O'NEILL. Mr. Speaker, as all history-minded persons are aware, the Commonwealth of Massachusetts is in many ways the cradle of our Nation. It is the home of many of our Revolutionary War heroes, and the place where the spirit of freedom from British dominance first took place at Concord and Lexington, and at the famous Battle of Bunker Hill.

Perhaps a less known, but nonetheless equally important fact, is that the Pledge of Allegiance was written in Massachusetts, in the section of Boston known as Charlestown. The city council of the city of Boston has declared that October 21, 1972, will be Pledge of Allegiance Day in the city of Boston. In honor of that day and the great city of Boston, I am submitting for the RECORD the resolution adopted by the city council marking October 21, 1972 as Pledge of Allegiance Day.

#### CITY OF BOSTON IN CITY COUNCIL

Whereas, the Pledge of Allegiance to the flag was written in Charlestown, now a part of the City of Boston; and

Whereas, this Pledge of Allegiance was first recited in Charlestown, on October 21, 1892; and

Whereas, the Pledge of Allegiance has been approved by the Congress of the United States of America; and

Whereas, this year on October 21, the Charlestown Militia Company will hold the Sixth Annual Pledge of Allegiance Day; and

Whereas, the Charlestown Militia has scheduled a program of patriotic events to celebrate Pledge of Allegiance Day; and

Whereas, this Council has before recognized the value of such observances; now, therefore, be it

Resolved: That October 21, 1972, be, and hereby is, declared to be Pledge of Allegiance Day in the City of Boston; and, be it further

Resolved: That our citizens, our schools and our colleges, be, and the same hereby are, urged to mark October 21, 1972, by appropriate patriotic exercises, and, be it further

Resolved: That a copy of this resolution be sent to the presiding officers of both houses of the General Court of the Commonwealth; and to the presiding officers of both houses of Congress; and to the members of Congress serving the citizens of Boston; and to the Governor of the Commonwealth, and to the President of the United States of America; and, be it further

Resolved: That all of the aforementioned, be, and the same hereby are, urged to declare

*the twenty-first day of October in every year to be Pledge of Allegiance Day.*

In City Council October 2, 1972. Adopted.

DURWARD G. HALL

**HON. HAROLD R. COLLIER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 14, 1972*

Mr. COLLIER. Mr. Speaker, this great body will not be the same without the genial gentleman from Missouri, DURWARD G. HALL, who is returning to the beautiful scenery and salubrious climate of the Ozarks as the 92d Congress fades into history.

Before the first of half a dozen elections to the House of Representatives, our colleague practiced medicine. He was in private practice until he joined the U.S. Army and in general practice afterward.

Doctor HALL brought his medical skills with him when he entered this body. His fellow-physicians no longer make house calls, but he has never hesitated to make his colleagues here answer calls of the House. The long walks that many of the brethren have been forced to take in response to these summonses have contributed greatly to their good health and well-being and possibly to their longevity.

Mr. Speaker, it is my fervent wish that Doctor HALL's years of retirement will be pleasant ones and that he will enjoy the good health that he has brought to others through the years.

HON. JOHN L. McMILLAN

**HON. CHARLES RAPER JONAS**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 13, 1972*

Mr. JONAS. Mr. Speaker, I am pleased to join colleagues in saying farewell to JOHNNY McMILLAN who has had a distinguished record of service in the Congress of the United States since 1938 when he was first elected over five opponents and to which he has been subsequently elected through the 92d Congress.

During this long service in Congress JOHN McMILLAN compiled a record to which he and his constituents can point with pride. Many important legislative enactments bear his name and, in addition, he has made great contributions in committee and on the floor on legislation of importance to the Nation and particularly to the District of Columbia.

I have had a close personal relationship with JOHNNY ever since I came here in the 83d Congress. In addition, his wife and mine have been close friends and it is with a sense of sadness that I say farewell to the McMILLANS today. I know my wife, Annie Elliott, would wish to join me in wishing all the best to both of them as JOHNNY leaves Congress to return to private life.

As is known, I too, am leaving Con-

gress at the end of this session and am going back down home to North Carolina. I do not know what plans the McMILLANS have for the future but if they plan to return to South Carolina, this will mean we will be neighbors and I hope our paths may cross frequently.

So goodbye for now, JOHNNY, and be assured that you take with you the best wishes of your colleagues here who have been privileged to serve with you in Congress.

HON. H. ALLEN SMITH

**HON. JOHN L. McMILLAN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 13, 1972*

Mr. McMILLAN. Mr. Speaker I want to join my colleagues from California in paying honor to my good friend the Honorable H. ALLEN SMITH. I do not remember any man that has served with me in the Congress during the past 34 years that can more qualify as a statesman than Mr. SMITH. I know that his service in the Congress of the United States has been of great assistance in carrying this country through some of its most turbulent times. Anyone can listen to Congressman SMITH and know that every word he utters comes from his heart and there is no wavering of the truth.

I have made many decisions while in Congress based solely on the statements made by Mr. SMITH in the Rules Committee.

The State of California, the United States, and the world is certainly a better place to live because of the leadership of Mr. SMITH.

I consider his retirement a great loss to the whole country. I wish for Mr. SMITH success and happiness in any endeavor he may embark upon.

HON. EMANUEL CELLER

**HON. GARNER E. SHRIVER**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 12, 1972*

Mr. SHRIVER. Mr. Speaker, when this 92d Congress adjourns sine die we will say farewell to the amiable and distinguished dean of this House, the Honorable EMANUEL CELLER of New York. "MANNY" CELLER leaves the Congress with a record of legislative achievement and service that will go unequalled for some time. Much of the landmark legislation which has emanated from the Committee on the Judiciary in the field of human rights, law enforcement, and justice bears his name. The American people owe a great debt to this man who has served both his constituents in New York and the Nation for 50 years.

When I first came to Congress in 1961, it was my privilege to be assigned to the Committee on the Judiciary chaired by "MANNY" CELLER. By serving with him on this important committee for 4 years, I saw first-hand his wisdom, his under-

standing of the law, his compassion for people, and his legislative talent.

With the retirement of Congressman CELLER we witness the end of an era of significant achievement. I am proud to salute him and to wish him good health, contentment, and happiness.

HON. JOHN L. McMILLAN

**HON. OMAR BURLESON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 13, 1972*

Mr. BURLESON of Texas. Mr. Speaker, I take pleasure in joining with the many friends of JOHN McMILLAN in paying tribute to him for his many years of devoted and effective service here in the U.S. Congress.

JOHN has furnished able and influential leadership and a void will be created by reason of his departure.

He has established lasting friendships, which I know will be valued by him as well as those of us who have been his associates during the years of his distinguished services.

My good wishes go with JOHN McMILLAN in all of his future efforts.

JOHN McMILLAN

**HON. ROBERT L. F. SIKES**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 13, 1972*

Mr. SIKES. Mr. Speaker, Congress is losing one of its truly big men—big in capability, big in courage and big in his dedication to the ideals of a strong and sound America. I pay highly deserved tribute to JOHN McMILLAN who so ably fits this description. We shall miss JOHN McMILLAN very much indeed in the years ahead.

This dedicated and able public servant has distinguished himself in outstanding manner as a Member of Congress. He has been a most effective legislator, keenly aware of the problems which beset our Capital City and our Nation, and he has sought sound solutions for these problems in the best interests of all the American people.

JOHN McMILLAN's work on two very important committees of Congress—the Committee on Agriculture and the Committee on the District of Columbia—has been marked with equally sound and valuable contributions in these varied responsibilities. In each he has demonstrated time and again his able and forceful abilities as a legislator and as a leader. In the years ahead there will be many who look back to the effects of the sound judgment he has exercised and regret the fact that he is no longer a member of this great legislative body.

I am proud to have enjoyed JOHN McMILLAN's friendship through the years. Unquestionably he has earned retirement and I join his hosts of friends in wishing for JOHN and Mrs. McMILLAN



happiness and success in all that they undertake in the years ahead.

TRIBUTE TO HON. JOHN McMILLAN

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. RARICK. Mr. Speaker, I would like to add my words of tribute to our colleague, the distinguished chairman of the House Committee on the District of Columbia and the dean of the South Carolina delegation, the Honorable JOHN McMILLAN.

It has been my privilege to serve with "Mr. Mac" on the House Agriculture Committee since I came to Congress. I have come to know him and respect him, both as a man and a legislator, and have often sought his advice and counsel.

JOHN McMILLAN served the people of his State and Nation well and faithfully. His service as second ranking member of the Agriculture Committee has endeared him to the people of Louisiana and the farmers of the Nation.

His long and distinguished career as chairman of the House District Committee will serve as a model for Members of the House for many years. As chairman, he always stood by the Constitution, working diligently to preserve Washington, D.C., as the Nation's Capital under the jurisdiction of the Congress. He stood firm against massive pressures and has preserved this city as the Constitution established it—a Federal city, owned by the people and governed by their elected representatives, where people of differing political persuasions can meet and legislate without fear of mob pressures or mob rule.

This House will miss JOHN McMILLAN; this city has lost one of its best friends, and South Carolina and this Nation have lost one of its outstanding legislators.

Mrs. Rarick and I join with the people of the Sixth District in wishing him the best of health and happiness in the years to come.

MRS. GEORGE W. ANDREWS

### HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WHITTEN. Mr. Speaker, as this Congress adjourns we lose many fine Members of Congress. Most of whom have served many years. We also lose, because she did not choose to run, Mrs. GEORGE ANDREWS, ELIZABETH.

Mr. Speaker, I join with others who have pointed out here the wonderful way ELIZABETH has carried on in the seat filled so long by my dear friend George Andrews, who left such a splendid record for his district, State and Nation.

Truly, ELIZABETH, Mrs. ANDREWS, a fine lady, an intelligent Congresswoman has carried on in the style her district has been accustomed to.

ELIZABETH, we shall miss you, and we are proud of you.

BRIG. GEN. CHARLES YEAGER

### HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. ROYBAL. Mr. Speaker, it is with great pride that I join my colleagues today in paying tribute to one of the outstanding men in aviation history, Brig. Gen. Charles "Chuck" Yeager, on the occasion of the silver anniversary of his famous flight over the California desert.

Twenty-five years ago this month, when he became the first man to fly faster than the speed of sound, the door to aeronautical progress in supersonic flight was opened. And as an outgrowth of his pioneering efforts, man's exploration of the space beyond the earth is now a reality. In each new realm of flight conquered by the United States since 1947, Chuck Yeager can himself take some measure of credit.

For his tremendous contributions to the science of aeronautics and the history of flight in this country, the American people are truly within this great man's debt and I join them in expressing their appreciation to General Yeager.

TRIBUTE TO CONGRESSMAN

ALTON ASA LENNON

### HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. WAGGONER. Mr. Speaker, I am pleased to have the opportunity to speak on the past accomplishments and achievements of the outstanding Congressman from North Carolina—my close and dear friend, ALTON ASA LENNON. It has been my pleasure and honor to work with ALTON for the past 11 years, and I know of no other Member who has impressed me more personally or who has done more for this great Nation of ours than ALTON has.

During his eight terms of office, he has done a tremendous job. He has served on the Armed Services Committee and the Merchant Marine and Fisheries Committee, serving as chairman of the Subcommittee on Oceanography. It would be impossible for me to enumerate his contributions to the work of these committees. He was always there; he knew the needs of the people of the Nation, and he did all he could to see that their needs were met. He believes in America and the American ideal and has done everything within his power to see that they are pursued.

The retirement of this outstanding American patriot is a loss to me personally; but there is much, much more to his leaving. His retirement represents a loss to the U.S. Government, to the House Armed Services Committee, to the House Merchant Marine and Fisheries Commit-

tee, to the citizens of North Carolina's Seventh District, and to the Nation which he loved so much and served so well. He will be greatly missed; but as an American he will be long remembered, as will his distinguished record of service to his country.

ALTON, I will always cherish our friendship.

HON. WATKINS M. ABBITT

### HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. LENNON. Mr. Speaker, it is a pleasure to salute our distinguished and esteemed colleague, WATT ABBITT.

I have admired this dedicated and conscientious legislator since our early encounters, when I joined this body in 1957, in representing the agricultural and tobacco interests of our respective States. His perception and understanding of the problems and his keen judgment in resolving issues in the best welfare of all concerned have had my deepest respect.

To have counted WATT ABBITT among my close friends will ever be a foremost and cherished memory of our years of service together in the Congress.

WATT, you have my best wishes for good health, relaxed days, and much happiness in the retirement years ahead.

HON. EDWARD A. GARMATZ

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. MAHON. Mr. Speaker, I wish to join my colleagues in the House in paying tribute to the fine work of an outstanding public servant, EDDIE GARMATZ, and to wish him a fond farewell.

It is always a significant moment when the chairman of one of the great standing committees of the House of Representatives decides to conclude an illustrious legislative career.

EDDIE GARMATZ has labored in the House for a quarter of a century and he has made a lasting imprint here. His record as an effective legislator is one of which he can be justly proud.

Others have spoken in more detail about the record of accomplishment of EDDIE GARMATZ. I will not repeat those words. I think of EDDIE GARMATZ as a stalwart, strong man who has served his people and the Nation well. I think of EDDIE GARMATZ as a friend who has frequently taken the opportunity to encourage me in my work. I think of EDDIE GARMATZ as a man in whom the people of this Nation can take pride. He has done a good job.

EDDIE, as you leave the House, I join your other friends in wishing you a great abundance of happiness in your future undertakings. I know that you will con-

tinue to be active in the service of your fellow man.

TRIBUTE TO CONGRESSMAN  
JACKSON E. BETTS

**HON. ROBERT McCLODY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 14, 1972*

Mr. McCLODY. Mr. Speaker, it is with a sense of deep personal emotion that I reflect upon the retirement from this House of Representatives of our colleague, Congressman JACKSON E. BETTS of the Eighth District of Ohio. A respected and valued member of the House Ways and Means Committee, Congressman BETTS has brought to the Congress his skill and talents as a careful and studious lawyer, as well as his long experience as a lawmaker in the Ohio State Legislature.

Mr. Speaker, if we were to eliminate all of the many other attributes which characterize Congressman JACKSON BETTS and regard him solely as a personality, it could be said with conviction that he is among the best-liked Members of this House. Indeed, I have never heard an unkind or unfriendly word spoken of JACKSON BETTS during the 10 years I have been privileged to serve in this body with him.

Mr. Speaker, it is therefore appropriate to observe that JACK BETTS is one whom his colleagues hold in high esteem, and also in great affection. The warmth of this feeling extends also to his beloved wife, Martha. My wife, Doris, and I extend to them every personal wish for good health and happiness in the years ahead.

TRIBUTE TO THE HONORABLE  
JOHN L. McMILLAN

**HON. WILLIAM M. COLMER**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 13, 1972*

Mr. COLMER. Mr. Speaker, I should like to join with JOHN McMILLAN's many colleagues and friends in paying tribute to this distinguished South Carolinian. It has been my pleasure for many years to be associated with "JOHNNY MAC," as we worked together here in this House.

JOHN McMILLAN is one of the most humble, as well as conservative, Members with whom it has been my pleasure to be associated. He has never been one to seek the headlines, although we all know that he received more than his share of publicity here in the Washington papers. Too often, this publicity was slanted against him. He served with dignity and in the best interests of the people of the District of Columbia as chairman of the District of Columbia Committee. Someday, the people of the District will realize belatedly that he was the District's best friend on the Hill.

Mrs. Colmer joins me in extending to him and Mrs. McMILLAN our very best

wishes for a long and happy retirement in their beloved State of South Carolina.

HON. DURWARD G. HALL

**HON. EARL F. LANDGREBE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 14, 1972*

Mr. LANDGREBE. Mr. Speaker, as this 92d Congress draws to a close, I feel compelled to make a few remarks about Dr. DURWARD HALL who is retiring from the House of Representatives at the end of this year.

In my opinion, this Nation has never had nor is likely to have in the future a public servant of his equal.

Totally committed to the principles of freedom and the free-enterprise system that have made America the greatest nation in all recorded history, Dr. HALL is always on the floor when Congress is in session. Even his pending retirement has in no way affected his almost perfect attendance record.

Of course, his meticulous attendance, his dedication to the preservation of this great Republic and his unequalled knowledge of legislative procedures meant that during his 12 years in Congress a most reliable watchdog was always on duty. No, Dr. HALL, being an arch-protector of our free system, was denied these headlines in the big newspapers of our country usually reserved for prominent politicians. Regardless of that, Dr. DURWARD HALL will be remembered by his colleagues and will be recorded by responsible historians as one of the truly outstanding Members of the U.S. House of Representatives of all time.

HON. JOHN L. McMILLAN

**HON. JOE L. EVINS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 13, 1972*

Mr. EVINS of Tennessee. Mr. Speaker, I should like to join my friend and colleague, Congressman WM. JENNINGS BRYAN DORN from South Carolina, in paying a brief but sincere tribute to the record of public service of our colleague, Chairman JOHN L. McMILLAN of South Carolina, who will not be with us in the next session of the Congress.

JOHN McMILLAN, who has served as the dean of the South Carolina delegation, is a distinguished American. He has served as chairman of the Committee of the District of Columbia for more than 20 years and, as such, has been regarded as the Mayor of our Nation's Capital, the city of Washington. In addition to his service as chairman of the House District Committee, he has served as a Member of the Committee on Agriculture and has been a strong supporter of both metropolitan and rural America.

JOHN McMILLAN is an able chairman,

a skilled and effective legislator, and a true southern gentleman.

We will all miss JOHN McMILLAN. He has served his district, State, and the Nation well and faithfully—and I want to wish him every good luck, success, and happiness in his richly deserved retirement.

HON. EDWARD A. GARMATZ

**HON. JOHN L. McMILLAN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 13, 1972*

Mr. McMILLAN. Mr. Speaker, I want to join my colleagues in honoring the Honorable EDDIE GARMATZ, who is retiring from the House after 25 years of loyal service. Mr. GARMATZ has always impressed me as a serious, loyal Representative who has made every effort to make this country a better place to live. Mr. GARMATZ has presented some outstanding legislation out of the Merchant Marine and Fisheries Committee where he so ably served as chairman. I am certain every Member of the Congress will greatly miss Congressman GARMATZ during the 93d Congress.

THE YOUTH OF NINTH DISTRICT OF  
NEW JERSEY RESPONDS

**HON. HENRY HELSTOSKI**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 14, 1972*

Mr. HELSTOSKI. Mr. Speaker, this past August, I sent 11,000 questionnaires to newly registered voters, the voters enfranchised as a result of the 26th amendment, to my district in Bergen County, N.J. In addition, I sent 6,000 questionnaires to high school graduates, those being graduated in June 1972. Of these 17,000 questionnaires sent out, we have received responses from 8,361 of these young people.

I think the significant thing in this questionnaire, Mr. Speaker, is their response to question 9 relative to the exercise of their franchise in this year's election—97 percent of our young people responded affirmatively and six-tenths of 1 percent negatively.

Mr. Speaker, this is a credit to the intelligence and the interest of our young people in regard to the urgent problems that we face in our Nation today.

I have reprinted herewith a copy of letters sent, questionnaire, and the tabulation in percentages of the answers.

CONGRESS OF THE UNITED STATES,  
Washington, D.C., August, 1972.

DEAR GRADUATE: My heartiest congratulations on the successful completion of your high school career! As a former high school teacher and principal, I know the joy you must feel at having passed this important milestone in your life, and I know that you look forward with some uncertainty as to what the future might bring.

In the next few years you will make several important decisions that may well affect the



rest of your life. One of these will concern your education. As a former educator, I would urge you to pursue some form of further education, either academic or technical, in college, vocational school or in the service. A continuing education is the best way to keep up with a changing world. I hope that all of you will try to make your high school graduation a beginning, not the end of a life-long learning experience.

Now that you have completed high school you are rapidly approaching the time when you will soon assume the full duties and privileges of adulthood. Perhaps the most important of these is the right to vote, a right extended to all citizens 18 and over by the 26th Amendment to the Constitution. By registering and exercising the right to vote you can help insure that the world you will soon inherit is a better one for all of us. If you have not yet registered, I would urge you to do so. Registration is a simple procedure and can be accomplished at the County Board of Elections in Hackensack or at your municipal clerk's office during normal business hours. The deadline for registering to vote in this year's election is September 28.

Since you will soon be able to participate fully in the process of democratic government, I would be interested in learning your

views on a number of pressing issues facing the Congress. Accordingly, I have prepared a Youth Questionnaire which appears on the reverse side of this letter. This is also being sent to all newly enfranchised young people in the 9th District and I shall publish the tabulated results in the Congressional Record. If you would like a copy of the tabulation, please let me know at my Washington Office. And, if there is any way in which I can be of assistance to you, please feel free to contact me at my Washington Office or East Rutherford District Office.

With all best wishes, I am

Sincerely,

HENRY HELSTOSKI,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
Washington, D.C., August, 1972.

DEAR NEW VOTER: I wish to congratulate you for registering to vote. It is encouraging that thousands of young people in Bergen County have recognized their privileges and obligations as citizens and have chosen to work within our democratic electoral system for constructive change. The 26th Amendment to the Constitution, which lowered the voting age to 18, has made it possible for 25 million people, not eligible in 1968, to vote

in this year's elections. Now that you have taken the first step and registered, I would urge you to join millions of other young people in expressing your views through the ballot box this November. Only in this manner can you help insure that the world you will soon inherit is a better one for all of us.

In light of young people's increasing interest and role in our system of democratic self-government, I have prepared a Youth Questionnaire on a number of pressing issues facing the Congress. You will find the Questionnaire on the opposite side of this letter and I would invite you to fill it out, fold it as indicated, and return it to my Washington Office. Your expression of views will greatly aid me in forming my position on each issue as it comes before the Congress for action. A soon as I have tallied the Questionnaire responses, I shall publish the results in the CONGRESSIONAL RECORD. If you would like a copy of this tabulation, please let me know. And, if there is any way in which I can be of assistance, please contact me at my Washington Office or East Rutherford District Office.

With all best wishes, I am

Sincerely,

HENRY HELSTOSKI,  
Member of Congress.

1972 YOUNG VOTER OPINION SURVEY—CONGRESSMAN HENRY HELSTOSKI, 9TH DISTRICT, NEW JERSEY, AUGUST 1972

	Percent	Percent		
		Yes	No	Undecided
1. Which of the following best describes your views on the continuing American involvement in the war in Indo-China?				
A. I think that the United States should withdraw all forces immediately.	32.86			
B. I think we should withdraw all forces at a date certain contingent upon the release of prisoners of war.	43.93			
C. I support President Nixon's gradual withdrawal program.	13.70			
D. I think we should increase military pressure to end the war.	3.49			
2. It has been suggested that some of the problems facing our society could be solved if the Government would change its spending priorities. Which of the following is closest to your view on the question of defense vs. domestic spending?				
A. The current level of defense spending is the minimum necessary to assure security for the United States.	9.96			
B. Some programs could be cut from the defense budget, but it should not be substantially changed.	32.33			
C. The current defense budget should be drastically reduced to provide more funds for programs that relate directly to people—such as housing, education, health care, etc.	57.69			
3. Do you favor continuation of the draft after its proposed expiration date of June 1973?		10.60	76.04	13.35
4. Do you feel that our present laws and practices discriminate against women, particularly in employment?		50.94	35.15	13.90
5. Should Congress establish a system of selecting presidential and vice-presidential candidates through a national primary rather than through the present convention method?		60.24	21.21	18.54
6. Now that young people have been given the constitutional right to vote, should 18- to 20-year olds be accorded the same legal status as adults for the purposes of legal contracts, law enforcement, etc.?		84.68	8.02	7.28
7. Slow progress is being made in cleaning up the Nation's waterways, in large part because of a lack of funds for research and development. Do you believe that we should adopt a crash program, estimated at costing between \$15 and \$20,000,000,000 over 5 years, to correct long-standing pollution and contamination?		84.22	6.60	9.19
8. Do you think that the United Nations can become a more effective peace keeping force?		59.30	28.57	12.12
9. Do you plan to vote in this year's election?		97.18	.67	2.14
10. I would be interested in your views regarding the issues which you consider to be the major problems facing our Nation today. Could you please check off 5 of the following items which you believe to be the most urgent. Number them in the order of importance to you.				

	Choice (in percent)					Choice (in percent)				
	1st	2d	3d	4th	5th	1st	2d	3d	4th	5th
Air and water pollution control and the environment.	21.14	28.28	19.08	17.26	14.10	Hunger, malnutrition, and the plight of the poor.	15.41	22.88	25.90	17.82
City and suburban transportation.	3.70	10.49	20.37	27.16	38.27	Inflation, unemployment, and the cost of living.	16.95	21.58	22.92	24.09
Consumer protection.	2.66	6.66	19.11	28.00	43.55	Narcotics traffic and drug addiction.	10.78	21.03	24.90	24.50
Credibility in Government.	19.52	15.55	17.73	20.31	26.89	Race relations.	6.15	12.61	23.69	25.53
Education.	9.14	11.70	20.85	24.68	33.61	Street and housebreaking crimes.	9.82	14.73	21.05	24.56
Housing.	2.27	7.57	15.90	31.81	42.42	War in Vietnam.	50.71	21.85	11.60	8.45

#### TRIBUTE TO CONGRESSMAN JOHN L. McMILLAN

HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. WAGGONER. Mr. Speaker, it gives me a great deal of personal satisfaction to be able to pay tribute today to one of the House's most respected and dedicated Members, the distinguished chairman of the District of Columbia Committee, JOHN McMILLAN.

During my years in Congress, very few by comparison to his service, JOHNNY MAC has been a close and dear friend. For 34 years he has served with honor and distinction his beloved State of South Carolina and his Nation. A great American and Christian, JOHNNY MAC epitomizes gentleness, warmth, and wisdom.

The United States has been well and faithfully served by many prestigious statesmen, but none has been more dedicated to our constitutional Republic and the perpetuation of individual liberty than JOHN McMILLAN.

However, to say that he has been a distinguished leader and an excellent example to his friends and colleagues is not enough. His devotion to the people of his district, his State, and our country is without equal. His untiring and unselfish efforts always seemed more effective during times of turmoil when others seemed to be faltering. His strength and courage will long be remembered to those of us who have benefited from his leadership in the House. His fellow colleagues will, of course, miss his skill in all facets of the legislative process, but more than that, we will miss what we have come to

respect very dearly as the very model of a southern gentleman, a courteous, humble, kind, and generous patriot.

#### PAYING TRIBUTE TO REPRESENTATIVE GARMATZ

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. BIAGGI. Mr. Speaker, I join with my colleagues here today in paying special honor to the chairman of the Merchant Marine and Fisheries Committee, Mr. GARMATZ. His untiring efforts over the last 25 years have helped preserve and protect our marine and animal resources and maintain a viable merchant marine.

In recent years, he can point to his excellent work in steering through Congress the Merchant Marine Act of 1970. Through his efforts on this bill, the downward trend in our merchant marine fleet was reversed. As a member of the committee, I know I and others will be working over the next several years to strengthen that national commitment he fostered to build a better merchant marine.

A glance at the record of the Merchant Marine and Fisheries Committee will show that he kept the members and staff working at a furious pace. But speed did not sacrifice quality in the legislation reported out of the committee. Every bill was worked over thoroughly and every effort was made to eliminate any problems or controversies before a measure would reach the floor.

In particular, he deserves the congratulations of all Americans for his outstanding work to save our Nation's wildlife resources. His efforts to put strong endangered species legislation on the books have reaped new rewards in the development of scarce wildlife. Many species now flourish as a result of his work where once they were threatened with extinction.

EDDIE GARMATZ, however, was more than just a good legislator. He was a good representative of his constituency and a colleague that was always available to other Members to discuss the legislation before his committee.

His stewardship of the Committee on Merchant Marine and Fisheries will stand as a lasting monument to his dedication to public service. I wish him the very best of health and happiness in his retirement.

HON. WATKINS M. ABBITT

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. SHRIVER. Mr. Speaker, it is with deep regret that I take note of the retirement from the House of our able colleague, Congressman WATKINS ABBITT of Virginia. He has served the Fourth Dis-

trict of Virginia and our Nation with distinction for 24 years.

When I first came to Congress in 1961, my office was just down the hall from WAT ABBITT. He has always been helpful, friendly and ready to assist on many occasions. He will be missed not only by the constituency which he served so well, but by all of us who have known him as a hard and effective worker.

We wish him the best of luck and happiness as he completes his service in the House of Representatives.

#### FAREWELL TO OUR COLLEAGUE, J. IRVING WHALLEY

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. ZABLOCKI. Mr. Speaker, with the end of the 92d Congress one of our esteemed, longtime colleagues, the Honorable J. IRVING WHALLEY, of Pennsylvania, will end his service in the House of Representatives and retire.

As one who has known IRVING WHALLEY for almost 14 years, I am sure that he will long be here with us in memory, although no longer an active Member of this body.

It has been my privilege to serve with him on the Committee on Foreign Affairs, where he has worked diligently and constructively on legislation affecting our Nation's international relations. As the ranking Republican on the African Subcommittee, he has particularly contributed to better understanding of the peoples and problems of that continent.

My wife, Blanche, joins me in wishing the Whalleys every happiness in the coming years. You will always be welcome here, Irv, and we hope to see you often.

#### TRIBUTE TO CONGRESSMAN J. IRVING WHALLEY

### HON. ROBERT McCLODY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. McCLODY. Mr. Speaker, I note with regret that our esteemed colleague, Congressman J. IRVING WHALLEY of the 12th District of Pennsylvania, has chosen to retire voluntarily from the House of Representatives. Congressman WHALLEY has contributed many years of his life to public service—including the Pennsylvania State Legislature—as well as 14 years in the U.S. Congress.

Mr. Speaker, in addition to his careful and conscientious work, Congressman WHALLEY has enjoyed the support of his attractive and steadfast wife, Ruth Whalley. I have come to know both Ruth and IRVING WHALLEY on a close personal basis during the 10 years we have served together. My wife Doris joins me at this time in extending to Congressman and Mrs. Whalley our best wishes for much happiness and good health in the long and eventful and productive years which lie ahead.

#### SPRINGER—CLEVELAND SHOULD BE PRAISED FOR CBS VOTE

### HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. SPRINGER. Mr. Speaker, I have read an editorial in the Connecticut Valley Reporter titled "The Tragedy of Mr. Cleveland," in which the writer of that editorial takes Mr. CLEVELAND to task for having voted to cite Dr. Frank Stanton for his failure to deliver secret material which the Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee had demanded.

To have a full understanding of this vote, it is necessary to go back to the history of the program, "The Selling of the Pentagon," which was the subject of the investigation.

In that program, certain portions were false. As a result of the televising of that program, one of the parties named sued CBS for libel. I give this as background as to why "The Selling of the Pentagon" was under investigation by our subcommittee.

CBS and Dr. Stanton refused to give us the outtakes from which the program was drawn. As a result of that, the subcommittee and the full committee cited Dr. Stanton.

#### FIRST AMENDMENT NOT ISSUE

The writer of the editorial is under some kind of an impression that the first amendment is applicable to television without any qualification. If the editorial writer will read the Federal Communications Act of 1936 as amended by the act of 1934, he will find several qualifications. First, the networks, including CBS, are using the airwaves which are owned by the public. Second, all radio and television is regulated in this country by the fairness doctrine. Third, all broadcasters are covered under the provision titled, "Equal Time."

I think from this, the editorial writer can well confirm that the first amendment is applicable with serious restrictions and those were put in the code because public airwaves are being used.

Now, let us get down to the meat of the point. We had evidence that there were untruthful parts in, "The Selling of the Pentagon." Various interviews had been cut and spliced in such a way as to entirely misrepresent what the persons on "Selling of the Pentagon" were saying and in some instances, gave an entirely different viewpoint than the one expressed by the person being interviewed.

The subcommittee viewed "Selling of the Pentagon." We had witnesses before us who testified as to the falsity of parts of "Selling of the Pentagon." At that point, we demanded the full transcript of "The Selling of the Pentagon" from which the program was written. Those are commonly known as "outtakes." CBS refused to deliver the outtakes.

#### PUBLIC'S RIGHT TO KNOW

The subcommittee took the view that Dr. Stanton and CBS were trying to conceal from the public and from our com-



mittee false and possibly libelous material. Our vote was to force CBS to disclose the truth.

When Mr. CLEVELAND voted for the citation, he voted for the right of the public to know how and in what ways CBS had falsified "Selling of the Pentagon." That was, simply, the only issue at stake.

Mr. CLEVELAND instead of violating the first amendment was voting to force CBS to disclose through the outtakes how CBS had falsified the program.

The citation was not successful. However, the important victory that the committee gained by the vote is that we forced CBS to change their rules so that what happened in the "Selling of the Pentagon" could not happen again. In addition, I think it is important to know that Dr. Stanton retired soon after the citation. Second, their man in Washington was removed and another installed.

One more thing should be made clear. If the citation vote had prevailed the legal rights of Mr. Stanton to respond or be held in contempt of Congress would still be subject to the courts. The vote was actually to refer Mr. Stanton's apparent contempt to the courts for ultimate decision.

From all of this, I think you can see that the action taken by the committee and the Congress made CBS face up to what they had done wrong in "Selling of the Pentagon." You can be sure that will never happen again.

Mr. CLEVELAND should be congratulated upon his vote for the right of the people and the public to know how "Selling of the Pentagon" was falsified. Instead of finding fault with Mr. CLEVELAND, the editor of the Connecticut Valley Reporter should be congratulating himself and Mr. CLEVELAND upon a job well done and in the public interest.

HON. EMANUEL CELLER

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. BIESTER. Mr. Speaker, how does one pay tribute worthy of a man whose career in the House of Representatives began before most of us were born? A man who has worked with nine different Presidents over the span of almost 50 years? A man whose sensitivity to the equality and liberty of all men has realized the preservation and broadening of our civil rights? A man whose name is on over 300 laws and whose name is associated with four constitutional amendments?

I have had the extreme privilege of serving under EMANUEL CELLER's chairmanship of the Judiciary Committee. In committee and on the floor of the House, his wisdom and influence have been all-pervasive. During my few years in this body, I have witnessed the hand of Dean CELLER in open housing, voting rights, election reform, gun control, and jury reform, to name only a few of the significant areas in which he has played so large a part.

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Somehow, when we talk about seniority changes and the need to bring younger men and women into Congress, we tend to lose sight of those few rare individuals like Dean CELLER whose age embodies an invaluable wealth of intelligence and perspective. It is a link with past decades that cannot be replaced or recreated.

EMANUEL CELLER was a legend even while he served in the House. His absence will be felt, but most certainly the legacy of his presence here will continue to touch us all. For what he has done and for what he has meant, I join with my other colleague in a most sincere "thank you."

#### RETIREMENT OF CONGRESSMAN GARMATZ

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. FLOOD. Mr. Speaker, one of the great men of the House of Representatives, the Honorable EDWARD A. GARMATZ, chairman of the House Merchant Marine and Fisheries Committee and the distinguished dean of the Maryland delegation, will retire at the end of the 92d Congress.

This retirement will mark the end of the public aspect of one of the most illustrious legislative careers in modern history.

Chairman GARMATZ left a gigantic, profound, and lasting imprint in the Halls of the Congress. There is no Member who has given to the people of his district, his State, and country more dedication, more energy, and better results than the man whom we have all come to love and respect, my good friend Ed GARMATZ.

During the years when my district was one of the most depressed economic areas in the Nation, many of my constituents had to go to Maryland to get a job. Many of them are still there, although, thank God, my district has now come back—but thanks to my dear friend Ed GARMATZ when we needed him he was there.

#### THE 92D CONGRESS: A RECORD OF ACHIEVEMENT

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. HELSTOSKI. Mr. Speaker, by all standards of measurement, the 92d Congress has produced much desirable legislation in various important areas. To highlight the work of the 92d Congress, I have prepared a newsletter for my constituents in the Ninth Congressional District of New Jersey.

The newsletter follows:

HOUSE OF REPRESENTATIVES,

Washington, D.C., October 1972.

DEAR FRIEND: The 92nd Congress has come to a close. I want to report to you on its work during 1971 and 1972.

This Congress has compiled a record of outstanding achievements.

Seasoned observers have described the 92nd Congress as productive, constructive and hardworking.

A look at the record makes it easy to agree with this judgment.

We made major advances in the fields of education, health, crime control, programs for older Americans, environmental protection and campaign reform. And we passed several measures aimed at coping with the continuing problems of high unemployment and soaring inflation.

This report reviews only the highlights of the legislative achievements of the 92nd Congress.

When the 93rd Congress convenes in January, the problems facing our nation will still be with us, for there are no instant solutions or overnight cures. But we will be building on a solid foundation laid down during the past two years.

I pledge you my continuing effort to work for the goals all Americans share: a strong and free, a just and prosperous nation in a world of peace.

Sincerely,

HENRY HELSTOSKI,  
Member of Congress.

#### NEW PROGRAMS HELP STUDENTS FROM PRESCHOOL TO COLLEGE

Young people throughout the nation will benefit from these historic education measures:

Omnibus Education Act of 1972 is the most significant advance for higher education since Abraham Lincoln signed the Land Grant College Act over a century ago. This measure extends all existing aid to higher education programs and creates important new ones, including:

A new system of Basic Educational Opportunity Grants, entitling every college student to an annual grant of \$1,400, less the amount his parents can contribute;

A new program of direct institutional aid for colleges and universities;

Help for occupational and vocational education;

A National Institute of Education to develop better ways of teaching and learning at every level—preschool through graduate school.

Expanded Head Start Program to enable children of working families as well as the poor to participate in this voluntary day care program.

National School Lunch Act Amendments provide free and low price meals for needy children.

Vietnam Veterans Education Assistance means a major increase in aid for education and vocational rehabilitation for returning veterans.

#### THE 32-PERCENT SOCIAL SECURITY INCREASE LEADS LIST OF ELDERLY BENEFITS

For older Americans, this has been one of the great Congresses in history—and the 32% Social Security increases passed in 1971 and 1972 are but the tip of the iceberg.

Here are some of the many benefits our 20 million senior citizens will realize from Congressional initiatives:

Nutritional meals for those who need them—even shut-ins.

Low-cost transportation.

Job training and employment.

Community centers.

Pre-retirement training.

Health and education services.

Gerontological centers to study the variety of problems older Americans face.

A new National Institute of Aging to conduct research on the aging process and the special health problems of the elderly.

Congress also overrode a Presidential veto

of a 20% increase in *Railroad Retirement benefits*.

Note: the major legislation passed for America's older citizens during 1971-72 originated not in the White House, but in Congress. This legislation represents a lasting commitment to every American over 65.

#### NEW ACT REFORMS CAMPAIGN SPENDING

At a time when the costs of campaigning have skyrocketed, the Congress passed the Federal Election Campaign Act of 1971.

The historic act:

Limits the amount of advertising spending in campaigns.

Requires broadcasters, newspapers and magazines to sell advertising to candidates at the lowest commercial rate.

Requires campaign committees to report contributions and expenditures of \$100 or more.

Limits the amount a candidate or his family can contribute to his own campaign.

#### REVENUE SHARING AIDS STATE, LOCAL GOVERNMENTS

In response to pleas from hard-pressed states, counties and cities, Congress this year enacted a \$30.1 billion revenue sharing bill.

State governments will receive one-third of the funds; local governments the other two-thirds. The money is expected to be spent on such high priority items as:

- Public safety.
- Environmental protection.
- Public transportation.
- Health.
- Recreation.
- Libraries.
- Social services for the poor and aged.

#### NEW CONGRESSIONAL ACTIONS ON FOREIGN, MILITARY POLICY

Among the several actions of the 92nd Congress in foreign and military policy are:

**SALT Agreements To Limit Strategic Weapons:** Congress approved a five-year U.S.-Soviet accord limiting offensive nuclear weapons.

**ABM Treaty With Soviet Union:** The Senate approved a treaty with the Soviet Union limiting the number of ballistic missiles.

**Military Draft:** Congress amended the Selective Service Act to:

- Extend the draft to June 1973.
- Grant student deferments.

Increase military pay in order to encourage voluntary enlistments.

#### A GREAT CONGRESS FOR VETERANS

Many observers are calling the 92nd Congress the greatest Congress for veterans in history. In the past two years, we have passed major laws to educate our veterans, to provide them better treatment in VA hospitals, and to liberalize burial allowances for veterans.

#### NEW GI BILL

This landmark measure increases educational allowances for Vietnam veterans by 25 percent. Fulltime students will now receive:

Single students: \$220 a month; married students: \$261 a month; married and one child: \$298 a month; and each additional dependent: \$18 a month.

#### NATIONAL CEMETERY BILL

This law: transfers to the VA responsibility for administering all national cemeteries. Increases burial allowances for veterans who die from service connected disabilities, provides an additional burial allowance for veterans who do not wish to be buried in national cemeteries.

#### VA MEDICAL SCHOOL ACT

To help meet the nation's medical manpower shortage—and to improve VA medical care—this pilot program authorizes the establishment of eight new medical schools in veterans' hospitals across the nation.

#### VETERANS MEDICAL CARE

This new act will vastly improve the entire VA medical care system. To ease crowded hospital conditions, veterans with non-service-connected medical problems can now be treated as outpatients. Some families of permanently-disabled veterans or their survivors can also now receive hospital care.

#### DISABLED VETERANS' BENEFITS

Provides a 10% boost in benefits for disabled veterans.

#### ENVIRONMENTAL PROTECTION GIVEN HIGH PRIORITY

Clean air and water, and the conservation of our resources and wildlife have been chief concerns of the 92nd Congress. This Congress has taken important action to protect the nation's environment.

**Water Quality Standards Act** provides \$24.6 billion to clean up the nation's waters and control water pollution. The goal of this, the most far-reaching water pollution bill ever passed, is to end all discharges of pollutants into navigable waters by 1985.

**Federal Environmental Pesticide Control Act** will help protect man and our environment, while permitting farmers to use pesticides to grow food and fiber.

**Wildlife Hunting from Aircraft** is prohibited, protecting certain wild birds, fish and other animals.

**Youth Conservation Corps**—To extend and expand this pilot youth conservation program.

#### CONGRESS ACTS TO MEET HEALTH CARE CRISIS

Quality health care—at prices people can afford—is one of the major problems facing Americans today. As a nation, we have slipped from 13th to 22nd place in male life expectancy, from 6th to 21st in infant mortality. Doctor bills and hospital costs have skyrocketed, yet 36 million Americans under age 65 are not covered by private health insurance. Moreover, the nation is suffering from a critical shortage of doctors and other trained health personnel.

The 92nd Congress has taken the initiative to meet the crisis with several important measures:

**Medical Personnel**—Two new laws provide nearly \$4 billion to train more family doctors and nurses.

**Conquest of Cancer Act**—Sets aside \$1.5 billion to find cures for cancer.

**National Cooley's Anemia Control Act**—A national effort to prevent and treat this blood disease which affects some 200,000 persons in the U.S., mostly children.

**Multiple Sclerosis Research**—Creates a National Advisory Commission to help find the cause of M.S. and develop cures.

**Communicable Disease Control Act**—Helps states and localities control the spread of communicable diseases.

**National Heart, Blood Vessel, Lung and Blood Act.**

**Rehabilitation Act**—An extension of the 50-year-old Vocational Rehabilitation Act, adding major new programs to aid the severely handicapped and other disabled persons.

**Black Lung Benefits**—To make it easier for coal miners, stricken by black lung disease, to receive benefits.

#### CONGRESS FOCUSES ON CONSUMER PROTECTION

In recent years, Congress has passed a host of measures on behalf of the American consumer. Truth-in-lending... wholesome meat and poultry... truth-in-packaging... auto, tire and toy safety... fair credit reporting... these are a few.

The 92nd Congress has expanded this record:

**Flammable Fabrics Amendments** of 1971 require manufacturers to certify that their products meet stringent anti-fire requirements.

**Consumer Product Safety Act** of 1972 assigns the Federal government a major role in protecting the consumer from unreasonable risks of death, injury or illness caused by consumer products. A new Consumer Product Safety Agency will set mandatory safety standards and remove products from distribution when necessary.

The Automobile "Bumper Bill" directs the Secretary of Transportation to fix minimum standards for bumpers to halt or reduce auto damage in low-speed collisions. The bill also outlaws tampering with mileage gauges.

#### NEW BILLS TO FIGHT CRIME AND DRUGS

Every public opinion poll of recent years shows that crime and drug abuse are major concerns of the American people. The 92nd Congress continued to face up to mounting problems in these crucial areas:

#### CRIME

**Juvenile Delinquency Prevention Act.** This major law provides \$150 million over two years for: Education and counseling, health services and recreational facilities for potential juvenile delinquents; and training personnel in the juvenile delinquency field.

#### DRUG ABUSE

**Drug Abuse Office and Treatment Act.** This new law provides over \$6 billion to: Establish a National Institute on Drug Abuse; increase funds for special drug projects under the Community Mental Health Centers Act; help States develop drug abuse programs; and require federally funded health facilities to offer needed treatment to drug addicts.

**Foreign Shipments of Narcotics.** Gives the President power to halt foreign aid to countries which allow shipments of narcotics into the U.S. or allow the continued flow of drugs to our servicemen overseas.

**Addition of Servicemen.** Another new law requires the military to identify drug-dependent servicemen and to treat them.

**Rehabilitation of Addicts.** A third measure creates new programs to encourage the employment of rehabilitated addicts, with special preference for veterans.

#### CONGRESS AIDS RURAL AREAS

Too many rural Americans are denied the basic necessities of modern life. That's why many migrate to the large cities.

With passage of the Rural Development Act of 1972, Congress sought to improve the conditions of rural living, especially by increasing job opportunities on farms and in small towns.

The new law provides help for rural communities for housing, water quality management, pollution control and farm credit.

#### NEW AMENDMENTS BROADEN RIGHTS

The 26th and 27th Amendments to the Constitution were passed by this Congress to guarantee the vote to 18-year-olds and to end discrimination based on sex.

#### 18-YEAR OLD VOTE

This Amendment, first proposed in World War II, extends the right to vote to citizens 18 years of age or older in all elections. It was quickly ratified by the states and signed in July 1971. Because of it, eleven million more voters are eligible to vote in the Presidential election this year.

#### EQUAL RIGHTS FOR WOMEN

Throughout history, our laws, attitudes, regulations and customs have often discriminated against women. Numerous distinctions based on sex exist in law. For example:

Twenty-six states prohibit women from working in certain occupations; thirty-seven states have fair employment practice laws, but only fifteen prohibit discrimination in employment based on sex; some communities still have dual pay schedules for men and women public school teachers.

To end discrimination, the Equal Rights Amendment says: "Equality of rights under



the law shall not be denied or abridged by the United States or by any state on account of sex."

Twenty-one states have already ratified the Amendment; thirty-eight are required.

#### ECONOMIC PROBLEMS TROUBLE CONGRESS

Since January 1969, unemployment in the United States has climbed to over 5.5 percent. The 1969 dollar has lost 12½ cents in value. The number of Americans on welfare has doubled. Business is off, profits are down and government tax revenues have dropped sharply. The Federal budget continues to show record deficits.

So one of the top priorities of this Congress was to help put people back to work. We passed the *Accelerated Public Works Act of 1971*, authorizing \$2 billion to create 170,000 jobs in the public sector. (President Nixon vetoed this bill.) We then passed the *Emergency Employment Act* authorizing \$2¼ billion for transitional public service jobs and special State employment assistance programs. We also earmarked \$275 million for additional unemployment benefits and allowances.

Congress also:

Extended the President's authority to establish controls on prices, rents, wages and salaries.

Increased the personal income tax exemption per tax payer and dependent to \$675.

Came to the aid of small businesses by increasing the amounts of Federal loans and guarantees.

Finally, Congress acted to hold down record budget deficits by cutting the fat out of the Administration's budgets, while seeking to meet the nation's genuine needs. During the past three years, Congress has cut a total of \$14½ billion from the Administration's appropriations requests—and the total appropriations this year will again be below the President's budget.

#### TRIBUTE TO CONGRESSMAN EDWARD GARMATZ

#### HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. WAGGONER. Mr. Speaker, I feel privileged to rise on this occasion to say a few of the many fine things I could say about my personal friend and colleague, the distinguished chairman of the Merchant Marine and Fisheries Committee, EDDIE GARMATZ, of Maryland, who has served his country faithfully as a Member of Congress for the past 25 years. I need not mention his many achievements in the past; we, of course, know of his commitment to the people of this country and his State. And his constituents have certainly expressed their pride in his service and gratitude for his devotion by sending him to Congress as their representative 13 times. Is there a finer way of telling someone "we appreciate all you have done for us"?

As a Member of the House, EDDIE GARMATZ served on the Government Operations Committee and on the Merchant Marine and Fisheries Committee for 23 years and as its outstanding chairman for the past 6. We are reminded of his devotion to his life's work when we remember his dedication to the U.S. merchant marine and the maritime industries. His interest in and compassion for people helped in making EDDIE GARMATZ

the dedicated public servant that he has been here for the past 25 years and in his home State of Maryland throughout his lifetime.

It is with sadness that we say goodbye to our colleague, but with appreciation for his untiring efforts in making his State and his country a better place in which to live. I admire and respect him and deeply want to thank him for being a part of this Congress, and now, a part of us.

#### TRIBUTE TO THE HONORABLE WATKINS M. ABBITT

#### HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. COLMER. Mr. Speaker, one of Virginia's most distinguished sons and my friend and colleague, WATT ABBITT, will retire at the end of this session from the U.S. House of Representatives.

His service being patterned after many great Virginians who preceded him, from Washington, to Gov. Bill Tuck and Howard W. Smith, two of his greatest friends and contemporaries, WATT ABBITT is the emblem of conservatism in the Congress.

WATT belongs to that ever diminishing school of thought in the Commonwealth of Virginia which is dedicated to and practiced sound conservative constitutional government as conceived by his forefathers.

Mrs. Colmer joins me in extending to him and Mrs. Abbit our very best wishes for a long and happy retirement.

#### TRIBUTE TO WATKINS M. ABBITT

#### HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. SCOTT. Mr. Speaker, it has been a pleasure to join with my colleagues from Virginia in paying a tribute to a distinguished Virginian, WATKINS M. ABBITT.

WATT is the dean of our Virginia delegation, not only in number of years but in the prestige he carries among his colleagues from the Commonwealth. I consider WATT to be a very effective legislator, an outstanding man, and a close personal friend. He will not only be missed by his colleagues from Virginia but by the entire House.

In campaigning during the past year throughout the State of Virginia, I have had the opportunity to visit many of the localities represented by WATT and have heard the kind remarks which have been said by his constituents.

As he returns to private life, I certainly wish him the very best of success and would hope that he would even consider, at some future time, offering his further services to the people of his native State in some public capacity. He is a good Virginian, and an outstanding statesman.

#### TRIBUTE TO CONGRESSMAN WILLIAM M. McCULLOCH

#### HON. ROBERT McCLODY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. McCLODY. Mr. Speaker, it is with a sad heart that I reflect today on the retirement of our colleague from Ohio—the Honorable WILLIAM M. McCULLOCH.

Mr. Speaker, during my 10 years of service in this body, and particularly during the past 8 years while I have been a member of the House Judiciary Committee, I have enjoyed a close personal and official contact with BILL McCULLOCH. As the ranking Republican member of the House Judiciary Committee, Congressman McCULLOCH has attended conscientiously to the many issues which have been before the committee for consideration. His thoughtful and conscientious work, and particularly his compassion in behalf of the civil and human rights of our citizens, stands as a great living tribute to his able public service.

Mr. Speaker, in addition to the close relationship which I have enjoyed with Mr. McCULLOCH, I have been privileged also to know his steadfast and attractive wife, Mabel, and his lovely daughter, Nancy McCulloch. While I do not know their future plans, I hope that they will continue to be in evidence here on the Washington scene.

My wife, Doris, joins me in extending to BILL, Mabel, and Nancy McCulloch our best wishes for good health and much happiness.

#### TRADE AND BALANCE OF PAYMENTS

#### HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. DENT. Mr. Speaker, as we wind down this session of Congress, I want to take a moment to record a few figures and observations on trade and balance of payments.

As predicted, the trade picture is gloomy for the United States. The balance in 1971 was beyond any estimate made by anyone. In fact, it is worse than the figures predicted by the administration, although one can get any figure one desires depending upon what he wants to hear.

The facts are plain and only one conclusion can be reached—the Nation's foreign trade policy is killing U.S. manufacturing capabilities and jobs are going to overseas production, with unemployment figures contrived in many cases to try to hold down the actual total figures. But the true figures are climbing in every congressional district.

In 1969, President Nixon found a favorable surplus of \$3 billion; in 1970, the surplus was still favorable by \$2.7 billion. In 1971, the bottom fell out because of new cuts in duties and new concessions to many nations by our roving "Prime Ministry," to an alltime high of \$30.5 billion deficit.

The latest information from the Reserve on international transactions points to a deficit of \$47 billion for 1972. This just proves what I have been telling the House for the past 15 years.

The climb of imports from \$16.8 billion in 1960 to 1972's estimate of \$63.7 billion is the real problem for the U.S. dollar to overcome.

We cannot meet the price in the world market without subsidies, regardless of the productivity of U.S. industry, because of cost factors beyond its ability to overcome.

When we hear of U.S. productivity pegged at 3.5 percent and that of Japanese rated at 10 to 14 percent, we suddenly jump all over domestic industry and labor.

It just depends upon what the 3.5 percent is related to; remembering the early Japanese low-productivity, and the basing of contemporary productivity figures on that low. There comes a point of limitation in productivity and the Japanese will reach it.

The trouble now is that time is running out and the multinationals are not going to wait for the United States to suffer out the waiting period.

Some say we can survive without high labor production. Well, if we cannot, then we shall surely die once no national has a monopoly on technology.

THE HONORABLE EDWARD A. GARMATZ

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. ZABLOCKI. Mr. Speaker, I join with his many colleagues, friends, and admirers in paying just tribute to the Honorable EDWARD A. GARMATZ upon his retirement from Congress.

With the end of this Congress and his departure, Congressman GARMATZ draws to a close 25 years of distinguished service. He has served the people of Maryland's Third District with dedication and devotion.

On a broader scale he has given his special stamp of distinction to the work of the Merchant Marine and Fisheries Committee. Under his able chairmanship numerous laws have emerged from that committee of far-reaching benefit to our entire Nation and the world.

As he now moves toward a life of well-deserved relief from the daily pressures of office my wife Blanche and I wish him well in all future endeavors.

CHARLES RAPER JONAS RETIRING

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. LANDGREBE. Mr. Speaker, as my good friend CHARLES RAPER JONAS bids us adieu, I am compelled to make the following brief comments:

During my 4 years in Congress it has been my great privilege and pleasure to become well acquainted with that fine statesman from North Carolina. In my opinion, he is one of the best informed and most responsible Members in the U.S. House of Representatives.

It was with deepest regret that I accepted the news, some months ago, of his decision not to seek reelection.

As he relinquishes the endless duties and heavy demands of his high office I extend to him my deepest gratitude and my very best wishes.

#### NEWSLETTER

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. GUBSER. Mr. Speaker, I submit herewith my newsletter which is being mailed to my constituency.

ON CAPITOL HILL WITH CHARLIE GUBSER  
Dear Friends:

This will be my last newsletter of the year since it is likely that the House will adjourn by the end of the week. Here is the current situation at this writing.

#### TYPICAL ELECTION YEAR SESSION

Some bills have been submerged and lost in political bickering; others didn't survive the traditional Senate logjam; still other good ideas met Presidential vetoes because Congress attached unreasonable price tags to them.

My legislation fared well. Survivors Benefit Bill, which will help to achieve an all-volunteer service and eliminate the draft, was signed into law at an unusual White House ceremony. Several of my amendments to the Military Procurement Bill are now law. My amendment to the Military Construction Bill will bring a new dispensary to Moffett Field. The San Felipe Project received an appropriation. I am now urging the President to request an appropriation next year for further preconstruction activity. I favor intensified research on reclamation of sewage water, but believe we should go ahead with the San Felipe Project. It is a sure water supply and not problematic. My cyclamate indemnification bill to help small farmers in the district and a bill which would net the Treasury \$150 million through the sale of government-owned equipment have passed the House but are caught in the Senate logjam. South Bay Wildlife Refuge Bill is now law.

#### ATTENDANCE RECORD

In the current session I answered 92% of all roll call and recorded votes. My attendance record over twenty years averages 83% and is one of the highest in the House. During Congressional sessions, I have made numerous visits to my Congressional District and have officially represented the Congress at the 26-nation Disarmament Conference in Geneva and the NATO Assembly Military Committee.

#### MATTERS OF LOCAL CONCERN

A changed trade policy is helping north county electronic industry employment. The Trident program authorized in the Military Procurement Bill this year should help to stabilize employment at Lockheed. A compromise I offered in a House-Senate conference on this bill saved millions of dollars in research contracts at Stanford University. I received the support of both California Senators and all of my 37 California House colleagues in a presentation to NASA urging that

California not be discriminated against on a purely geographic basis for future Space Shuttle contract awards.

Defense spending is down. My committee reduced future authorizations \$2.3 billion below Defense Department requests. Appropriations were cut \$5.2 billion. These cuts are significant accomplishments because at the same time new weapons projects like the Trident submarine and the B-1 bomber were fully funded for the year. The current budget also absorbed tremendous additional personnel costs aimed at achieving an all-volunteer service. In four years we have reduced the number of military personnel by one million, but at the same time costs attributable to personnel have increased by about \$10 billion!

All-Volunteer Service looks like a sure thing. In July and August 70,000 men and women were true volunteers not motivated by threat of the draft. Barring unforeseen circumstances, it will not be necessary to use the draft after June 30, 1973.

#### SOCIAL SECURITY AND WELFARE REFORM

A 20% Social Security increase is now law with payroll taxes increased to a combined maximum of \$1320 for employer and employee by 1974. Social Security benefits will rise in the future with automatic cost-of-living increases.—Efforts to replace welfare with gainful employment whenever possible were scuttled in the Senate and a small scale temporary trial program substituted. Significant welfare reform seems unlikely as House-Senate conferees are meeting at this time in an effort to salvage something from the conflicting bills passed by both Houses.—Pending in this House-Senate conference is another boost in Social Security taxes to \$1440 for employer and employee by January 1, 1974. Also to be compromised is an increase in allowable earnings for Social Security recipients of between \$2000 and \$3000 for the present \$1680 and extension of medicare to 1.7 million disabled persons under 65. Both Senate and House bills would guarantee a payment to a needy aged couple of \$195 and would increase a widow's benefits to 100% of her deceased husband's entitlement. It should be noted that if Congress adjourns this week for the year, completing 1100 pages of a complicated bill containing 583 amendments is almost an impossible task in such a short period. Therefore, a stripped down bill containing above mentioned features is all we can expect.

Revenue sharing is significant as the first reversal of the trend toward "purse string" domination by federal over local government. Santa Clara County area will receive \$15,105,583 of which cities will receive \$6,906,990. It remains to be seen whether these grants will replace or augment grants for existing federal programs. I favor revenue sharing with no strings attached. If revenue sharing works and the principle is extended, it could mean property tax relief.

#### CONSUMER LEGISLATION

No-fault auto insurance, which has reduced auto premiums dramatically in states like Massachusetts, was killed in the Senate. Consumer advocate, Ralph Nader, reportedly a recipient of significant contributions from the American Trial Lawyers' Association which opposes no-fault, did not push this consumer bill. Another bill to create an independent agency to protect consumers against hazardous products has just been compromised in a House-Senate Conference. I supported the bill.

#### OTHER BILLS

Poverty program extended; A bill I supported to prevent busing of school children is threatened by a Senate filibuster; Foreign Aid reduced almost \$1 billion below the budget; No action on health insurance, but this year's hearings will expedite action in the coming session; More higher education assistance as reported in my August 31 letter; Present housing programs continued after



failure to agree on a new program; Women's Rights constitutional amendment passed and pending before state legislatures.

#### MINIMUM WAGE

On two occasions the House refused to send the bill to conference because of indications that senior House conferees would not make a reasonable effort to uphold the position voted overwhelmingly by the House. Real controversy is whether a lower minimum wage should be allowed for dropouts and students who probably could not be hired at prevailing wage rates.

#### HIGHWAY AID

The House refused to transfer highway trust funds to finance mass transit systems. I voted for mass transit. Next year we must create a new and separate trust fund for this purpose. Taxes for highway construction are producing surplus funds which could be utilized without harming a good highway program.

#### WATER POLLUTION BILL

One of the most far-reaching conservation measures of our time has cleared both Houses. I supported the bill. At this writing a Presidential veto is rumored because of the price tag of \$24.6 billion. In my opinion the price tag alone is not sufficient grounds for a veto since the President could sign the bill, retain its great benefits, and still not be obligated, in the event of a fiscal crisis, to spend all that is authorized. My present intention is to vote to override the veto if it comes.

#### TAX INCREASE?

I favor a spending ceiling of \$250 billion so we can avoid a tax increase. The number of expensive programs which Congress has started in the last ten years and which will become more expensive in the future simply must be controlled. The alternatives are rampant inflation or higher taxes. Neither is acceptable to me.

#### SENIOR CITIZENS

The Older Americans Act is also in conference with the Senate, will provide public service jobs for the elderly and vastly expand federal support services for them. Senior citizens are reminded that John Cassidy, former District Manager of the Social Security Administration in San Jose, is available for appointments in my San Jose office, 361 Town and Country Village. The phone number is Area Code 408 246-1122.

#### GOLDEN GATE NATIONAL RECREATION AREA

Which I co-authored and supported will apparently be compromised with the Senate and will become law this year. For a time it appeared that a jurisdictional dispute and opposition from Armed Services Committee Chairman Hébert might kill the bill. House Rules specifically designate Mr. Hébert's committee as having sole jurisdiction over the transfer of property in military bases. I introduced a bill on one day which received favorable committee action the next. Because the proper committee acted to transfer military lands involved, the jurisdictional problem is now resolved and the way is cleared for passage of the Malliard-Burton bill which I support. This action may have saved this beautiful area near the Presidio of San Francisco as a National Recreation Area.

#### CONGRESSIONAL REFORM

The recorded teller vote system which I co-sponsored in the last Congress has worked well and ended secret voting on many major issues. In this Congress there have been 189 votes which would not have been recorded except for my amendment. Next year I shall push for reforms which will improve the seniority system and allow more freedom of choice of committee chairmen. The content of this newsletter points up the most necessary reform of all. Something must be done to induce the Senate to work steadily all year and not let mountains of major legislation

pile up to be settled in the last few weeks of the session. This sometimes results in hastily considered and poorly written legislation.

In closing, let me say that this has been a most satisfactory year and I am grateful for the privilege of representing you in the Congress of the United States.

FLASH!

As this goes to the printer the House has approved a spending ceiling of \$250 billion. I voted for the ceiling as the best means of avoiding a tax increase. Golden Gate Recreation Bill has passed the House! C.S.G.

Yours sincerely,

CHARLES S. GUBSER.

#### MAN'S INHUMANITY TO MAN— HOW LONG?

#### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 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?

#### HON. THOMAS ABERNETHY

#### HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. GIAIMO. Mr. Speaker, I would like to offer my congratulations and best wishes upon his retirement to a longtime Member of this body, the Honorable THOMAS ABERNETHY, U.S. Representative from the State of Mississippi.

Tom has served in the Congress for 30 years. During this time, he has proved himself to be a loyal and dedicated Representative, both for his constituents back home and for the growth and progress of the Nation as a whole. The evidence of this dedication has been displayed in his continued hard work on the House Agriculture Committee and the House Committee for the District of Columbia. In his position on this latter committee, I feel Tom and I have encountered many of the same joys and problems in our work, as I serve on the Appropriations Subcommittee for the District of Columbia. Therefore, I can appreciate the very real efforts that must be put forward by a member of a committee dealing with the everyday problems and universal considerations of a city that also happens to be the Capital City of a nation.

As Tom returns to his home in Mississippi, I am sure he takes with him many exciting and historic memories of his extensive career in the U.S. Congress. These memories are to be cherished, as I believe Tom will cherish them, for they are possessed by only a limited

number of dedicated and loyal individuals who devote the greatest part of their lives to the well-being of others. Again, I extend my heartfelt good wishes to TOM ABERNETHY for continued success in the future.

#### TRIBUTE TO THE HONORABLE THOMAS PELLY

#### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. ANDERSON of California. Mr. Speaker, since my election to the Merchant Marine and Fisheries Committee, it has been my privilege to work closely on legislative matters with Congressman THOMAS PELLY. His wise counsel, expertise in the shipping and fishing industries, and his logical and pertinent advice were always welcomed.

We worked together on many issues, but of particular significance were the proposals to protect U.S. fishing vessels on the high seas, and the bill to preserve marine mammals. Both of these measures were guided by TOM PELLY through committee and through the House and the Senate.

Having served with Congressman PELLY and being aware of his loyalty, patriotism, and love of country, I can testify that this is a greater Congress because of his magnificent record of leadership.

Mr. Speaker, we will miss TOM PELLY, but we will always cherish the memories of his service in this body. Mrs. Anderson joins me in wishing Tom continued success and every happiness in the future.

CONGRESSMAN EMANUEL CELLER

#### HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. WAGGONER. Mr. Speaker, this is the first time in my 11 years in the House that I have had the opportunity and pleasure to pay tribute to a man who has served in the House as long as EMANUEL CELLER has. You know, the distinguished chairman of the Judiciary Committee has been in the House for so long that legend has it that he was in the House when it first began.

The chairman and I have maintained a close personal friendship in the years that I have been serving in the House and have continued our mutual respect for each other, although our political philosophies have kept us on opposite sides many more times than not.

EMANUEL CELLER has been a dedicated and hard-working member of this body for 50 years and has made great contributions to his own 10th District of New York and to the Nation as a whole. He is one of the most respected Members of the House.

As a Member of this body, I can truth-

fully say we will sorely miss EMANUEL CELLER's abilities, his forcefulness, his wisdom, and his all-encompassing knowledge of the legislative process.

HON. JOHN H. TERRY

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. DULSKI. Mr. Speaker, I join my colleagues in saluting our upstate New York Member, the Honorable JOHN H. TERRY.

In his term here in Congress, JOHN TERRY has displayed an avid interest in his work and a great dedication to the interests of the people of the 34th District who sent him here as their Representative in the Congress.

JOHN TERRY is no newcomer to public life. Indeed, he started his career as a member of the Onondaga County Board of Supervisors by appointment in 1948 at the age of 23, at that time the youngest supervisor in the county's history. He was elected to six consecutive terms.

He left the board to join the staff of our Governor in several positions, including assistant secretary. Returning to private practice of law in Syracuse, it was only a few months until he was lured back to the legislative life, winning the first of five elections to the New York State Assembly.

Syracuse and Onondaga County know well of JOHN TERRY and already have paid him many honors. We in the Congress have had an all-to-brief chance to come to know him. His decision last spring to return to the private practice of law was made, he said, in the interests of his family.

I am happy for this opportunity to add my good wishes to those of my colleagues to JOHN H. TERRY, a respected Member of the 92d Congress.

### RETIREMENT OF THE HONORABLE EDWARD A. GARMATZ

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mrs. MINK. Mr. Speaker, It gives me great pleasure to rise in tribute to the Honorable EDWARD A. GARMATZ, chairman of the House Committee on Merchant Marine and Fisheries.

I am pleased to join his many friends and admirers on this special occasion recognizing his retirement from the House of Representatives.

EDDIE GARMATZ has served the constituents of his District of Maryland for 25 years. His quarter-century of hard work and service is in itself a measure of the great respect he enjoys among the people of his State.

Beyond his help for Maryland, EDDIE has truly been a national legislator whose

interests and responsibilities affect the entire country and beyond. My own State of Hawaii, located in the Pacific Ocean and heavily dependent on both merchant marine service and fisheries as important aspects of its economy, has benefited from the chairman's long and dedicated toil.

On a personal basis, I know I shall miss EDDIE GARMATZ's daily presence in the House. He is held in great esteem by all Members of this body.

I wish the best of future success and happiness to EDDIE GARMATZ and his family.

### PROBLEM OF ABORTION

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. SCHMITZ. Mr. Speaker, I have received a most clear-sighted letter from a high school student on the problem of abortion that I am taking this opportunity to share it with my colleagues:

SACRAMENTO, CALIF.,

September 26, 1972.

Congressman JOHN G. SCHMITZ,  
Longworth House Office Building,  
Washington, D.C.

DEAR SIR: I am a freshman attending Mira Loma High School in Sacramento.

I am particularly concerned about the abolishment of the death penalty and the laws legalizing abortion. It seems a little strange to me to save convicted criminals, especially those convicted of murder; yet murder innocent, helpless babies. After all, even criminals get a trial. In my opinion the death penalty is not cruel and unjust because to get the death penalty the criminal did a cruel and unjust thing to someone else, like murder them. I also think anyone shooting a policeman should automatically get the gas chamber. By limiting the death penalty criminals don't care if they might be caught because the most they could get would be a life sentence, thus making the crime rate increase.

I also think abortion is an inhuman way to get rid of our so-called "problem." I feel the girls should have to go through the delivery and either keep the child or put him up for adoption; or she and her doctor should be charged with 1st degree murder.

Letting mean criminals free and killing innocent babies—or even kind old people—is not a fair trade.

Thank you for your valuable time.

Sincerely yours,

PATTY OLIVER.

### HON. ALTON LENNON

### HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. McMILLAN. Mr. Speaker, I take great pleasure in joining my colleagues from North Carolina in paying honor to the Honorable ALTON LENNON who has made a decision to retire from Congress. Mr. LENNON and I have worked together where our districts join. He and I have the same problems in North and South Carolina such as tobacco and flood con-

trol. His services in the U.S. Congress will be sorely missed.

HON. WATKINS M. ABBITT

### HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. ROYBAL. Mr. Speaker, I join with my colleagues in saluting Congressman WATKINS M. ABBITT.

His long and distinguished career in the House of Representatives has been one of dedicated service to the Nation and to the people of the State of Virginia. He has served with distinction for over two decades and although he will be missed by all who have come to know him over the years his retirement is, indeed, well earned.

I extend to him my sincere best wishes for every success in his forthcoming pursuits.

### GROSS VIOLATIONS OF HUMAN RIGHTS IN GREECE

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. FRASER. Mr. Speaker, it does not take a New York Times report of political torture in Greece to convince me that inhuman acts are being perpetrated by the Greek junta. A steady stream of letters reaches my office detailing the distressing cases of individuals jailed for political reasons in Greece and subjected to barbarous treatment.

Some of my colleagues, however, may not have the benefit of personal correspondence with those—family and others—deeply concerned by these conditions. The September 21, 1972, Times report headlined, "U.N. Unit Said to Report Greeks Violate Human Rights," succinctly outlines the findings of a U.N. panel looking into the general issue of human rights violations. I recommend a reading of the Times report to the Members of this House. But, a strong stomach is a prerequisite.

The article follows:

U.N. UNIT SAID TO REPORT GREEKS  
VIOLATE HUMAN RIGHTS

(By Kathleen Teltsh)

UNITED NATIONS, N.Y.—A United Nations panel, after examining hundreds of letters, has reportedly concluded that a "consistent pattern" of gross violations of human rights exists in Greece.

The letters—many of them said to have been smuggled out of prisons where the writers were confined—describe in detail torture and threats they say were used by security policemen and jailers to elicit "confessions" of treasonous actions against the military-backed Athens Government.

The United Nations panel of five experts, which met for 10 days, was not able to screen all of the 27,000 communications concerning human rights received from a number of countries in the last year.



## PANEL CREATED LAST YEAR

The panel—the first United Nations body empowered to examine complaints from individuals or private groups for any pattern of “gross and reliably attested violations of human rights”—was created last year under a United Nations resolution that called for secrecy in the screening of documents.

The conclusions reached so far on Greece, Iran and Portugal—the panel did not complete work on others—were conveyed at closed meetings to the United Nations subcommission on the prevention of discrimination and protection of minorities.

The parent body has instructed the panel to keep its findings “under study” until it meets again next August, which would give the three accused governments a chance to reply—if they wish—to the charges.

The members of the panel were selected in a broad regional basis from the 26 who serve on the subcommission. They are not supposed to be government spokesmen but rather experts serving as private persons. The five are José D. Ingles of the Philippines; Ahmed Kettani, Morocco; Antonio Martinez Baez, Mexico; Mrs. Nicole Questiaux, France and Sergei N. Smirnov of the Soviet Union.

Although they met in private and adopted precautions to keep their findings confidential, they were reliably reported to have found a “consistent pattern” of violations committed by Portugal and by Iran, which were accused of arbitrarily arresting hundreds of political dissidents, holding secret trials for them and, in scores of instances, executing them.

However, the most substantial evidence was supplied to the panel on Greece. According to informants, this material included affidavits on recent trials of prisoners as well as the letters.

## LAWYER AT ATHENS TRIAL

Included was one communication from a Washington lawyer, George C. Vournas, who witnessed the trial last March in Athens of 17 persons on conspiracy charges. Mr. Vournas wrote: “It was distressing to note that charges of beatings and torture, which all the defendants went through, were taken for granted or considered ‘normal procedure’ by the court.”

The bulk of the material on Greece was submitted by Prof. Frank C. Newman of the University of California Law School at Berkeley who acted as legal counsel without pay or a group of Americans and Europeans and for four widely respected private organizations active in protecting human rights.

The four are Amnesty International; the International Commission of Jurists; the International Federation for the Rights of Man, and the International League for the Rights of Man. The league had designated Mr. Vournas to observe the Athens trial.

Professor Newman said during a telephone interview that he was “disappointed but not dismayed” by the delay, and maintained that the United Nations was testing a “revolutionary concept” in enabling citizens anywhere to write and level charges against their own governments, calling the governments to account before world opinion.

## TORTURE IS REPORTED

The letters and affidavits he submitted included a number written in recent months and in 1971 that he said, showed that abuses were continuing in Greece and that torture continued to be allowed by the military Government, which seized power in a coup in 1967.

The Council of Europe, on the basis of its own inquiry in 1969, had also concluded that widespread violations were committed in Greece, including the torture of political prisoners. Greece withdrew from the council before proceedings for expulsion could take place.

Through Professor Newman, the organiza-

tion known as Amnesty International is known to have submitted communications signed by more than 300 prisoners.

Amnesty International, in one communication to the United Nations, gave the names of 117 prisoners it charged were being held as of last April in seven different facilities under conditions that violated their human rights. The facilities were identified as Aegina, Eptapyrgion, Trikkala, Kergyra, Chalkis and Alkarnassos prisons and Boyati Military Camp.

Other documents also complained of abuses at Averoff Prison in Athens where women prisoners were held, and cited mistreatment of political inmates at Korydallos Prison and elsewhere.

The letters describe prison conditions as “medieval” and note that the International Committee of the Red Cross, before it was ordered out of Greece, had urged the Athens Government to close some facilities as unfit for use. One communication describes Eptapyrgion Prison as a “sunless tomb” where political prisoners are without medical treatment. Another from Kerkira Prison on the island of Corfu, written in 1972, reports that political prisoners are kept in unheated and windowless cells.

## SOLES BEATEN WITH ROD

A communication from Korydallos Prison, dated January this year, names the security officers who the writer said had tortured him and administered “falanga”—beatings with a wooden rod on the soles of the feet. It said: “The interrogation was accompanied by horrible tortures—blows, kicks—hands handcuffed behind the back for 48 hours, starvation for 36 hours, and solitary confinement for 35 days.”

Another communication was attributed to a medical student and said he was arrested last October by the Athens security police. It describes his interrogation in these terms:

“They first blindfolded me, took me down the cellar with kicks and cuffs. There they made me undress and tied me to a bench. Someone started to hit me on the soles of the feet with a metal tube, while someone else had tied my genital organ with a nylon thread which he kept pulling.”

A communication from Andreas I. Frangias, described as a 53-year-old engineer, says he was beaten repeatedly until he lost consciousness. It says that he repudiated a statement he signed last January because the mistreatment “took away my powers of resistance and the normal use of reason.”

The subcommission’s decision to put off action means that the five experts will have a heavy backlog to consider in the next 12 months. Communications on human rights matters total 10,000 to 30,000 annually but have been known to run as high as 57,000 in some years. Many reflect organized campaigns to report a relatively small number of abuses.

Informants say that communications have been sent recently charging violations of human rights in Czechoslovakia, in Indonesia, in Bangladesh, Brazil and, most recently, concerning the treatment of Asians in Uganda.

## HON. JOHN L. McMILLAN

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. RHODES. Mr. Speaker, it is a pleasure to join in paying tribute to the Honorable JOHN L. McMILLAN, one of our most able and respected colleagues. It is well deserved, for JOHN McMILLAN is a gentleman who has been loyal and dedicated over the years to the best interests

of the citizens of his constituency, State, and Nation. It is with regret that we see him return to South Carolina at the end of this session, but he leaves with the proud knowledge of a “job well done” and a high standard of performance. My every good wish goes with him for happiness in the years ahead.

## HON. BILL COLMER

## HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. RODINO. Mr. Speaker, the chairman of the House Rules Committee is a demanding, exacting and at times, a most trying position to fulfill. The responsibility constantly resting on the shoulders of the Honorable WILLIAM COLMER these many years has been well known to us all.

While his views may not have always found amiable response, Mr. COLMER's efforts and energies were continually directed toward what he believed to be the best for his constituents and for the men and women of this entire Nation. He has served his people with great dedication and with a deep sense of truth and justice. For these admirable qualities we pay tribute to him at this time and wish him continued years of health, happiness, and personal fulfillment.

## “MANNY” CELLER

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Ms. ABZUG. Mr. Speaker, it is a great pleasure for me to rise with my colleagues in this well-deserved tribute to EMANUEL CELLER. There is no one in this Congress who has sustained a better record nor developed a more profound sense of civil rights and civil liberties than “MANNY” CELLER. An erudite, articulate and respected man, with a marvelous understanding of what democracy is all about, EMANUEL CELLER has served his Nation, his State, and his district outstandingly.

It has been said that EMANUEL CELLER is responsible for more amendments to our Constitution than any man since the Founding Fathers. His committee has produced perhaps the most significant pieces of social legislation since the days of reconstruction. From his committee came the 1957 Civil Rights Act, the 1964 Voting Rights Act, and the 18-year-old voting amendment.

But “MANNY” CELLER's record of achievement is not just in his committee and floor work. I have had the pleasure during the last 2 years to know him as chairman of the New York delegation. He contributed greatly in that role as we all tried to improve the conditions of the people of the city and State of New York.

And of course his record as dean of the House means that MANNY has been able to put his stamp on all the signifi-

cant pieces of legislation that have passed through this House since he arrived here in 1923.

His active support of the New Deal legislation, particularly the National Recovery Act alone would have made him rank high in the esteem of his country. But this was naturally coupled with the role he played in fighting facism in the forties and his successful attempts to secure equality for all during the 1950's and 1960's.

MANNY CELLER's record will be hard for any one person to match.

HON. EMANUEL CELLER

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. DELANEY. Mr. Speaker, the adjournment of the 92d Congress not only brings to a conclusion the 2-year business of the National Legislature, but will also mark the end of an era, as the distinguished dean of the New York congressional delegation, and our beloved colleague, the Honorable EMANUEL CELLER, takes his leave of us.

"MANNY" has served in Congress longer than any other Member, with the single exception of the Honorable Carl Vinson, whose service is only 2 months longer. Nine Presidents have held office during his tenure and, on many occasions, turned to him for counsel and advice.

He has been an active and well-known figure in some of the most exciting and important history of our Nation. As a remarkably able lawyer and moving force on the Committee on the Judiciary, MANNY CELLER has shaped perhaps more important and far-reaching legislation than any other Member. Civil rights, revision of laws, including proposals to amend the Constitution, immigration, and claims against the Government, are some of the legislative areas in which he has made significant contributions.

But the distinguished gentleman from New York is far more than an outstanding legislative expert. He is a completely dedicated public servant, who has served his constituents, his State, and his Nation with distinction, honor, and deep devotion.

MANNY is a man of wit and charm, and his unique facility for phrasing his thoughts often demonstrates his broad knowledge of history, literature, and the arts. He is a delightful companion, and I am honored to know him as a friend.

I wish him Godspeed in his future endeavors, and, like his many friends on both sides of the aisle, wish him every success and happiness in the coming years.

HON. WATKINS ABBITT

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. GIAIMO. Mr. Speaker, the State of Virginia has the reputation for pro-

ducing many of our greatest leaders and statesmen. For the past 24 years, the Honorable WATKINS ABBITT, U.S. Representative from Virginia's Fourth District, has served both his native State and the country in the loyal tradition of America's oldest colony.

"WATT" ABBITT has offered his dedicated service to his duties as a member of the House Committee on Agriculture, the Committee on House Administration, and the Committee on Standards of Official Conduct. The varied responsibilities of these committees demonstrate the diverse talents necessary for a Congressman to serve successfully on all three at one time.

"WATT" has obviously earned the respect of his constituents back in Virginia, as they have chosen to return him to the Congress as their representative for 13 terms. His Virginia colleagues in the House have honored him by considering him the dean of their State delegation. Such continued confidence is not given to a man unless he demonstrates loyalty and perseverance in the job he has chosen for himself.

I would like to offer my congratulations to "WATT" ABBITT for his successful career in the House of Representatives, and I would like to add my best wishes to him for continued success in whatever activities he pursues in the coming years.

RETIREMENT OF CONGRESSMAN  
ABBITT

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. FLOOD. Mr. Speaker, WATKINS M. ABBITT will retire at the end of the 92d Congress and the Hall of the House of Representatives will not be the same.

"WATT," as he is affectionately called by his friends, is dear to every Member of this House.

WATT and I have two things in common—he is deeply interested in the welfare of this Nation, and he has represented cousins of mine who live in his district, and who, in my opinion, have been very well represented.

After 24 years of service together, I can only wish WATT the very best in his retirement.

So long, cousin.

TRIBUTE TO THE HONORABLE  
ALTON LENNON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. ANDERSON of California. Mr. Speaker, I have considered it a rare privilege and a personal honor to have served with Congressman ALTON LENNON.

As a member of the Oceanography Subcommittee which he so ably chairs, I have learned and benefited from watching and listening to this truly outstanding Congressman and fine gentleman.

AL LENNON is respected by his col-

leagues because of his logical reasoning, his brilliant mind, and his articulate, concise, and candid explanations. In addition, AL LENNON is admired, because of his warm and gracious manner.

I shall never forget our work in the subcommittee on legislation which would encourage the States to establish coastal zone management programs. While we occasionally disagreed on the details of this matter, I was always impressed by his boundless energy and sincere enthusiasm for the project.

Mr. Speaker, the American maritime industry, our fish and wildlife resources, and our Nation's welfare have all benefited from the work of the quiet and effective Congressman ALTON LENNON.

It is with great affection that I pay tribute to AL, and Mrs. Anderson joins me in wishing him a long and happy retirement in his native Wilmington, N.C.

VINCENT JAY IN NEW ROLE WITH  
FEDERAL PROFESSIONAL UNIT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. DULSKI. Mr. Speaker, 10 years ago next month the Federal Professional Association was born here in the Nation's Capital with the aim of fostering high standards of public service by organizing professional-level Federal employees.

The founder and first president of the association was Vincent E. Jay, now an employee of the Environmental Protection Agency.

As the group's anniversary nears, the incumbent president, Dr. Jerry A. O'Callaghan, has announced Mr. Jay's appointment to a new role of responsibility as executive vice president.

Mr. O'Callaghan said the association currently is working with the Civil Service Commission to implement some of the recommendations of the Job Evaluation and Pay Review Task Force. He said the group also is studying educational and training practices as an area for professional involvement.

HON. CHARLES H. GRIFFIN

HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. WAGGONER. Mr. Speaker, it is a pleasure for me to rise to address the House in honor of a Southern gentleman who is a close friend and a great American. Dedicated to his work and devoted to his family—this is the measure of CHARLIE GRIFFIN.

When I came to Congress 11 years ago, CHARLIE was here. I came to know him while he was working for another good friend of mine, the Honorable John Bell Williams; and I was extremely pleased when the people of the State of Mississippi, the eastern neighbor of Louisiana, saw fit to retain CHARLIE's services in Washington and to elevate him to be their representative in Congress. Those Mississippians knew a good man when



they saw one. They knew CHARLIE to be a man of fine character, experienced in Government and legislative procedures; and since he was sent here initially as a Member of the 90th Congress, his constituents have seen fit to reelect him to both the 91st and 92d Congresses. Now he retires upon the completion of a career on Capitol Hill which can be equaled by few.

As a member of both the Banking and Currency Committee, and the Merchant Marine and Fisheries Committee, CHARLIE GRIFFIN's committee work could be summarized in two words—dedicated and efficient. Words, however, cannot adequately state the value of his service to his native Mississippi and to his country.

The other Members of this body who have paid tribute to CHARLIE GRIFFIN have spoken profusely in regard to his contributions, qualities, and attributes; and I would like to close by merely saying that in addition to all of these things that CHARLIE has done for our Nation, I will always remember the close friendship we shared and will always admire him and respect him for he is a fine man. The people of Mississippi's Third District are justified in feeling proud of the character of service that he rendered for his district and his State. His objective was to work for what was best for America, and his dedication to that end will be sorely missed in the future. Men like CHARLIE are few and far between. My personal regards to you, CHARLIE, and to your fine family in the future.

#### NEWSLETTER

### HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. DENT. Mr. Speaker, I am privileged to serve as chairman of the general Subcommittee on Labor of the Committee on Education and Labor. Our subcommittee has within its legislative jurisdiction matters of vital importance to millions of working Americans.

During 1972, we were especially attentive to three categories of socioeconomic legislation: minimum wage, black lung benefits, and pension reform.

The following newsletter capsules our efforts in those areas and relates those efforts to the significant communications input we enjoy from workers who write us.

#### NEWSLETTER

As a Member of Congress, I have two primary roles. My last newsletter dealt with my role as a liaison between the vast federal bureaucracy and you, my constituent. This newsletter deals with my second, equally important role, that of a national legislator. Because of my seniority in Congress, I am privileged to hold several leadership positions and to serve as Chairman of two major committees. One of the committees is directly responsible for legislation which affects each and every one of you—and much of that legislation is initiated and fashioned because of you.

In recent years, my committee has enacted such national law as that dealing with coal

mine health and safety, equal employment opportunity, and age discrimination in employment. During 1972 alone, we considered three matters of particular importance to the people of our area: Pension Reform, Black Lung Benefits, and Minimum Wage increases. At least one of these subjects is important to you; perhaps even more so to a member of your family, a neighbor, or friend. And the shape of that national legislation is influenced by you, through my knowledge of our area and its people. The balance of this newsletter will be devoted to relating the need for this legislation to the people who live right in our own western Pennsylvania communities.

#### MINIMUM WAGE

The Fair Labor Standards Act of 1938 established a national minimum wage for the first time. That wage was \$0.25 per hour. The Act also established time and a half pay for overtime, although not every worker was eligible to receive the minimum wage or the overtime differential. During subsequent years, the wage rate was increased and more workers were covered by the Act. The last change (in 1966) took the minimum wage to \$1.60. But inflation has already eaten away any gain made by that increase.

For that reason, I introduced legislation in April 1971, to increase the minimum wage to \$2.00 and to extend its coverage to approximately six million new workers. Ever since the Act was first passed, its critics claimed that it was not only unnecessary but detrimental to the country's economy. My bill was greeted with the same gloom and doom.

These criticisms are carried in the national press and echoed in national lobbying campaigns. Yet, critics tend to overlook the problems of the employee who is earning wages at or near the minimum. I hear from workers and want to share with you some of their letters in support of my bill. A person from Herminie wrote me saying:

"At the present, I am earning \$1.85 an hour and will be employed for the same company for ten years come August. I am considered a sales person but I as well as my co-workers do everything in the store. We set counters up, cut glass, wait on customers, etc. And this nonsense about companies laying workers off because the minimum wage goes up is just that: nonsense! Look what the companies reap in. Also their prices go up constantly and we don't get a penny raise because the minimum is there and it will not go higher. I have to pay the same for groceries, meat, taxes, utilities, and rent as the people with higher wages . . ."

What this person writes is not unusual. There are many employees throughout our country who have worked for years at or near the minimum wage and have yearly incomes of between \$3,200 and \$4,000. During those years and especially during the last few years, prices for food, rent, public utilities, and transportation have gone up astronomically. Yet, wages for these people have remained the same. Surely, few people can argue that \$3,200 can provide even a minimum standard of living in these times of high prices and rampant inflation. That figure is almost \$1,000 below the poverty standard for a family of four! Yet, some of my Congressional colleagues have fought me on my modest proposal for over a year now.

This constituent exemplifies my belief that you can't "buffalo" the common man; he knows, and I know, that there will be few if any lay offs due to a minimum wage increase. Not many companies hire workers out of charity; companies hire people to do a job that needs to be done, and the job needs to be done whether the employee is paid \$1.60 or \$2.00. But, as he points out, "prices go up . . . and we don't get a penny raise".

A lady from Arnold wrote me the following letter:

"I work in a small shop where the owner is not required to pay the minimum wage. I work as many hours and just as hard as anyone else and still can't make more than say a boy shoveling snow for someone. This is just an example and there are hundreds of us working for these wages. What I want to know is what is to become of us? I don't have anything else coming in. I'm a widow, 54 years of age. I have to pay high prices just like everyone else. Believe me, I can't even buy the right kind of foods for myself let alone clothes to wear. Rent is high, utilities are high and it goes without saying that food and clothing are out of sight.

"I want to work for my keep. I don't want to receive welfare."

It certainly is a tragic situation in this country when people who are working full-time must contemplate going on welfare because they can't make ends meet.

Minimum wage legislation can potentially help everyone, wage earners as well as businessmen. Since an increase in wages puts more money into peoples' hands, they spend more. This means that businessmen sell more of their product and their employees must therefore produce more. Consequently, the businessman benefits because he can sell more; the labor force benefits because more people become employed; and the minimum wage earner benefits because he can buy more.

#### BLACK LUNG BENEFITS

As the primary sponsor of the Federal Coal Mine Health and Safety Act of 1969, which includes the black lung benefits program, I have had a first-hand opportunity to survey the way in which the black lung program has been administered. Congress intended that this program be generously and liberally administered so that the United States could in some small way repay its debt to those coal miners who contracted black lung disease in the production of vital fuel for the Nation, and to their widows who suffered with them. In reading letters from my constituents and in talking with them, I discovered that the Social Security Administration was not administering the law in the way Congress had intended. Therefore, I introduced legislation to enable those who deserved black lung benefits, but were denied, to be eligible for them; and that legislation became national law in May of this year.

A 65 year-old widow from Irwin wrote me about her husband's death and her subsequent efforts to obtain black lung benefits.

"I stood by my husband's bed and had to watch him suffocate. Even though he worked in coal dust for more than 13 years, I cannot prove he died of pneumoconiosis because his death certificate said he died of a heart attack. When I went to see the doctor that had taken care of my husband one and a half years before his death, she told me, 'Even though the record shows he had a lung disease, I'm afraid the way the law reads you will not have a chance.' She said, 'I know because I had an experience with a case just lately.' A man was killed in a fall in the mine. She then showed me a jar with a portion of the man's lungs in it in alcohol. It was as black as tar. The man's widow applied for black lung benefits but was denied because he did not die from pneumoconiosis. Please Mr. Dent, if you can, would you try to have this law changed, not only for my sake but for this woman I don't even know."

A provision in my Black Lung Benefits Act of 1972 stipulates that if a miner had black lung at the time of his death, his widow is eligible for benefits even though he did not die of black lung. My files showed that most doctors never recognized the existence of black lung, and usually attributed death to another cause. Therefore, many widows who deserved and needed these benefits were denied even though their husbands suffered from black lung. It was clear the situation needed to be remedied, and it was. This lady

is now receiving the benefits which are justly hers.

Those of you who know a man who has black lung know that the disease causes severe shortness of breath. This shortness of breath is sometimes so bad that the man cannot climb a flight of stairs, walk a short distance, or even stand for a period of time without having to sit down to catch his breath. It is next to impossible for him to do any kind of physically exerting work, much less work in a mine. Despite this, benefits were denied because it was said a miner could work at another job. Such was the case of the Mt. Pleasant man whose wife wrote this letter:

"My husband worked in the coal mines and coke yard for thirty-two years. He dug coal, worked on the cutting machine, and loading machine. He applied for black lung benefits and was refused. The refusal said that 'The evidence that we received in your case shows you have a lung condition but it does not show that you are totally disabled from it. You therefore do not meet the requirements of the law and your claim must be denied.' Well he is disabled, has a cough, and gets very short of breath. Even his boss said he knew he was not able to work."

But because this did happen, I included a provision in my legislation which would require benefits to be paid to any miner who, being disabled by black lung, could not work at his job in the mines or any other job which required similar skill or exertion. These men are now beginning to receive their deserved benefits.

Finally, I have found numerous cases of miners who have every symptom of black lung, yet have been denied benefits because their X-rays do not indicate that they have the disease. The tragic thing about this is the fact that after these men die, autopsies show that they did have black lung. They were denied benefits while alive, but became eligible when they died. It is some kind of twisted logic that their only opportunity to receive benefits came when they could no longer use the money. I received this poignant letter from a Monessen lady who wrote in behalf of her father; who was denied benefits on the basis of a negative X-ray finding:

"I know personally that he gave 30 years of his life working in underground coal mines and he didn't get this condition from working in the open air or factories. In March he received a form letter denying him of the benefits with no reason other than that nothing showed on his X-rays . . . my father who is right now down to 127 pounds and a very sick man doesn't know where to turn to. I've convinced him to appeal the claim."

When this man appeals his case he will be granted benefits under the new law, because it stipulates that no miner can be denied benefits solely because his X-ray does not indicate the presence of black lung. All relevant information, such as breathing tests and doctor's affidavits, must now be considered when deciding claims. Therefore, men who have all the indications of black lung but through some quirk have a negative X-ray, are now eligible.

These are examples of how, by our keeping in touch with each other, we have been able to effect major improvements in a law touching millions of Americans throughout our land.

#### PENSION REFORM

A great deal of my attention during the past year has focused upon the need for meaningful pension reform—that is, legislation which will enable all people to receive the pensions which are rightly theirs. The problem of workers being denied pensions is one of the single most important questions before Congress today.

In order to determine the exact areas in which pension reform is needed, I directed the formation of a Task Force on Pension Reform under the jurisdiction of my committee. In order to give this Task Force

some basis around which to conduct its study, I also introduced legislation specifically aimed at reforming those areas in which fine print and "legalized hanky-spanky" have kept the worker from receiving his pension.

My bill would guarantee the worker his pension by establishing a minimum vesting standard, portability, pension reinsurance, and a minimum standard of funding. In order to explain how the bill meets these needs, I use as an example the following letter from a Penn Hills man. He writes:

"I have been employed by a total of three firms for over 22 years. Each of them has had a pension plan into which I and my employers have paid money; yet, as of this day, I have no vesting in any of them. I have been with my present employer for twelve years and I still need three more years to become even partially vested. Even if I make it through the next three years (God willing) I have no assurance that the money will be there when I become 65."

This man's first problem lies with vesting, which is the employment time required to receive a pension upon retirement. Under my bill, all workers would be fully vested in their plans after ten years of employment. That is, they would be guaranteed a full pension at the age of sixty-five after being included for ten years in a company pension plan. If my bill were law today, this man would be fully vested.

The second problem with each of his plans is that there is no provision for portability, which gives the employee the ability to carry his pension credits from one job to another. My bill contains some measure of portability.

Finally, he is afraid that even if he is otherwise entitled, he will not receive his pension. This could happen for one of two reasons: inadequate funding or the financial failure of the company for which he has worked. If his pension is inadequately funded, that means that the company has not set aside enough money to assure that it will be able to pay his pension when it becomes due. My bill requires that all pensions be adequately funded; that is, all the money necessary to pay a man's pension must be accumulated and available when necessary.

My bill would also provide pension reinsurance to guard against company failures or conglomerate takeovers, and the subsequent loss of pension by those who worked for the company. To provide the insurance, it establishes a Pension Reinsurance Corporation similar to the Federal Deposit Insurance Corporation (FDIC) which guards against bank failures. Thus, once eligible, a person would not have to worry about losing his pension due to inadequate funding or company failure.

I hope this newsletter has been helpful and informative to you. If nothing else, I hope it at least demonstrates how you play a very meaningful role in influencing national legislation through your Congressman.

JOHN H. DENT, M.C.

#### CONGRESSMAN DURWARD G. HALL

#### HON. ROBERT MCCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. MCCLORY. Mr. Speaker, it is with a sense of deep regret that I pause to acknowledge the retirement from these halls of our esteemed colleague, Dr. DURWARD G. HALL of Missouri's Seventh District. There is no Member of the House of Representatives who has given more careful or more conscientious attention to the detailed provisions of the

legislative measures than has "Doc" HALL.

Mr. Speaker, as an official objector, and as one who is in regular attendance of the floor of the House, Doc HALL has rendered a great service to his colleagues and to the Nation. Many frivolous and objectionable pieces of legislation would have been enacted into law were it not for his thoughtful analysis and articulate exposition of the weaknesses and deficiencies of such legislative measures.

Mr. Speaker, it is well known that Doc HALL has received steadfast support from his faithful wife, Betty. To both of them, my wife, Doris and I extend best wishes for many more productive, happy, and healthful years.

#### WHO CONTROLS RALPH NADER?

#### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. RARICK. Mr. Speaker, the American system has many times come under attack. Many "crusaders" have blasted the Congress, but seldom in our history has any blatant exhibitionist like Ralph Nader taken on the entire American system. The big question is why the news media instead of ignoring him, tries to advance his negativism against everything American.

In short, Mr. Speaker, it is not the antics, half-truths, and fabrication from Nader which concern anyone, but rather that his viciousness has spiraled so rapidly.

According to a byline story in a recent local newspaper, "past Nader Raiders, and such organizations as the League of Women Voters and the American Civil Liberties Union helped to recommend volunteers in the field" for his recent "report on Congress."

Interestingly, the one man in America probably more controversial than Nader himself is the president of the ACLU, one Ramsay Clark.

Who controls Ralph Nader? Who hates Americans and the American system so viciously?

I think our colleagues would be interested in a documentary report on Nader, which may throw some light on who is behind his actions and whose cause he is promoting. I include the No. 7 issue of the Herald of Freedom, dated October 29, 1971, following my remarks.

Other relevant information can be obtained from the 19th issue of U.S.A., dated January 16, 1970, and written by Alice Widener:

[From the Herald of Freedom, Oct. 29, 1971]

#### RALPH NADER, FRIEND OR FOE

The so-called protector of the American consumer, Ralph Nader, has received tremendous publicity through television, newspapers and magazine articles, as has his corps of volunteers known as Nader's Raiders. On September 14, 1971 Representative Bob Wilson raised the question on the floor of the House of Representatives as to whether Ralph Nader is friend or foe. Congressman Wilson stated: "Like many Americans, I have been deeply disturbed by Ralph Nader's continuing attacks on American business. Certainly



our economic system is not without severe faults, but the thrust of rampant Naderism seems at times bent on the destruction of our free enterprise system, rather than the reform of suspected abuses as alleged."

Ralph Nader was born on February 27, 1934 in the small Connecticut town of Winsted, the youngest child of Nadra and Rose (Bouziane) Nader, both of whom were immigrants from Lebanon. The Naders also have two daughters, one a research scientist and the other a teacher at the University of California at Berkeley.

Scholarships made it possible for Ralph Nader to attend the Gilbert School in Winsted, Conn., and Princeton University's Woodrow Wilson School of Public and International Affairs, where he graduated in 1955 with a major in government and economics. At Princeton he displayed nonconformity by acts that ranged from a refusal to wear the white buck shoes of that era to an unsuccessful campaign to prevent the campus trees from being sprayed with DDT.

After graduation from Princeton, Nader went to Harvard Law School and graduated in 1958 with an LL.B. Degree. For several months after his graduation he stayed on at Harvard, working as a research assistant to Professor Harold J. Berman, an authority on Russian law. In addition to government and law, Nader studied foreign languages and has become proficient in Russian and Chinese.

After finishing his assignment with Professor Berman, Nader served six months on active duty in the Army and, although a holder of two university degrees, he was assigned to work as a cook at Fort Dix, N.J. Following his release from the service, Nader made a tour which included Ethiopia, the Soviet Union and other Communist countries, going through Latin America on his way home. He was admitted to the Connecticut Bar in 1958 and began his law practice at Hartford, Conn. in 1959. His other activities included lecturing in history and government at the University of Hartford, 1961-63 and lecturing at Princeton University 1967-68.

Nader became acquainted with Daniel P. Moynihan who shared his concern with auto safety and in 1964 Moynihan, then Assistant Secretary of Labor, provided Nader with an entree to Washington, D.C., by appointing him as a \$50-a-day consultant at the Labor Department. Through this connection he came to the attention of Senator ----- who was interested in Nader's allegations against the automobile industry. Nader left the Labor Department in May of 1965 to devote most of his time to writing his book on auto safety entitled "Unsafe at Any Speed." The book, in which Nader attacked the whole Detroit automobile industry, was brought out by Grossman Publishers in November 1965.

General Motors Corp. retained investigators to ascertain if there was a connection between Attorney Nader and any law suits pending against General Motors and also sought background information. Based on the fact that information concerning him personally was sought, Nader filed a suit against General Motors in November 1966 for \$26 million, the suit being later settled out of court for \$425,000.

Using the money from royalties received from "Unsafe at Any Speed," Nader began to enlarge his operations in Washington and to broaden his field of inquiry to include a wide range of different subjects. He then set up the Center for the Study of Responsible Law and secured the services of over 100 young lawyers and law students, known as "Nader's Raiders," and received grants from the Carnegie Corp. of New York, the New York Foundation, and the New World Foundation.

Dumitru Danielopol, a highly respected correspondent for the Copely News Service, observed in August of 1971:

Ralph Nader looks in the mirror and sees a

reformer. Others look at Mr. Nader and see a man who would have us scrap our free enterprise system, then quietly lie down alongside the wreckage and die.

Nader delights in poking at the ills of our system. Cars aren't safe at any speed; the air is unfit to breathe; the waters are polluted; everything we eat might poison us; the banks where we save our money are robbing us blind; stores steal from the buyers, advertising lies; the stock market is unreliable, the profit motive is immoral, the country is a mess, etc., etc.

Only Mr. Nader, apparently, can save us from ourselves.

Mr. Danielopol, who has studied law, economics and finance, noted that if our system is so bad how has it been able to give us the highest standard of living, the highest per capita income, the healthiest, best fed, housed, best clothed population, more leisure time, more labor saving appliances, more information, transportation, housing, education, freedom, responsibility, than any nation in the history of man? Mr. Danielopol, writing in the Aurora, Illinois Beacon News stated:

The consumerist considers business his enemy. He advocates more controls, more bureaucracy, restricted initiative. He doesn't say so but every action points to eventual government take-over.

Mr. Nader and his raiders would deny this objective. But I remember other times in other lands when real and imagined problems were magnified to the point that whole peoples reached out for government controls. Men promised that if they were given the reins they would quickly lead the way to a better world.

Let's see, there was Russia, Germany, Italy, Japan, Mainland China, Cuba, Chile . . .

Commenting on Ralph Nader, James R. Taylor, Executive Director of the Committee of Christian Laymen, Inc. of Woodlawn Hills, Calif., stated:

The Communist and/or Socialist plan to build a public following by selecting causes which have public appeal has been successful in the field of protecting the consumer and in the field of pollution or ecology. Let's take Ralph Nader's case as a prime example.

The League for Industrial Democracy, the top Fabian Socialist group in the Country, gave Ralph Nader its "Annual Award" at its 63rd annual Conference in New York City—April 26-27, 1970.

Along with a letter to its members dated Dec. 4, 1968 the League for Industrial Democracy enclosed the Ralph Nader book "Who Speaks for the Consumer." In their letter they announced the setting up of a "Sustaining Fund" in honor of one of their founders, Upton Sinclair. The letter further states—"We know that Upton Sinclair must have looked with special satisfaction on the enclosed work of Ralph Nader."

In addition to having the support of the Socialists, through the League for Industrial Democracy, Ralph Nader has the support of the American Civil Liberties Union as you will quickly see by reading their publications.

The 4th Report—Un-American Activities in California refers to the A.C.L.U. as "A transmission belt for the Communist Party."

The League for Industrial Democracy is the parent organization for the Students for a Democratic Society (also the bomb-throwing Weatherman—ed.) whose pro-Communist record is well known.

Upton Sinclair, the L.I.D. founder who would approve of Ralph Nader and his activities, was a member of the Revolutionary Writers Federation, the American section of the Soviet Communist International Union of Revolutionary Writers. He was one of the promoters of the American League Against War and Fascism, cited as Communist and subversive; his record of communistic affiliations is well documented in congressional hearings and reports.

Congressman John G. Schmitz recently

observed, "Mention 'ecology' or 'consumerism,' and the name that pops immediately to mind is Ralph Nader." "I have often heard businessmen dismiss Ralph Nader and his organization as well-meaning fellows who sincerely want to help consumers and improve business," the Congressman stated. However, Congressman Schmitz pointed out that Look magazine publisher Thomas Shephard, Jr. recently stated in a speech: "Mr. Nader is not interested in seeing the U.S. industry clean house. What he wants is the entire house, from cellar to attic. His goal is bottom to top take-over of industry by Government." Federal Trade Commissioner Paul Rand Dixon stated of Nader: "He's preaching revolution and I am scared." On August 4, 1971 Congressman Schmitz, addressing the House of Representatives, stated:

The public, too, has a right to be cautious about Mr. Nader's motives. If, in the name of "ecology" and "consumerism," Nader wishes chiefly to insure governmental control over the private sector, then there is true cause for alarm. When one considers that Nader is touring the country organizing college students into "Raider" groups for his purposes, the possible impact on public policy becomes clear.

Governmental policymakers and bureaucratic planners have been all too quick to respond to such pressure. One example is the proposed bill, H.R. 437, which would set nationwide Federal standards for water—not just standards of safety, but standards of esthetics as well. This would mean that the Federal Government would control the standards of minerals and biological elements as well as the smell, appearance and taste of all the water for most of the local residents in the United States. . . . when the Government makes the leap from deciding what is safe for you—water safety standards—to deciding what is good for you—water esthetic standards—it is but a short step to Government decisions as to what additives would be beneficial for the general population.

. . . If, in response to problems of consumer protection, population concentration, air, water and noise pollution, we react too strongly to the heated demagoguery of such as Ralph Nader, Paul Ehrlich and the rest of the often ill-motivated doomsayers, we are likely to find ourselves investing the Government not only with our protection but with our freedoms as well.

Articles by and interviews with Ralph Nader have appeared in the leftist publication the Nation, the Socialist publication the New Republic and Playboy magazine. In the Playboy interview Ralph Nader stated, "Some form of socialism may very well be a solution for poverty-ridden countries of the 'third world'."

In attacking the meat industry, Nader stated that contaminated meat, horse meat, meat from diseased animals, lungs, eyeballs, pig blood and chopped hides are mixed into hot dogs and luncheon meats. Asked by Playboy interview, "Are you saying that such well-known meat processors as Swift, Wilson and Armour—and such well-known retailers as Safeway, Kroger and A & P—sell contaminated meat to their customers?" Nader answered, "Yes."

The undermining of American industry by Ralph Nader has progressed from alleged car defects to the meat and fish industries, the dangers of radiation and overexposure, industrial safety conditions, gas pipe-line safety and environmental hazards such as air and water pollution. His original attack on the automobile industry and unsafe cars obtained the most publicity for Ralph Nader. However, statistics for the year 1969, after safety belts (a Nader must), were made compulsory, showed that 56,400 persons were killed in auto accidents. The National Safety Council of Chicago, through its president, Howard Pyle, issued a warning that alcohol, not defective tires or brakes, is respon-

sible for one-half of all highway accidents. A study made by the president of the Seattle-King County (Washington) Safety Council, shows that 85% of all traffic accidents are attributable to errors on the part of drivers. From the studies made it would appear that the principal cause of fatal accidents is not defective automobiles but defective drivers.

Nader has long advocated a Federal Department of Consumer Affairs and on February 24, 1971 President Richard Nixon issued Executive Order 11583 which created the Office of Consumer Affairs.

The Communists have been interested in consumer affairs and have formed or infiltrated several consumer groups and co-operatives. In a report of the House Special Committee to Investigate Un-American Activities, their research director Dr. J. B. Matthews, an expert on the Communist Conspiracy stated, "In its drive to secure adherents from the middle class, the Community Party of the U.S. concentrated much of its attention upon so-called consumer organizations and groups. . . . Scores of so-called consumer organizations became involved in this Communist tactic—organizations newly created by the Communist party ostensibly for the purpose of serving the interests of consumers, as well as existing organizations which were, in fact, devoted to legitimate consumer interests. . . ."

National fronts set up by the Communist Party were the League of Women Shoppers and Consumers Union. The Communists recognized the opportunity of sowing the seeds of dissent and downgrading private capitalism by working through the consumer movement. Jack Tenney, former Counsel of the California Committee on Un-American Activities, stated in his book "Red Fascism: . . ."

The consumer movement undoubtedly had its roots in legitimate dissatisfaction, and developed . . . from the rather vague interest of a few scattered women's groups. . . . With the establishment of Communist People's Fronts the consumer movement presented an ideal set-up for Stalin's agents. It was therefore an easy matter for these conniving propaganda experts to carry the authority, prestige and the sanction of the respectable, legitimate and thoroughly American consumer movement over to Communist design and purpose, thus making Communist design and purpose respectable and acceptable. . . . Under the cloak of a legitimate consumer movement the Communist Party consumer front organizations are attempting to discredit and smear American business. . . . Consumer groups particularly attract women of the great middle class who are interested in the cost and quality of the things they buy. Hence it is, particularly in these groups, that the majority of the members are not members of the Communist Party or even Communist sympathizers. They are attracted to the movement by professed aims.

The use of phosphates in laundry detergents is an example of how the American public was deceived and American businessmen put to untold millions of dollars in expense. After the campaign to abolish the use of phosphates, numerous communities banned their use; manufacturers had to change their formulas and millions of dollars were spent in advertising via television, radio, newspapers, and magazines to inform the American public which soaps did not contain phosphates. Then on September 15, 1971 the U.S. Surgeon General, Jesse L. Steinfield, told a news conference that the safest thing for human health is to use a phosphate detergent. The official statement on behalf of the government advised that phosphates are the least of three evils among laundry detergents and requested reconsideration of state and local laws banning or restricting them.

William D. Ruckelshaus, administrator of the Environmental Protection Agency, said the government would deal with phosphates by helping finance sewage treatment improvements to remove them from waste

water, at a cost of about \$500 million in federal funds. Phosphates nourish algae growth in lakes and streams which depletes the oxygen supply, however, the substitutes for phosphates were found to be harmful to children. Thus, one consumer "protection" program of the Naderism type has cost American industry and taxpayers millions of dollars, only to be written off as a mistake. Now the detergent manufacturers once again can include phosphates without fear of the wrath of Nader and the U.S. Office of Consumer Affairs.

Ralph Nader, while at present limiting himself to attacking U.S. industry and American corporations as the un-elected representative of the American consumer, does have opinions and convictions in other areas. When asked during an interview whether he was a Republican or Democrat, he replied "neither." He claims he shuns political ideologies of all sorts because they always reflect a rigidity, an inability to judge each issue on its own merits. He stated that, while his critics call him a radical, he considers the real radicals in the U.S. to be the corporation executives.

When asked about his interest in the Vietnam War, he mentioned that there already are many people involved in this field and that is what kept him from throwing himself into the anti-war struggle. He felt his services were not necessary because "we have considerable talent—from students and professors to political leaders \* \* \*." The interviewer asked Nader, "You've been extremely critical of nearly every aspect of American society, from business and Government to the medical, dental and legal professions. Are you completely pessimistic about the prospects for this country—or do you find grounds for optimism?" Nader replied, ". . . There are still vast reservoirs of idealism and commitment in this society, particularly among our youth; and despite the terrible crises afflicting us—the racial unrest deriving from our exploitation of the Negro, the unconscionable poverty, the dehumanizing trends within big business and Big Government that will transform men into automata—I still believe there is a genuine potential for constructive and redeeming change." Unfortunately, in view of Nader's background and activities, the change he seeks would not be in the best interests of the American people.

Nader is not alone in his objectives. They just happen to be the same as the objectives of the Communist Conspiracy and they are also shared by the leftist foundations who support him.

HON. WILLIAM COLMER

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. GIAIMO. Mr. Speaker, the chairmanship of a congressional committee is an honorable and powerful position, and WILLIAM COLMER, chairman of the House Rules Committee, has held such a position with dedication and integrity. A committee chair is often held by a Congressman with great seniority among his colleagues, and BILL COLMER has achieved that seniority. For 40 years, he has successfully served the people in Mississippi's Fifth District, while also proving his outstanding leadership ability in carrying out the indispensable activities of his committee which influences so much of the legislation that passes before Congress.

A 40-year career offers such wide and diverse experiences for an individual, particularly if that career involves active participation in the conduct of a nation's government. Certainly, BILL COLMER's has been such a career, for he has performed his duties under six very different administrations with diverse needs and desires, in wartime and in peacetime. I envy the memories that BILL will take with him as he returns to his native Mississippi, because I firmly believe that such an active and dedicated man will offer the benefits of his experiences and memories to the continued good of his State and his country.

As Mississippi welcomes BILL back, we in the Congress will notice a definite loss. For BILL has left a lasting impression on this Chamber, and we will remember him as a gentleman of great conviction and loyalty. I would like to wish him great success in all future endeavors, and I would like to offer him my sincere congratulations on a truly distinguished career.

CHARLES R. JONAS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. DORN. Mr. Speaker, it is a special pleasure to pay tribute to my esteemed friend from North Carolina, Mr. JONAS. CHARLIE JONAS leaves this body voluntarily, and with the highest respect and affection from both sides of the aisle. CHARLIE has long represented the great city of Charlotte, largest city in the Carolinas and one of the great textile areas of the world. He was elected vice chairman of the House Informal Textile Committee by his colleagues in the Congress. As secretary of that committee I know firsthand of his very effective efforts and successful leadership in protecting the American textile industry from unfair, low-wage imports. In numerous conferences with the Secretary of Commerce and with other Government officials he has helped to protect the jobs of hundreds of thousands of Americans. Without question his persistence and influence are largely responsible for the recent textile agreements reached with our Far Eastern friends. It is due in no small part to CHARLIE JONAS' superb efforts that the textile industry's 2½ million employees can continue to make the outstanding contribution to the defense of the Nation.

As one of the highest ranking members of the great Committee on Appropriations, CHARLIE JONAS is a statesman who virtually every day makes vital decisions about national priorities. In exhaustive and really endless hearings, his committee hears from representatives of every political philosophy, every section of the Nation and every economic group. He continues to contribute greatly during this uncertain era to the security and economy of the Nation.

Mr. Speaker, CHARLIE's constituents of both political parties hold him in the highest esteem. He has the singular dis-



tion of holding national office as a member of the great Republican Party longer than any other Tarheel. This is a splendid tribute to his integrity and effectiveness in office. No Member is more admired by his people of both parties than is CHARLES JONAS.

CHARLES JONAS has lent great dignity and balance to the Congress and to our Piedmont Carolina section. During his tenure in office, Charlotte and the surrounding areas have become one of the great growth areas of the Nation, especially in diversified industry, banking and finance, and transportation. He has been an All-American Congressman, and we are proud of his accomplishments. He is one of this body's most learned lawyers, and we predict for him continued success in private life. Mrs. Dorn, herself a Tarheel, joins me in wishing for CHARLIE, his lovely wife, Anne Elliot, and his fine family continued success and every happiness in the future.

#### PRODUCTIVITY STATISTICS FOR A THIRD-GENERATION WAGE- PRICE MONITORING PROGRAM

**HON. CLARENCE D. LONG**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 14, 1972*

Mr. LONG of Maryland. Mr. Speaker, Irving H. Siegel, a noted economist with whom I served on the staff of the President's Council of Economic Advisers, recently presented a paper at the 132d annual meeting of the American Statistical Association. The paper is entitled "Productivity Statistics for a Third-Generation Wage-Price Monitoring System." It is printed in part below:

#### PRODUCTIVITY STATISTICS FOR A THIRD-GENERATION WAGE-PRICE MONITORING PROGRAM

(By Irving H. Siegel, Consulting Economist, Bethesda, Md.)

##### I

This paper focuses on a future that can still be influenced. It looks ahead to the next—the third—program of peacetime monitoring of wages (or incomes) and prices in the United States.

At the 1968 meeting of the American Statistical Association (ASA), I presented a paper from a similar perspective on a similar topic. I reflected on the contemporary condition of productivity statistics (which has not changed profoundly since) and on the data needs of a forthcoming second "formal program" of wage-price or income-price surveillance, a peacetime program that "would presumably have an explicit statutory basis, pervasive scope, and steady application—unlike its predecessor." By "predecessor," I meant, of course, the pioneer monitoring venture—the Kennedy-Johnson version of jawboning-cum-arm-twisting, which still showed twitches of life in 1968 but was surely "gone in the teeth" as early as 1966. As for the second program to which I already looked forward, Phase II was hardly being incubated in 1968; indeed, it had not even been ovulated.

The third coming can now be safely predicted, although it would be foolhardy to proceed to particulars—to the triggering events, the specific objectives, the timing, the duration, the onerousness of the new stabilization scheme. With some luck, the

nation should enjoy a brief respite, a brief reversion to a freer economy, after Phase II ends (with a bong, perhaps, instead of a whisper) . . . The prospect of another monitoring episode is latent in: (1) the persistence, if not intensification, of cost-push pressures in the private sector; (2) the governmental proneness to outrun revenues to make budgetary outlays "uncontrollable," and to match or exceed private pay scales; and (3) the continuing weakness of our international balance-of-payments position.

##### II

In the design of the third peacetime program, benefit will certainly be derived from the accumulating national experience in "cryoeconomics." Not everyone will distill the same lessons from this experience or discern in it the same set of additional or alternative policy implications. I want to state some of my own impressions since they have a bearing on my view of statistical needs.

First of all, I believe that any provision for the expression of continuing, serious, high-level, governmental interest in private price and wage decisions is bound to have some efficacy, whether this efficacy can be measured or not. Inflation does have a psychological component (which should not, however, be exaggerated into all or most of the problem, or be translated instead into a mystery without handles). Organized groups in our society do exert market power, and dominant business firms in different industries do have some control over the prices they charge. The economics of the modern era has always been recognized as "political economy", and it becomes ever more so. In my opinion, even governmental exhortation has some influence as a form of education and leadership. Furthermore, this intervention, like the more stringent alternatives of surveillance, can be reinforced by budgetary restraints, by an example of moderation in pay revision, by use of monopsony power, by curtailment of subsidies, and by action to expand supply of services when action is taken to create or enhance effective demand.

Above all, adoption of a formal program of surveillance should not forestall governmental action to help make pay and price standards self-enforcing. Indeed, by "internalizing" public imperatives, by supplying incentives for compliance, we could get much better economic results while diminishing the danger of coercion and reducing inevitable inequities. For example, with all the futility at the command of an ordinary citizen, I have proposed in the past that pay-deferment bonds might be issued for protecting the purchasing power of pay increments that fall within the guideline limit. Alternatively, and with equal success, I have suggested that tax benefits offsetting cost-of-living rises be allowed for rewarding the "good guys" who accept infraguidepay adjustments—for protecting them against the inflation abetted by the "bad guys." I assume that the enlistment of Internal Revenue Service in the administration of Phase II will inspire some new ideas for using the tax system to promote greater price stability.

The remarks I have already made point to a vital distinction between the trumpeted equity for some and the muted justices for all. The uneven distribution of market power leaves the least organized citizens especially vulnerable to inflationary aggression and inflationary pollution by others. Perhaps, as the historic tendency toward organization proceeds further, a better equilibrium of forces will finally emerge; or, perhaps, the indecisiveness of the routine economic war of all against all will become clear enough to encourage greater cooperativeness in the common good under governmental aegis. Another possibility is that the organization of consumers, the elderly, and others may increase the number of "parties at interest" seeking a voice in private-public wage and

price determinations. For the third generation, however, I prefer to continue emphasizing the potential of incentives for self-enforcement—a bird much closer to hand.

In short, a monitoring effort can help to moderate inflationary pressures, but its limitations and dangers counsel modest objectives, less than complete coverage, and non-permanence. It is only one tool that has to be used in conjunction with others, and it is hardly the most important one. It is a gross tool also, ill-suited to fine or frequent adjustment of relative prices and wages. Since it cannot achieve justice for all, it should aim for sufficient credibility during its lifetime. It deals with only some of the sources and aspects of inflation, diverting attention from fundamental causes and mechanisms to an administrative process. Beyond a certain point, especially if it is long-lived, it could help institutionalize inflation at a rate that is more or less tolerable to the better-situated elements of the population.

Termination, the end game, is difficult; but involvement of the Internal Revenue Service in administration may itself encourage public resolve to find a way and hasten the day. As for coverage, I like the idea of experimentation in the omission of various categories of firms and employees from surveillance; but such relaxation should be tried only after very comprehensive monitoring has first been installed.

At this point, I wish to add that any comprehensive "freeze" should do more than provide time for getting monitoring machinery into place. It should not merely change the rhythm of inflation—i.e., delay the process only temporarily in exchange for a subsequent compensatory bulge. Instead, it should slow the (average) metabolic rate, envisage no later speedup. Insofar as practicable, what is foregone should also be bygone.

##### III

A monitoring program makes very considerable demands on the nation's public and private data base—demands that cannot really be met. This fact counsels modest objectives for the program and tolerant administration, too—in addition to counseling the desirability of improving data systems.

The upgrading of the private data base is especially necessary for the maintenance of decentralized economic decisionmaking. A monitored company must survive as well as comply. It has to live and prosper in a competitive world, according to the best and most relevant truth that it can ascertain, as well as conform to administrative truth. In particular, a monitor may act "as if" a large company's current productivity pace is correctly reflected by the past performance of the industries in which its activities are located; but the company's management needs to be aware of the actual state of affairs.

Having had occasion in the past 15 years to advise firms and other consultants on company measurement systems, I am impressed with the apparent dearth and the routine character of accessible private productivity series. I am aware that company officials might not wish to volunteer information that could thereafter be forced onto the bargaining table as wages are negotiated. I also appreciate that more than one logical center of responsibility for such information may exist in a modern corporation—say, the accounting department and a vice president's planning staff—and that internal rivalries could keep an outsider (or an ineligible insider) in the dark. Furthermore, "management information systems" can, in this age of computers, become so turgid that the crude productivity measures sometimes included in their welter of periodic printouts simply go unrecognized and unanalyzed.

Perhaps, the situation of companies will be a bit more comfortable under the third-generation program. The emphasis in Phase II on productivity figures and the limited official guidance given for their computation

must have stimulated company interest in such statistics. Furthermore, the word "productivity" has suddenly blossomed into common speech, becoming as popular and magical as, say, "R&D" and "automation" were not so long ago.

Above, I referred to the unlikelihood that the data demands of a monitoring program could truly be met. One thing I had in mind—other than the dearth of company measures of productivity—was the difficulty of expanding the public and private base of correlative "atomic" data on output, price, man-hours, and so forth. If detailed and integrated industry information were available on a "product" basis, we could always derive relatively unambiguous output and productivity measures therefrom. We could also obtain symmetrical, coordinate index-numbers of productivity and other variables deemed pertinent to an image-price or income-price analysis. Resort would not be necessary to techniques of deflation, which commonly involve numerators and denominators that do not quite match, that are only obscurely related in structure and content. Such techniques provide false comfort by meeting the requirements of verbal algebra; but, unfortunately, the operational meaning of an index number depends instead on its data content and on a strict literal algebra. Besides, when it is difficult even to conceptualize the specific "product" of an economic activity (as in many service areas), the results of deflation are more nebulous than ever.

A second serious statistical conundrum is posed by the fact that a monitoring program must be oriented toward the future rather than the past. What matters in fighting inflation or its symptoms is what productivity *will be* in the period to which a wage or price decision applies. The record of a recent year or of the past decade is relevant only insofar as it forecasts correctly what productivity will be. In a period of expected recovery, for example, productivity will surely not change as it has in a period of observed recession. In a period of rapid growth of output, productivity does not move as it does when saturation of a market is approached or reached. Even in some of the earliest guideline comments, as in the 1958 *Economic Report*, it was appreciated that productivity prospects are more pertinent than productivity history; but history, unfortunately, has become the center of concern.

These insuperable data problems—the difficulty of getting correlative "atomic" data for all companies, industries, and sectors and the difficulty of making reliable productivity forecasts for the same entities—should be recognized in the design and implementation of monitoring policy and programs. Statistical compromises, substitutes, and alternatives should be devised and interpreted with sufficient sensitivity to ideal algebraic requirements and to economic realities.

At this point, I take note of the typical separation of wage and price monitoring. In the third-generation program, I should like to see closer coordination of the two tasks. If the administration of wages has to remain separate from the administration of prices, it is still desirable, and it even becomes necessary, to estimate the economy-wide implications of particular adjustments. In principle, at least, the input-output tool, identified with the name of Wassily Leontief and painstakingly developed at the Department of Commerce as well as at Harvard, would seem adaptable to the purpose. Again in principle, the input-output system could even provide a cumulative register of inter-industry impacts and repercussions as additional wage and price determinations are made.

Another approach to coordination would involve the design and construction of hierarchically and laterally consistent index numbers for companies, industries, and high-

er aggregates. The difficulty of obtaining correlative "atomic" data, already mentioned, remains a serious practical obstacle. By hierarchical consistency, incidentally, I mean vertical compatibility—structural compatibility for aggregation (of companies into industries, etc.). By lateral consistency, I mean that the multiplicatively-related variables of interest to the wage and price monitors have been treated symmetrically, in an algebraically similar manner. I shall say more about lateral consistency below.

When wage and price administration is pursued as two distinct tasks, two different kinds of productivity seem to be of interest—and they should not be confused. The wage administrator inevitably focuses on labor productivity; but the price administrator's interest in cost structure leads him to all-input (i.e., factor and nonfactor) productivity. Of course, if all-factor returns are to be monitored, rather than wages (and salaries), all-factor productivity has to be used instead of labor productivity. It is a mistake to assume that productivity measures are quantitatively equivalent regardless of differences in the scope of the denominator.

If the problem of data supply did not exist, the two monitoring tasks could be coordinated with the aid of an index-number system that incorporates all of the variables of interest and that treats these variables uniformly. In some of my other papers, I have discussed the design of algebraically consistent index numbers for variables occurring in a common context. If sufficiently detailed data were available, one could devise, say, homologous Laspeyres indexes for all the multiplicatively-related variables. A "small" extra constant term could be added to each so that the product of all the indexes satisfies the macroidentity that guided formula design. What I have just described is a generalization to more than two variables of the index-number system attributed to Stuevel. Other multivariable index-number systems, such as my generalization of Fisher's "ideal" measure (*Journal of the American Statistical Association*, December 1945), are logically more satisfactory, but they make still heavier data demands.

Simply for the sake of concreteness, I give an idea of the content that might be imparted to the Stuevel-type Laspeyres indexes. A wage monitor might wish to focus on productivity, unit labor cost, and average hourly earnings. A price monitor might wish to focus on three analogous concepts referring to all-factors input. Both, in addition, care about prices—and, perhaps, output. The product of all eight variables (or reciprocals, as required) is the value of output. Accordingly, each Laspeyres measure contains eight terms in the numerator and eight in the denominator. When each index has been adjusted to include the proper additive term, the product of all of them is the value index. The system treats all the variables symmetrically, and the adjusted Laspeyres measures satisfy the proper macroidentity.

Since data problems do exist, is there not some less demanding alternative? Yes, Monitoring could rest on only one productivity index (as in the Kennedy-Johnson program) and, hence, on a simpler coordinating macroidentity. The guidelines for prices and wages (or all incomes) could, for example, be administered with the aid of an index-number system that is anchored to the value of output and distinguishes, say, four (multiplied) variables: prices, productivity (labor or all-factor), the reciprocal of average hourly earnings (or the equivalent for all-factor returns) and payrolls (or all incomes). I shall not go into various possible refinements—such as the matching of net (or gross) output with gross (or net) prices in the several index formulas.

The search for simpler measures may fruitfully be pressed further—toward results that

also contain hints for simplifying the monitoring program itself. Specifically, the guideline rules may be cast in terms of *production* (output) rather than productivity. Somewhat less mystery surrounds the measurement and interpretation of production, and its projection may be contemplated with fewer qualms. Furthermore, since properly weighted production is additive (from firm to firm and industry to industry), an attractive opportunity for achievement of (approximate) hierarchical consistency is also presented. Weighted production estimates are becoming increasingly available for components of the gross national product according to industry of origin; and these estimates for industries can be matched at the company level with much less inhibition than would be experienced in the case of productivity measurement. The work of the Bureau of Economic Analysis of the Department of Commerce on industry output and on implicit deflators can provide considerable guidance. Perhaps, a program of deliberate measurement assistance to companies would represent a good small public investment for future stabilization efforts and other national purposes.

To see how production could replace productivity in the monitoring process, let us start with the Kennedy-Johnson (and Eisenhower) precept that average hourly earnings (or all-factor analogue) should rise no faster in the private economy than labor (or all-factor) productivity. Since the earnings and productivity have the same input denominator, this criterion is equivalent (according to verbal algebra, and can also be made equivalent in terms of literal algebra) to the rule that: Payrolls (or all-factor returns) should rise no faster than output. This rule, incidentally, also amounts to the standard that: An output-weighted index of unit labor cost (or of unit all-factor cost) should remain at, or fall below, 100. Thus, if unit labor (or all-factor) cost is assumed to be critical to price determination, and if policy tolerates a rise of 2.5 percent in such cost *and* price, then the index limit has to be set at 102.5 instead of 100.

Going a step further, we may envisage a third-generation monitoring system in which companies are asked, in the first instance, to steer their courses according to rules relating to production, factor-payment, and total-cost (or total value-added) statistics for their own operations. Preferably, the statistics should represent projections for a target period (e.g., the next year). These are the rules to be followed by each company:

1. Target factor payments should not exceed target output weighted by base-period unit factor cost. (In obvious symbols,

$$\sum q_1 f_1 \leq \sum q_0 f_0$$

2. Target total cost (or value added) should not exceed target output weighted by base-period total cost (or value added) per unit. (In obvious symbols,

$$\sum q_1 f_1 \leq \sum q_0 f_0$$

The first rule sets a rein on incomes; the second, on total cost or total value added, expressed in "current" dollars. A third inequality, concerning the difference between total cost and total factor payments, is implicit in these two. The rules can be adapted to reflect a tolerated income increase or price increase—by the simple insertion of the appropriate factor on the righthand side of the appropriate inequality.

Every company, in short, could be given greater latitude in regulating itself according to the guideline criteria established for the third-generation surveillance program. Achievement of the national stabilization objective is not jeopardized by decentralized decisionmaking if the standards are actually followed. The real problem is created by the exceptions—by deliberate or tolerated deviations from the uniform criteria. When exceptions are unavoidable, the price monitor and the incomes monitor should (1) make com-



patible rulings and (2) look for other instances in which compensatory constraint might be feasible. The algebra of the problem is much easier for the administrators to follow in terms of production aggregates than productivity averages.

Other advantages of shifting the emphasis to production could be cited. Much of the difficulty of measuring productivity really involves production, so explicit attention to issues involving the latter concept (e.g., the availability of suitable quantity data and the design of suitable deflators) may be broadly beneficial. Furthermore, stabilization is only one of the continuing or recurrent challenges of the domestic scene; and projected output growth can be related more naturally than productivity change to the other economic aggregates with which national policy is concerned, such as volume of employment and the supply of money and credit. . . .

## PEACE WITHOUT FREEDOM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1972

Mr. SCHMITZ. Mr. Speaker, as most of my colleagues are well aware, I have been a consistent critic of the Nixon administration's new China policy from the moment it was unveiled, and I find many of my most fundamental objections to this policy particularly well summarized in an explanation of the moral significance and consequences of this policy, just published, which was recently brought to my attention. It deserves a great deal of thought and meditation now as the 92d Congress, in session when this new policy was formulated, draws to its end.

Entitled "Peace Without Freedom?" this moral analysis of our new China policy is the work of David C. Head, founder and president of the National Freedom Education Center, formerly vice president in charge of public relations and development of the King's College, and member of the executive board of directors of the Christian Freedom Foundation. Mr. Head is well known and has been widely commended as a student of communism, as a lecturer, educator, and world traveler, and as an active and dedicated Christian.

Excerpts from "Peace Without Freedom?" follow:

PEACE WITHOUT FREEDOM?—THE HUMAN ELEMENT AND THE U.S. NEW CHINA POLICY

(By David C. Head)

Many will remember that a great deal of discussion at the Nuremberg trials after World War II centered around the question of obedience. The defense based its case on the argument that the accused had followed the orders of their superiors, thereby relieving them of personal responsibility. They referred the guilt to those who had issued the orders. Hitler's underlings maintained that they only had been carrying out his commands. The question, however, was not merely, one of obedience versus disobedience; it was that a dictator created laws of his own murderous design and those who were the executioners of his laws became murderers. They followed an immoral leader and became themselves immoral. They functioned within a regime that had rejected adherence to Moral Law.

What happens when an atheistic totali-

tarian-oriented regime imposes its rule on its population? Such a regime negates the principle that a man's right to life and liberty is endowed by his Creator. Those who rule without recognizing a higher power make it their own prerogative to remove the right to freedom—or life and freedom itself. When God's Moral Law is rejected, the basic principles of morality and ethics are shaped to the design of those who hold power in order to preserve the continuation of their power.

In communist dominated countries the guideline is the dogma of Marxism-Leninism. Those governments act on the premise that their power is given to them by the Party which establishes their right to dictate the individual's mode of life and destiny, consequently substituting slavery for liberty.

The dictatorial power, having removed every vestige of spiritual guidance and obedience to the Law of God, assumes full command of the individual's life. Having deprived people of their individual rights, they simultaneously remove the corresponding responsibilities. As observed in Communist China, this ultimately creates a regimented, robot-type society in which every personal decision has been assumed by the government. The individual, without inner guidance, deprived of spiritual rules, and removed from moral codes, finally is forced to rely in every phase of his existence on the dictatorial power.

In recognition that man must live by rules, the mainland Chinese was given his substitute guidelines in the form of the little red book of Mao Tse-tung thought. The picture of the communist potentate in the ancestral corner of his home, the ever-present little red book in his hand and the regime-prescribed compulsory reading of the "Thoughts of Mao" are proof of this fundamental necessity.

### PEOPLE JUST LIKE US

Even though a certain contingent of our news media will hold to the first surface impressions of their superficial experience, the true dimension of what it means to live in Mao's China will—after prolonged exposure—eventually be grasped by the American public. The observations of the orderly Chinese society nevertheless has already produced some genuine insights. At the time, one correspondent, for instance, made the amazed statement, "They are people like us." It could have been that he awakened to this stunning realization when he caught a glimpse of human compassion in the eyes of his interpreter, or in the person he was permitted to interview. Or it could have been his own sudden comprehension of the full meaning and extent of a controlled society.

Aside from the political implications of our new China policy, the arguments over the consequences, timeliness, and prudence should be centered on the human element. The destiny of the individual, the *person just like us*, is after all the actual object of the world's power struggle. He is either the victim or the victor in the continuing battle of two ideologies.

Thousands of miles away live and labor 800 million people. It was because of the separation between us and those masses of human beings that our Administration decided on intensified contacts. (Discussions between the U.S. and Red China have been taking place since 1954 in Geneva and Warsaw.) It is true that, due to our initiative, some mainland Chinese diplomats, journalists, athletes and artists will now have the opportunity for contact, travel, and limited personal freedom but will the lives of the majority of 800 million people be affected? Will the *people just like us* continue to be forced to conduct their lives in the humiliating, depressing atmosphere of a totally perverted tyranny? OR—will our contacts with their rulers re-establish their God-given rights to live as *people just like us*? Have we given them hope or added to their despair?

In predicting possible future developments

there is only one valid parallel—the Soviet Union. Our contacts with the USSR have now existed for over 34 years; yet, individual groups of people are still persecuted, the Russian intellectual is still fighting for his right of self-expression, and the labor camps, insane asylums and political prisons are still filled with those who did not conform to the rigorous demands of communist regimentation. The walls, barbed wire fences, gun-spiked towers, and watchdogs still hold *people like us* captive. Public opinion, diplomatic contacts, and cultural exchanges have had little impact on the writer whose mind will not be incarcerated. It brings no relief for the Baptist preacher who will not deny God, or for the person of Jewish faith who wishes to return to the land that promises him his right to live according to his customs. They all continue to pay their price should they dare to demand any of the human rights we, ourselves, take for granted.

Can there be peace for us while freedom is denied others; liberty preserved for us while it is denied millions of *people just like us*?

### IN DISREGARD OF HUMAN VALUES

We have spent a vast amount of our resources in helping the world's destitute help themselves. When we saw the skeletal bodies of Biafran children, we rallied to their aid just as we had once assisted Europe to overcome the devastation suffered through World War II. We felt compassion for those millions who were caught between the war actions of India and Pakistan. Wherever people suffer from the consequences of natural disasters, hurricanes, earthquakes, tidal floods, our nation is ready to share its affluence with the misfortunates. We are deeply disturbed about the injustice, restrictions, and deprivations suffered by the Jews in the Soviet Union and the Catholics in Lithuania. We subscribe to the saying that "where there is constant war there is no peace." Yet, we seemingly disregard the want for physical and spiritual freedom of 800 million Chinese. Citizens who support and believe in their government do not risk death by attempting to flee, even though the vigilance of their jailers leaves little hope for success. Yet, last year alone, over 20,000 Chinese risked their lives by swimming the long, dangerous miles to freedom in Hong Kong. More than 2,549,000 refugees have escaped the Chinese mainland since the Communist takeover in 1949. (Only one out of five escapees is properly registered as a refugee). More than 20,000 are believed to have died in their attempt to reach freedom. How many are planning to seek the opportunity to follow their countrymen?

We expect peace to materialize without placing emphasis on human values. Our outstretched hand to Communist China is based on the reasoning that we could no longer neglect the most populous nation in the world; however, our initiative in consorting with the Peking regime without eliciting concessions has actually cemented, not relieved, the neglect of basic human needs of this vast populace.

China's history and its glorious traditions and philosophy of life are often hailed as being deeply imprinted on the Chinese character. Even the most tyrannical indoctrination, one must concede, cannot entirely extinguish such a heritage. What suffering is imposed on those who are victimized in the attempt to remove their traditions, suppress their beliefs, and change their philosophy!

### THE CONSEQUENCES OF TOTALITARIAN RULE

In dealing with the Chinese dictatorship, we benignly emphasize that they will adhere to *their own principles*, we recognize thereby their right to impose their rule on the population over which they exert Party-endowed power. We recognize their "set of ethics" and thereby grant them the right to perpetuate their rules under *principles* we

ourselves cannot accept; for their unethical law deprives people of the rights that we, ourselves, hold as valid and essential to human dignity. In other words, we give comfort to those who govern under the atheistic concept that the guidelines for human society and behavior are rightfully established by dictators and that they should without challenge be obeyed by those they govern. Yet, the obedience they demand from the enslaved population is not obedience to Moral Law but to a dictatorial law that can demand murder at will, dictate revolution, and instigate war. It can also break agreements and treaties at will.

Liberty is the absence of human interference with the actions of individuals except as is necessary to insure equal freedom for all other individuals in society. In the communist society, only the ruling minority enjoys freedom and only to a limited extent, their freedom being restricted by their own self-created limitations. By forcing restrictions on others, or by abusing freedom, the ruling class is bound to impose slavery which, in turn, limits their own creative potential. The result is amply visible in a loss of productivity on both the intellectual and economic levels. In other words, the rights they deny the masses over which they rule, deprives the rulers of the potential of improvement in the conditions of the society they collectivize. Having removed liberty, the totalitarian ruler has also extinguished individual choice, personal incentive, responsibility, and creativity. The dehumanized society can, therefore, only continue to function as a nonresponsible collective, in which the burden of choice and responsibility remains with those who have taken it upon themselves to decide which prerogative they will remove. Today's conditions in mainland China exemplify to a horrendous extent the consequences of such a system. The masses of Chinese were compelled into the position of sanctioning their loss of choice and human rights. Those who forced them are themselves lawless. Those who aid them become associates in a crime against humanity.

The Chinese people have not voluntarily surrendered their freedom of choice to their totalitarian rulers; they have been forcibly pressed into slavery. Responsibility for this great tragedy lies with the immoral Chinese communist hierarchy that dominates everyone's life and thought. But by consorting with and aiding these rulers, responsibility for this deplorable condition also falls upon ourselves. The Chinese subject pays the penalty for those who disregard Moral Law. Moral Law, however, rules equally over those who are forced to ignore it as it does over those who are consciously ignoring it.

#### PRINCIPLES AND COMPROMISE

The fundamental moral and spiritual principles that serve as the guide of our Republic are the basis of our Constitution. They are the rules of law for our society. Based on The Golden Rule and The Ten Commandments, the moral and civil law they espouse presuppose recognition of our Creator. They are the guarantee that those who govern our society will respect men's rights to life and liberty. While it is up to the individual to decide to what extent he adheres to these guidelines in the conduct of his personal life, the society and its government that depart from adherence to Moral Law are doomed to the loss of liberty. We hold that no man shall oppress others. In our own nation we live in constant awareness that respect for our freedoms is being upheld.

If our motivation for establishing closer contact with Peking was guided by the principles under which we live, our actions would be so designed as to restore freedom to the Chinese populace. But, if in disregard for these rights we assist those who restrict these God-given rights, we fail to observe Moral Law. If we apply The Golden Rule "of refrain-

ing from imposing on others what we do not wish for them to impose on us" we clearly cannot sanction those who impose on the peoples of mainland China what we do not wish imposed on the United States. We are morally wrong to do so and have to expect penalty for such violation.

We cannot seek a compromise in political action under a code of convenience and expediency. The principle of Moral Law is indivisible and unflexible. The fact that we have disregarded principle at times in our nation's history is not a reason to repeat error again. Some of our errors of the past have created the problems of today. Communism would not have developed to the extent of its present menace had we not been averted from our moral guide. Evil has begotten evil consequences.

Our intentions for peace are our motivations for compromise and, therefore, even good intentions cannot bring good results. In dealing with the communist hierarchy we will have to do so under a multiple standard of morals. Marx (Religion is the opium of the people) and Lenin (Any religious idea, any idea of a "good God" . . . is an abominably nasty thing) denounced the moral code under which our civilization functions. Communism has to follow this negation because the whole system is built on the denial of moral right. Communism cannot exist within the concept of freedom. . . .

#### CONCLUSION

We simply cannot sit in our own frontyard contemplating peace and expect revolutionary governments to follow course. Nor will the toasts exchanged by heads of governments, even if they are courteously sweetened by quotations of those who desire our demise, remove the realities of our present conflict with the Communists in Southeast Asia and elsewhere. Communism regards the entire world as an endless battlefield on which they intend to win the final victory. The front zones, so far, are the countries of Vietnam, Cambodia, and Laos. The battlefield has now been extended to include the conference table. At first glance that might seem a desirous development—but the conference table has not replaced the battlefield, it is merely an extension of it—an additional confrontation while the wars of liberation continue unhampered under the mantle and illusion of negotiation. At the latter we can just as quickly barter away our own freedom and the independence of others.

Under constant vigilance, the American experiment of democracy has worked and lasted because its concepts were based on high principle. The United States has become the model of free government and of responsible personal freedom. The United States, just as the rest of the world, is still not a perfect place but it is the land where people's individual dignity is honored and no threats are made to throw anyone into a concentration camp for his personal opinion. It is a place where there exists a constant endeavor to respect the rights of others and nobody is forced into uniform thought and told where to work and live.

The moral strength of our people, through adherence to principle, has been a major reason why freedom has been preserved for our nation. We believe in our system of government as we believe in freedom for all mankind. We are not opposed to the communist system because of its alien nature and attitude towards our own, nor do we seek to impose our system on them. We are opposed to Communism because it is militarily atheistic and because a freedomless society is against human nature.

"The condition upon which God hath given liberty to man is eternal vigilance, which condition if he break, servitude is at once the consequence of his crime, and the punishment of his guilt." These words were once

uttered by a man who understood the value of liberty.

If freedom and dignity and self-government are not going to be preserved for the Republic of China, for instance, how can we as their allies—and as the guardians of freedom—escape the consequences and the punishment for our guilt? And if their freedom should ever be lost, all hope for the mainland Chinese would be removed, possibly for generations.

Peace cannot be bought at the expense of moral leadership and insensitivity to the interests of freedom and liberty for all mankind.

"... reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."—George Washington

LEROI JONES KAWAIDA TOWERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. RARICK. Mr. Speaker, with the Federal Government denying tax-exempt status to many private schools because they are said to be discriminatory, and with Federal funds being denied to private hurricane disaster victims like the Lake Barcroft area residents because they are said to be "rich and private," many Americans should question the double standards in using taxpayers' dollars to subsidize the 16-story high-rise apartment for black militants in Newark, N.J., to be called the Kawaida Towers.

Reportedly, the \$6.4 million Kawaida Towers is sponsored by Temple Kawaida, which is ruled over by the black nationalist, Imamu Amiri Baraka, who before changing his name was better known as LeRoi Jones.

Rentals at the all-black Kawaida Towers are estimated to run between \$117 to \$188 per month. Federal interest subsidies from U.S. taxpayers are expected to be up to 70 percent of the rentals. Reportedly, the 48-year mortgage is to be financed by the housing finance agency of the State department of community affairs, courtesy of Federal funds and revenue sharing.

The Kawaida Towers is certain to be a private, segregated sanctuary. Many Americans who pay taxes to fund such monstrosities should start asking why this is allowed, especially when they are denied help when they are in need.

Any Members not familiar with LeRoi Jones, alias Imamu Amiri Baraka, will find of interest the report of "Subversive Influences in Riots, Looting, and Burning, Newark, N.J.," part 4, page 1910, and so forth, hearings before the Committee on Un-American Activities, House of Representatives, 90th Congress, 1968.

Several related newspaper clippings follow:

[From the Newark (N.J.) Star Ledger, Oct. 11, 1972]

WORK TO BEGIN ON NEWARK HIGH RISE  
(By Daniel Hays)

Ground will be broken Thursday for a 16-story low and moderate income apartment house in Newark's North Ward—a project



developed by a collaboration of blacks and whites.

The 2 p.m. ceremonies will mark the beginning of Kawaia Towers, a \$6.4 million development sponsored by Temple Kawaia, which is led by black nationalist Imam Amiri Baraka.

Participants in the project have called the concept behind the development "mix and match," the purpose being to match blacks with white counterparts in order to teach them the skills involved in construction management.

At the top the mix includes three men, Baraka, a poet and playwright; Raymond A. Brown, a black attorney from Jersey City and a member of key state committees; and Alvin E. Gershen, a white planner from Trenton.

The trio expect that Kawaia Towers at 129-141 Lincoln Ave. will serve as a vehicle to give blacks a variety of leadership opportunities.

Recognizing that few black architects had successfully designed high-rise apartments, they paired black Majenzi Kuumba of Newark with white Romolo Bottelli of Maplewood.

Vernon Clash of Newark, a young black housing consultant, was brought into Gershen's office to work not only on Kawaia Towers but on other major housing and planning developments.

The general contractor Bruno J. Lucarelli, Jr., of B.J. Builders of New Jersey Inc., West Long Branch, has agreed to use qualified black subcontractors wherever possible, according to the project managers.

Brown, himself, who is known as one of the state's leading defense attorneys is matched with white co-counsel Nathan A. Schanerman of Newark, who specializes in housing law.

The construction site covers 1.77 acres. The building will include a total of 210 units, 45 efficiency, 90 one-bedroom, and 75 two-bedroom units. Half of the apartments will have balconies.

Rentals at the project are estimated at between \$117 and \$188 per month. Federal interest subsidies will permit qualifying tenants to receive rent reductions of up to 70 percent.

In the basement of the building and the first floor the space will be devoted exclusively to community rooms, including a hobby shop and day care center.

Financed by a 48 year mortgage from the Housing Finance Agency of the State Department of Community Affairs, the project is scheduled for completion late in 1973.

Cheo Mfuasi, the president of the corporation behind the development, Kawaia Towers, Inc., said that the high-rise is being constructed within the framework of Temple Kawaia ideology.

"Kawaia in Swahili means tradition and reason and we are applying both in our approach to this program," he said.

The North Ward where the project is being up has a large population of Italian-Americans which according to a spokesman for the Kawaia corporation "have been among Baraka's severest critics."

"What many have failed to realize is that the North Ward also long has been the home of a large segment of Newark's black community," he continued.

The three leaders of the development, Baraka Brown and Gershen, credit Newark Mayor Kenneth A. Gibson with helping to provide much of the impetus for local approval of the program, which includes a provision for payment of 15 percent of rentals in lieu of taxes. Gibson will be on hand for the ground breaking ceremonies.

Discussing the project Baraka declared, "the main thrust of Temple Kawaia is self-reliance and whether you are talking about building a building, writing a play or sing-

ing a song, it is difficult to be successful without proper skills. It is these skills that must be learned by our black brothers and sisters."

[From the New York Times, Oct. 8, 1972]

#### JERSEY TO FINANCE BLACK-BUILT HOUSING

(By Joseph F. Sullivan)

NEWARK, October 7.—A corporation formed by Imam Amiri Baraka, the black nationalist, and his followers have won state support for construction of a 16-story low-and-moderate-income housing project in the predominantly white North Ward.

Temple Kawaia, which Mr. Baraka heads as spiritual leader, is the sponsor of the 210-apartment unit building. It will be financed by a \$6.4-million, 48-year mortgage from the State Department of Community Affairs.

Ground will be broken for Kawaia Towers on Thursday at a site already cleared at 129-141 Lincoln Avenue, near Delevan Avenue and Broadway. The North Ward, which includes a large part of the city's black community, is inhabited largely by Italian-Americans, who have been the severest critics of Mr. Baraka, the poet and playwright formerly known as LeRoi Jones.

#### "TRADITION AND REASON"

The president of Kawaia Towers, Inc., is a former Chicago public school teacher and social worker who came to Newark in the late nineteen-sixties became active in the work of the temple with Mr. Baraka and changed his name from S. George Reed Jr. to Cheo Mfuasi.

"Kawaia in Swahili means tradition and reason," Mr. Mfuasi said. "We are applying both in our approach to this program."

The project was put together by three men: Mr. Baraka, Raymond A. Brown, a black lawyer from Jersey City, and Alvin E. Gershen of Trenton, an urban planner who was housing consultant for the project. Mr. Gershen is white.

Because the black community could not supply all the professional skills and disciplines needed to complete the project, the three men devised a system they call "mix and match." It ensures black control while employing some of the most successful men in the New Jersey construction industry.

Romolo Bottelli of Maplewood has been hired as the architect. He was "matched" with a black architectural consultant, Majenzi Kuumba of Newark. Vernon Clash, a black housing consultant in Mr. Gershen's office, is working on Kawaia Towers as well as on other projects.

[From Review of the News, Oct. 4, 1972]

#### AN INTELLIGENCE REPORT

The Essex County (New Jersey) Board of Freeholders is considering whether to name a Kawaia minister as chaplain at the Essex County jail. One of the freeholders, Thomas E. Cooke Jr., has asked the Board to approve Carl Gregory, minister of the Kawaia faith. The Board is now checking on how many of the 500 prisoners in the new 13-story complex are members of the Kawaia faith.

The "Reverend" Carl Gregory, who is a former Essex County welfare worker, claims that 75 inmates of the prison are devout Kawaia. To establish his qualifications as a minister, the "Reverend" Gregory presented a document to the Board of Freeholders, showing he had been ordained a minister by the "spiritual leader" of all Kawaia, one Imam Amiri Baraka (otherwise known as LeRoi Jones), a black Marxist revolutionary who leads a team of uniformed streetbunders.

Le Roi Jones was born in Newark in October 1934, and long operated in the Greenwich Village section of New York City. In 1960 he visited Communist Cuba and became enthused with Castro's revolution. With the aid of federal funds, Jones set up in New

York a Black Arts theatre and a center where black militants were trained in the use of firearms. After a police raid in 1966, he moved to Newark, operating from a 3-story building which he calls "Spirit House."

Jones was arrested during the 1967 Newark riots, and used his notoriety to become leader of a Black Power movement through which his followers took control of the city government in Newark. On February 3, 1968, the *Daily Journal* of Elizabeth reported that LeRoi Jones addressed a group of 1,000 blacks in a hotel in that city and urged them to "slit the white man's throat and rape his daughter."

Our sources tell us that LeRoi Jones is endeavoring to place his Kawaia "minister-chaplains" in prisons to recruit terrorist followers.

#### TRIBUTE TO CONGRESSMAN CHARLES RAPER JONAS

HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. WAGGONER. Mr. Speaker, it is indeed a pleasure for me to address the House in a salute to my good friend, CHARLIE JONAS. His accomplishments and achievements are numerous and I can personally speak at great lengths about my own association with him.

He is one of the most tireless workers that I have seen in my years of Congress and I cannot recall any Member who takes the interest and welfare of his district and Nation so seriously. His ability, sincerity and dedication to his job will long stand as a record to be equaled. His presence here in the House of Representatives will be sorely missed.

As a ranking member of the Committee on Appropriations, he has exerted tremendous influence upon affairs of our Nation and I can say without fear of contradiction that had it not been for his outstanding service in Congress we would be less able to meet the challenges of the future than we are today.

I want to extend my best wishes to CHARLIE in all his future endeavors. We will miss him greatly, but we will not forget him.

H.R. 17142—A BILL TO STRENGTHEN AND CLARIFY THE FREEDOM OF INFORMATION ACT (5 U.S.C. 552)

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 14, 1972

Mr. MOORHEAD. Mr. Speaker, I have introduced legislation to strengthen and clarify certain provisions of the Freedom of Information Act (5 U.S.C. 552). The bill—H.R. 17142—embodies legislative objectives based on 14 days of hearings this spring by the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee. Such objectives were also unanimously approved by the committee in our report, "Administration of the Freedom of Information Act," that

was issued last month (H. Rept. 92-1419).

The legislative history of the Freedom of Information Act, which became effective on July 4, 1967, clearly sets forth the rights of all Americans to know what the Federal Government is doing in their name. The law was the result of some 11 years of investigation, hearings, and studies by this subcommittee, under the outstanding leadership of the gentleman from California (Mr. Moss). But our hearings on the operation of the act during the past 5 years showed that in too many instances the Federal bureaucracy has been able to thwart the efforts of many citizens to obtain information or documents to which they are entitled under the Freedom of Information Act.

Mr. Speaker, H.R. 17142 will make it much more difficult for the bureaucracy to continue to ignore the people's right to know, for it clarifies some of the confusing language of the act and reflects leading court interpretations. The major provisions of H.R. 17142 would—

Speed up agency action on requests for public records, requiring an answer to a request within 10 days, an answer to an appeal against a refusal within 20 days, and an answer to a court suit within 20 days. At present agencies average a month in answering a request, 2 months in handling an appeal, and another 2 months in answering a suit.

Permit the payment of reasonable attorney's fees and court costs when a Government agency improperly withholds public records.

Revise the categories of records that may be withheld, including a prohibition against withholding investigative files which are scientific studies, reports relating to health or safety, or records which are the basis for a policy decision or rulemaking action.

Require every Government agency to report to Congress annually on their administration of the Freedom of Information Act.

Mr. Speaker, I hope that all persons interested in the more effective operation of the Freedom of Information Act—officials of the executive branch, as well as those persons outside Government having experience in freedom of information litigation—will in the next few months have an opportunity to study these proposed amendments. The subcommittee would be most pleased to have written comments and suggestions as to how they might be modified to more clearly reflect the positive objectives we seek in strengthening, clarifying, and otherwise improving the operation of the Freedom of Information Act. I will then reintroduce a revised version of this legislation early in the next Congress and schedule early hearings.

I insert at this point the text of the present Freedom of Information Act (5 U.S.C. 552) and the text of H.R. 17142 and its cosponsors:

**SECTION 552—PUBLIC INFORMATION; AGENCY RULES, OPINIONS, ORDERS, RECORDS, AND PROCEEDINGS**

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public; unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(1) it has been indexed and either made available or published as provided by this paragraph; or

(2) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complaint. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(4) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(b) This section does not apply to matters that are—

(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 383; Pub. L. 90-23, § 1, June 5, 1967, 81 Stat. 54.)

**H.R. 17142**

Mr. Moorhead (for himself, Mr. Moss, Mr. Macdonald of Massachusetts, Mr. Conyers, Mr. Alexander, Ms. Abzug, Mrs. Dwyer, Mr. Fuqua, Mr. Reuss, Mr. Rosenthal, Mr. Thone, Mr. Broomfield, Mr. Gibbons, Mr. Leggett, Mr. Obey, Mr. Reid, and Mr. Thompson of New Jersey).

A bill to amend section 552 of title 5, United States Code, known as the "Freedom of Information Act"

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Section 1. (a) The fourth sentence of section 552(a)(2) of title 5, United States Code, is amended by striking out "and make available for public inspection and copying" and inserting in lieu thereof "promptly publish, and distribute (by sale or otherwise) copies of".

(b) Section 552(a)(3) of title 5, United States Code, is amended by striking out "on request for identifiable records made in accordance with published rules stating the time, place, fees, to the extent authorized by statute, and procedure to be followed," and inserting in lieu thereof the following:

"upon any request for records which (A) reasonably describes such records, and (B) is



made in accordance with published rules stating the time, place, fees, to the extent authorized by statute, and procedures to be followed."

(c) Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(5) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

"(A) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor;

"(B) in the case of a determination not to comply with any such request, immediately notify the person making such request that such person has a period of twenty days (excepting Saturdays, Sundays, and legal public holidays), beginning on the date of receipt of such notification, within which to appeal such determination to such agency; and

"(C) make a determination with respect to such appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal.

Any person making a request to an agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with subparagraph (A) or subparagraph (C) of this paragraph. Upon any determination by any agency to comply with a request for records, such records shall be made available as soon as practicable to such person making such request."

(d) Section 552(a) (3) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the United States or an officer or agency thereof shall serve an answer to any complaint made under this paragraph within twenty days after the service upon the United States attorney of the pleading in which such complaint is made. The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the United States or an officer or agency thereof, as litigant, has not prevailed."

SEC. 2. (a) Section 552(b) (2) of title 5, United States Code, is amended by inserting "internal personnel" immediately before "practices", and by inserting "and the disclosure of which would unduly impede the functioning of such agency" immediately before the semicolon at the end thereof.

(b) Section 552(b) (4) of title 5, United States Code, is amended by inserting "obtained from a person which are privileged or confidential" immediately after "trade secrets", and by striking out "and" the second time that it appears therein and by inserting in lieu thereof "which is".

(c) Section 552(b) (6) of title 5, United States Code, is amended by striking out "files" both times that it appears therein and inserting in lieu thereof "records".

(d) Section 552(b) (7) of title 5, United States Code, is amended to read as follows: "(7) investigatory records compiled for any specific law enforcement purpose the disclosure of which is not in the public interest, except to the extent that—

"(A) any such investigatory records are available by law to a party other than an agency, or

"(B) any such investigatory records are—

"(i) scientific tests, reports, or data.

"(ii) inspection reports of any agency which relate to health or safety, or

"(iii) records which serve as a basis for any public policy statement made by any agency or officer or employee of the United States or which serve as a basis for rule making by any agency;"

Sec. 3. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Each agency shall, on or before March 1 of each calendar year, submit a report to the Committee on Government Operations of the House of Representatives and the Committee on the Judiciary of the Senate which shall include—

"(1) the number of requests for records made to such agency under subsection (a);

"(2) the number of determinations made by such agency not to comply with any such request, and the reasons for each such determination;

"(3) the number of appeals made by persons under subsection (a) (5) (B);

"(4) the number of days taken by such agency to make any determination regarding any request for records and regarding any appeal;

"(5) the number of complaints made under subsection (a) (3); and

"(6) a copy of any rule made by such agency regarding this section; during the preceding calendar year."

## SENATE—Tuesday, October 17, 1972

The Senate met at 11 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, who has made and preserved us a nation, we beseech Thee to cleanse, guide, and guard this Nation through the crucial days ahead. Give Thy higher wisdom to the President and all our leaders, that under Thy providence they may discharge their duties according to Thy will. Guide both Houses of this Congress through the deliberations of this day that all may fitly serve Thee and the needful legislation be accomplished. At the end grant them the satisfaction of work well done.

*Now unto him that is able to keep you from falling, and to present you faultless before the presence of his glory with exceeding joy,*

*To the only wise God, our Saviour, be glory and majesty, dominion and power, both now and ever. Jude 1: 24, 25.*

Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., October 17, 1972.  
To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 16, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished Republican leader seek recognition?

Mr. SCOTT. Mr. President, it is so late in the session that words fall me.

I suggest the same course to my colleagues. [Laughter.]

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader, but there are exceptions when a few words are appropriate and, in my opinion, necessary, when we note the departure from this Chamber of some of our colleagues who will be leaving

this year and will not be with us when the 93d Congress convenes.

### TRIBUTE TO SENATOR ANDERSON OF NEW MEXICO

Mr. MANSFIELD. Mr. President, I should like to say a few words this morning about an old, valued, and trusted friend, the distinguished senior Senator from New Mexico (Mr. ANDERSON).

It has been my personal pleasure and privilege to serve with CLINT ANDERSON in both the House and Senate. It has also been my privilege to watch him perform efficiently with understanding and with efficiency as the Secretary of Agriculture under the Truman administration.

CLINT ANDERSON is a man who has had many vicissitudes and difficulties throughout his lifetime. As a young man, he migrated from South Dakota to New Mexico because of a lung condition. Since that time, other afflictions have been his lot, but despite the physical disabilities which they caused, CLINT ANDERSON was able to rise above them and to become an outstanding Member of this body, a true representative of the people of New Mexico and a man whose wisdom, advice, and counsel was valued by all of us.

I will feel a sense of deep personal regret with the retirement this year of Senator CLINT ANDERSON of New Mexico, but I shall value his friendship and remember him for the many fine things which he performed in the administration downtown and as a Member of the House and Senate.